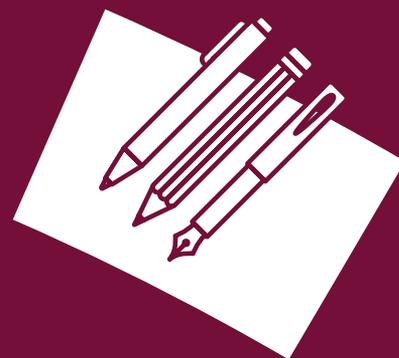




ASSESSMENT OF PROGRESS IN MEETING THE EU POLITICAL CRITERIA

Democracy Without Institutions – New Balkan Invention

AUTORS: DRAGAN KOPRIVICA, MILENA GVOZDENOVIĆ AND MILICA KOVAČEVIĆ





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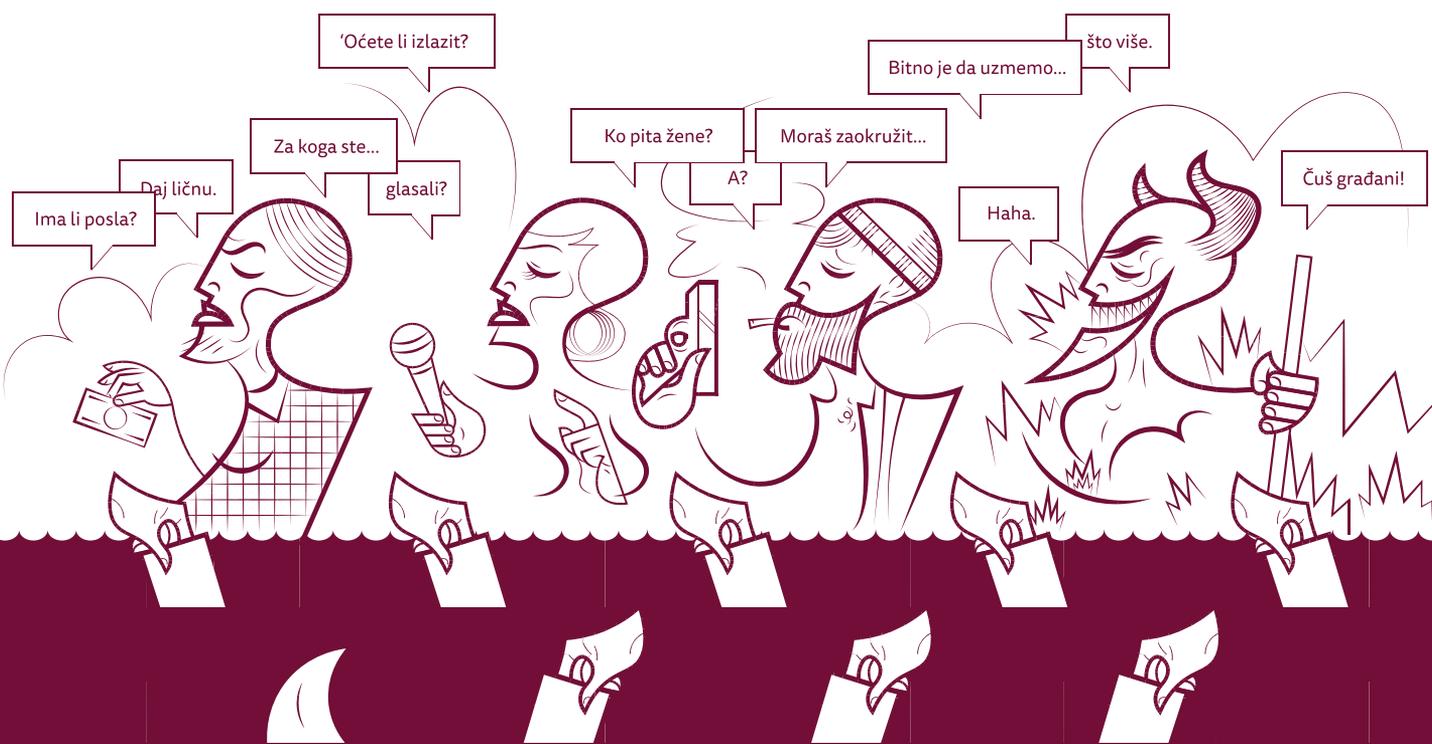
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PODGORICA, MARCH 2019.

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I Meeting the Political Criteria for EU Membership

A demanding and hard work of analyzing fulfilment of the political criteria for membership in the European Union in the areas of elections, judiciary, fight against corruption and crime, media and public administration reform is now behind the research teams of the Center for Democratic Transition (CDT), Center for Research, Transparency and Accountability (CRTA), Metamorphosis Foundation and the Citizens Association “Why not?”.

Drafting the final policy proposal was not an easy task, because it sublimates 20 publications that were published in the last few months, thousands of pages read and hundreds of interviews with various experts. We want to draw attention to important moments in the process of meeting the political criteria in Bosnia and Herzegovina, Montenegro, North Macedonia and Serbia.

The process of EU integration is generally and formally progressing in all four states and the set parameters and

criteria are being met with varying degrees of success, and viewed from that side - there are reasons for satisfaction.

However, in those, in our opinion, most important criteria that are crucial for democratic functioning of societies, the effects of these processes are neither satisfying nor encouraging.

The process of EU integration in these four countries, despite being at different stages, has still not been able to sufficiently affirm the constitutional commitment of tripartite division of powers and bring about an equal balance between them.

Respect for the principle of balance of power, which is of fundamental importance for functioning of the political and overall social system, does not work well in our countries. A quality check-and-balance system of different branches of government has not been created, and that is, in our view, a key issue when it comes to the rule of law in the region.

Democratic control of government institutions is not shown to be effective and does not give the expected results. In Bosnia and Herzegovina, Montenegro, North Macedonia, and Serbia, there is an evident dominance of political parties over the institutions of legislative, executive and judicial power, to which the Constitutions give the greatest power. Within these institutions, executive authorities have the primacy and dominant role. Parliaments, courts and prosecutors' offices are still insufficiently strong and underdeveloped to be able to seriously parry this dominance.

Political influence prevents the much-needed democratic development in our states – creation of institutions of sufficient level of integrity and credibility which really deserve the trust of citizens. Lack of trust in state institutions cannot be an ally of democratic norms, values or stability of our societies.

The described state is “spilling over” to all other processes and institutions whose roles are irreplaceable in modern democratic societies.

Despite formal progress, fight against corruption is selective, slow and often hindered by the action of different forces and interests. Uncontrolled use of resources provides initial advantage to the ruling parties and casts shadow on the quality of elections and trust in the electoral process. The judiciary is still not essentially independent of other branches of government, and in some countries not even formally. There is room for the state administrations to dominantly become the bulky habitats of party selected and incompetent staff, instead of being efficient services to citizens. All this makes it more difficult for external control, as it obstructs development of better-quality journalism and the media as a barrier for abuse and a protector of public interest.

Having in mind the fact that the states are most often the largest employers, political power accumulated in

this way, inevitably leads to the creation of strong ties with economically powerful people, which ultimately can result in a long-term danger of compromising market principles.

The real reform forces in our states, whether they are in power or in opposition, have a very limited space for action in such an environment. First and foremost, it is hard for them to resist the growing populism and they often fail to create alternative ideas for development. Moreover, clientelism, party dominance, coupling of politics and money make it impossible for these forces to connect and have concrete and successful actions.

One should not neglect the existence of extreme ethno-nationalist groups, which are activated always when they want to slow down or stop the process of integration of this region and which, with the strong propaganda and mobilization of populist forces, are trying to do what they have not succeeded in the early 1990s.

The real achievements of the region with regard to EU integration, as well as the regional and global circumstances, limit the ways for the EU to act.

Successful implementation of the Prespes Agreement and resolution of the complicated problem between Greece and North Macedonia is a major success of the EU policy in the Balkans. It has been shown that conflicts can be solved by an open and honest dialogue. However, the

unresolved issue of Serbia and Kosovo remained, with constant tensions and bigger or smaller, real and/or potential problems between almost all countries in the region. Maintaining and developing regional stability should be one of the key priorities of EU policy. But not the only one.

In the long run, it is very difficult to achieve regional stability if individual countries are not stable on the inside. Stability does not only mean GDP growth, investment, or better roads - stability means creating societies that can address the most complex internal issues in democratic procedures. Establishment of this stability must not be neglected or “sacrificed” for achieving stability in the region. Both processes must function in parallel and simultaneously, because they are equally important.

This long-term stability of the Western Balkans is not solely in the domain of the states, but depends on a large number of external factors as well. And the most important and crucial one is stability of the EU. The dynamics and efficiency of solving the open issues of the European Union (future of the EU, Brexit, migration crisis, relations with the US, Russia, China ...) can make a decisive impact on the region.

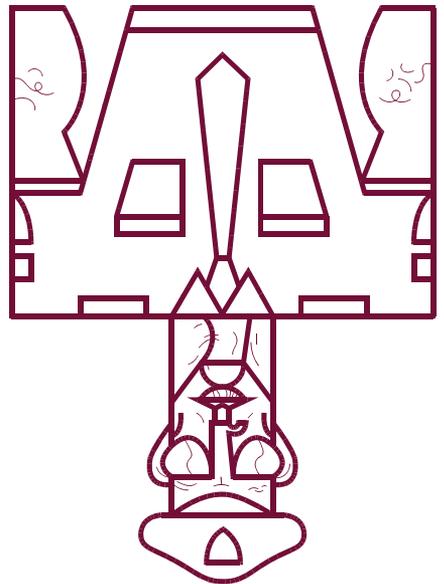
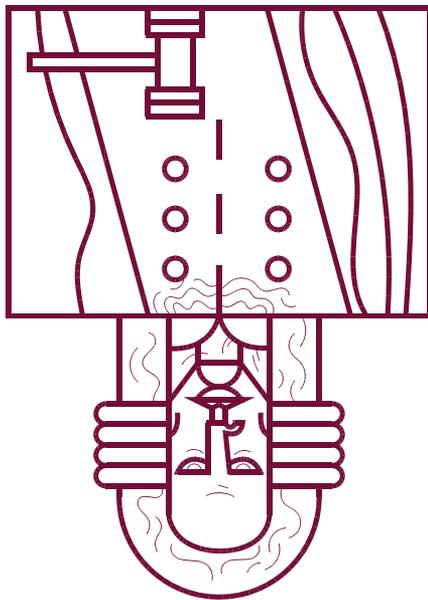
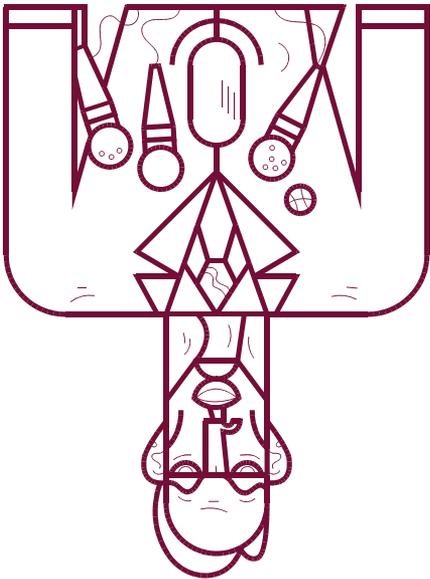
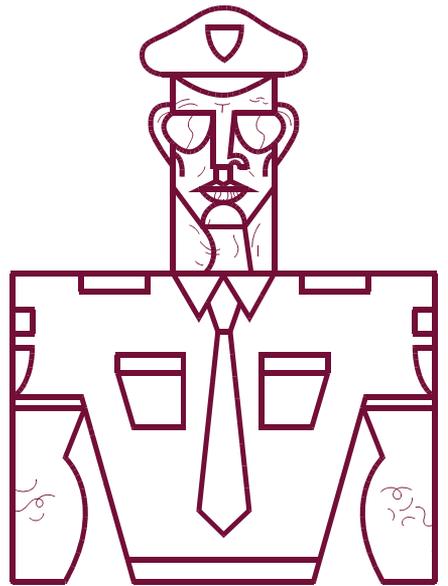
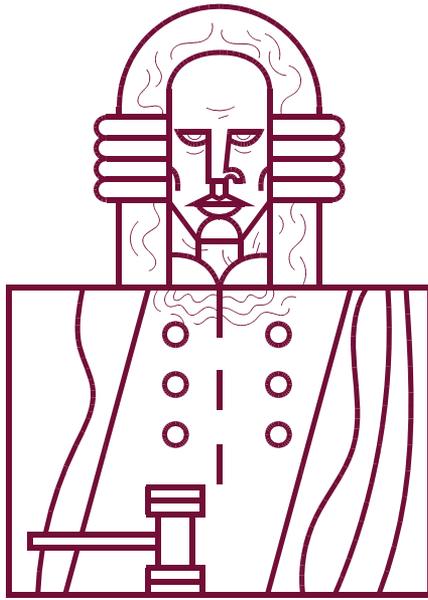
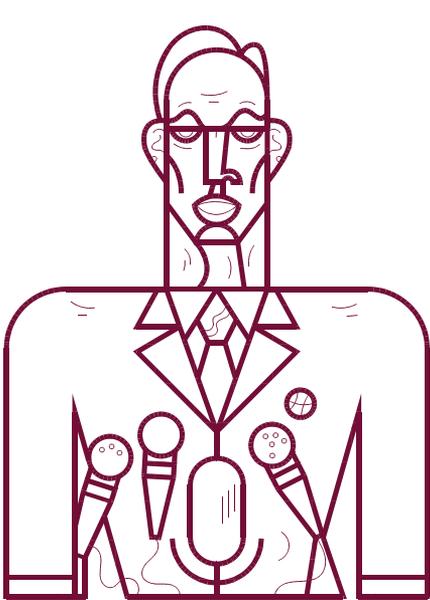
The idea of the region joining the EU is still the only acceptable alternative. The only one because, in our opinion, of all the offered ones, it is the only one that can

motivate, mobilize and properly channel the Western Balkans on a value-correct platform. If, for any reason, there is room for action and entry of some other actors different in terms of values, the perspective of the region is not bright.

Therefore, the EU should not overlook the Western Balkans. It must not be indecisive and leave room for the destructive effects of others. It should not be implausible nor blur the perspectives of enlargement and economic development. Most importantly, in the countries of the region, it should not allow any compromise with democratic values and principles. This is what the citizens of the Western Balkans expect from it.

Our wish is to make this policy proposal a driver of a more serious dialogue on these important topics within our states. We also want our work to draw the attention of the EU to the need to address these phenomena more intensely. That is why we remain open to public dialogue and for all the well-meaning suggestions, criticisms and debates related to our conclusions.

Finally, we owe thanks to the Royal Norwegian Embassy and the Balkan Democracy Fund for their support and assistance in realization of this project.



II States Without Strong and Independent Institutions

Our need in this research to deal with the fulfillment of the political criteria for EU membership at regional level through this project is not a coincidence. The Copenhagen political criteria are indeed essential points for functioning of democratic states, and thus of the EU integration process.

These criteria are not a separate negotiating chapter, but according to the new EU approach, they represent a basis of the concept “fundamentals first”. This approach should provide the stability of the institutions guaranteeing democracy - above all the system of division of power and fair election process.

The focus of the accession process now is to meet the set benchmarks through monitoring the indicators

in the negotiating chapters. Functioning of democratic institutes often remains elusive for these measurements, as only some of the key issues on this topic are covered by initial and transitional benchmarks, plans and indicators.

Any harmonization, changes in the legal and institutional framework, and even measurable progress in Chapters 23 and 24, can be misleading and potentially unsustainable until these basic needs of the Western Balkans are addressed. Until it establishes a functional check and balance system between the branches of government that are selected through election processes with unquestionable legitimacy and credibility.

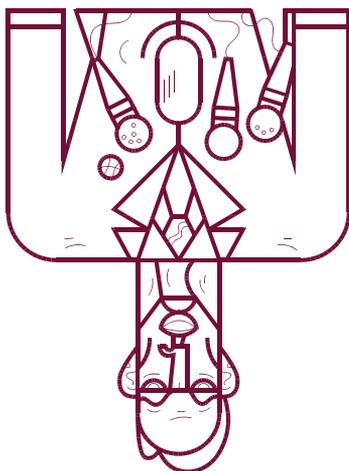
Logically, after the concept of “fundamentals first” follows a concept of the rule of law, which will surely be the focus of the new enlargement circle, whenever it happens. After experiences of Bulgaria and Romania, the concept was implemented in a different way in negotiations with Croatia, so that, after Croatia’s experience, it evolved to the level currently being applied in Montenegro and Serbia. We believe that it will remain in this form for the opening of negotiations with North Macedonia as well.

Having in mind the significance of these two approaches to our states, we have decided to thoroughly analyze

their past achievements in order to draw attention to the anomalies of the process and to try to provide guidance for its improvement.

Also, in the latest Enlargement Strategy, EU correctly emphasizes the need of meeting the Copenhagen Criteria and the fact that none of the Western Balkan countries meets these criteria in this moment. The emphasized need for further and fundamental democratization and stabilization of the region is articulated through the Action Plan to Support the Transformation of the Western Balkans and the six flagship initiatives. However, further development and implementation of these initiatives stopped, the effects of the Action Plan are poorly visible, and its implementation period expires already in 2020.

For this reason, we will outline the key conclusions of our research teams for the political criteria of elections, judiciary, fight against corruption and crime, media and public administration reform. To those who want to get acquainted with the conclusions in more detail we recommend the 20 analyzes that we have prepared and published during this research process.



Elections: Low citizens' trust, disputed results, institutions under control of the parties, unrefined electoral registers...

For two decades, in the adoption of international electoral standards, the political elite in **Montenegro** has successfully balanced its own desire to make changes first and foremost in their party's interest or to maintain the status quo and the need to present itself to the international community as being "reformist" and "democratic".

Politicized and unprofessional electoral administration, ineffective work of public authorities that are controlling political party financing and the abuse of state resources for electoral purposes, continue to shed light on the legitimacy of the electoral process. The problem of the residence register not being updated allows fictitious registration of citizens in the electoral register. Also, the overall atmosphere is characterized by low trust of citizens in the election results.¹

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 Dragan Koprivica,
 Milica Kovačević, *Procjena
 napretka Crne Gore u ispunja-
 vanju političkih kriterijuma u
 pregovorima sa EU – Prvi dio:
 Legitimitet i integritet izbora –
 neophodan korak ka
 evropskim vrijednostima,*
 CDT, Podgorica, 2018.

Problems in the functioning of **Bosnia and Herzegovina** are also seen in the electoral process. There are no important democratic institutes in the laws: the possibility of extraordinary elections or deadlines for the formation of power. The Election Law is discriminatory because citizens who do not declare themselves as members of one of the constituent peoples cannot use the basic right to be elected to the Presidency of BiH and the House of Peoples of the Parliamentary Assembly of BiH.

Electoral administration is formally but not essentially independent and is composed of by ethnicity. The electoral register is not up to date, it contains a large number of deceased persons, and the registration of voters from abroad leaves particular room for manipulation.

Political entities often report less campaign costs than the real ones, concealing real resources and amounts of funding. Abuse of public functions and resources for pre-election purposes is also one of the characteristics of the elections in BiH.²

Negative experiences from the election process in **Serbia** or recommendations of the relevant international institutions are not initiating the process of revising, completing and improving the quality of the law.

— 2
Tijana Cvjetičanin,
Darko Brkan, Edis Fočo,
*Procjena napretka Bosne i
Hercegovine u ispunjavanju
političkih kriterijuma pri
sticanju statusa kandidata
za ulazak u EU - Prvi
dio: Legitimitet i integritet
izbora – neophodan korak
ka evropskim vrijednostima*,
UG "Zašto ne",
Sarajevo, 2018.

— 3
Tamara Branković,
Željka Cvejin, *Izbori u
Srbiji - demokratija
zamađljena kampanjom*,
CRTA, Beograd, 2018.

— 4
Теофил Блажевски,
Горан Ризаов,
*Изборен систем – еден
од главните извори
на кризи во РМ*, Фондација
Метаморфозис,
Скопје, 2018.

The pre-election cycle is characterized by campaigns of public officials, abuse of public resources, unequal media representation of political parties, and pressure on voters and actors in the electoral process. Institutions that need to take account of the quality election process have not been perceived as independent.

Electoral process is also characterized by cases of exerting pressure on voters and rumors of buying voters. Moreover, the electoral register is not fully updated, and there are also cases of falsification of signatures for the party's candidacy.³

Electoral legislation in **North Macedonia** is not entirely completed either, although it has been changed several times lately. Electoral trust varies significantly over the last few years. Also, those who lose the elections often dispute their results.

The existing electoral model is, often, disputed from multiple sides and apostrophized as a source of poor governance, personnel policy, and so on.

The key issue of elections is connected with the electoral register not being updated, because it contains a large number of people who no longer live in the country. Electoral administration is perceived as unprofessional and subject to party decision-making.⁴

Judiciary: Efficiency and quality of justice, non-selectivity and independence still questionable

The judicial reform in **Montenegro** has been going on for a long time, but we have not yet reached the desired goal - an efficient and independent judiciary. The capacity of the judiciary has increased, but mechanisms that guarantee the independence of the Judicial and Prosecutorial Council have not lived up to a sufficient extent.

Efficiency and quality of justice is still not at the required level, and that is exactly what citizens are most interested in. The courts are overburdened, the number of unresolved cases is high and growing year after year, and the mechanisms for alternative dispute resolution are extremely poorly used. Citizens still do not have enough trust in the judiciary, and the research shows that the vast majority of people believe that political influence is being made on the courts and that the prosecutor's of-

fice does not decide independently and non-selectively about who will be prosecuted.⁵

The judicial system in **Bosnia and Herzegovina** is characterized by lengthy court proceedings, slow and inefficient justice, and lack of transparency of the institutions. Independence of the judiciary is questionable and is often problematized. An additional problem is the institutional fragmentation of the judiciary as well as uneven judicial practice which is a direct consequence of the fact that entity laws are not horizontally harmonized.

Citizens do not trust the judiciary, so only one quarter thinks judges and prosecutors are impartial and make their decisions objectively and in accordance with the law.⁶

The judicial reform process does not go with the planned dynamics in **North Macedonia** neither. The Justice Reform Strategy was adopted in 2017, but its implementation still does not yield the desired results.

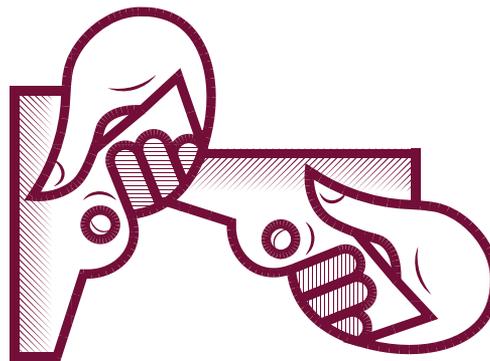
The key obstacle to effective judicial reform is the lack of political will that causes obstruction of this process. Political influence on the judiciary is present, and so non-selectivity and quality of justice are often questioned. Positive steps have been made recently in the

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Biljana Papović, Milica Kovačević, *Procjena napretka Crne Gore u ispunjavanju političkih kriterijuma u pregovorima sa EU. Drugi dio: Pravosuđe*, CDT, Podgorica, 2018.

— 6

Aida Ajanović, Edis Fočo, Tijana Cvjetičanin, *Procjena napretka Bosne i Hercegovine u ispunjavanju političkih kriterijuma u pregovorima sa EU - Drugi dio: Pravosuđe*, UG "Zašto ne", Sarajevo, 2018



process of restoring trust in the judiciary system.

There are a lot of presidential pardons that are often perceived as abuse of powers for the purpose of abolishing political followers who seriously violated the law in the previous period.⁷

Constitutional reform in **Serbia**, aimed at strengthening the independence of the judiciary, was formally launched in late 2018. However, given the way it is being implemented so far, there is a fear that it will result in meeting the minimum international standards and have a negligible essential progress.

There is a long wait for achieving justice in Serbia and court practice is unpredictable because of the frequently uneven application of the law. Ineffectiveness of the courts is large and counts more than a million unresolved cases. Judges adjudicate on the basis of mutually incompatible regulations that often change.

The constitutional position of the judiciary is, in the opinion of the relevant actors, “a recipe for judicial politicization”. Election of judges and prosecutors is not devoided of political influence either.⁸

— 7
Теофил Блажевски,
Горан Ризаов, *Нема
реформа на правосудството
без политичка волја*,
Фондација
Метаморфозис,
Скопје, 2018.

— 8
Vladana Jaraković,
*Pravosuđe u Srbiji - kako
se kalila (ne)zavisnost*,
CRTA, Beograd, 2018.

— 9
Milena Gvozdenović,
*Procjena napretka Crne
Gore u ispunjavanju
političkih kriterijuma u
pregovorima sa EU. Treći
dio: Nezavisne institucije
preduslov za borbu protiv
korupcije i kriminala*,
CDT, Podgorica, 2018.

Fight against corruption and organized crime: Without clear political will and results in the fight against high-level corruption...

There is a great expectation of the **Montenegrin** and international public to achieve concrete results in the fight against corruption and organized crime. The enthusiasm that existed during the establishment of the Agency for Prevention of Corruption was short-lived. After three years of its operation, rare are those who think that this institution has fulfilled its purpose.

Although the prosecutor’s office and the police have taken steps forward in the fight against organized crime, these institutions are still perceived as those that selectively enforce laws and for which the top of the ruling party is untouchable. Most institutions in this area still lack sufficient independence, willingness or integrity to perform quality control.⁹



The legislative framework in **Bosnia and Herzegovina** is often amended and is partly aligned with international standards. There are ambiguities and legal gaps in key areas such as conflict of interest and political party financing.

Specialized bodies for combating corruption and organized crime, in principle, have guaranteed legal independence, but lack the actual operational independence. The institutional mechanism is complex and it is not rare to have more authorities whose competences overlap or are not clearly delineated. Sanctions imposed on perpetrators of criminal offenses of corruption are mild, and cannot serve to deter actual and potential perpetrators from committing new criminal offenses.¹⁰

In **Serbia**, there is currently no completed unique strategic framework for combating corruption and organized crime. The valid anti-corruption strategy has expired, and the new one has not been adopted. A strategic document for combating organized crime is obsolete and outdated.

The Agency for Prevention of Corruption is essentially not an independent prevention body. Its work characterizes selectivity in approach and there are almost no cases of processing high corruption.

Effective public procurement system practically does not exist, and so far, no public procurement has been implemented according to legal procedures. A major problem is the non-transparency of this system.¹¹

In **North Macedonia**, a significant anti-corruption reform is underway with the aim of strengthening the complete framework for combating corruption. A new law was recently adopted, which has brought many improvements.

However, the Commission for Prevention of Corruption existed only formally until recently. Over the past decade, no case of high corruption related to current or former decision-makers has been launched. After the changes in this area and the election of the new commission, more visible progress is expected on this issue.

Penal policy in the area of corruption and organized crime is mild. Even when there are convicted first-instance verdicts, they are being overturned by the higher instance courts.¹²

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Uglješa Vuković,
Procjena napretka Bosne i Hercegovine u ispunjavanju političkih kriterijuma pri sticanju statusa kandidata za ulazak u EU - Treći dio: Antikorupcija i borba protiv organizovanog kriminala, UG "Zašto ne", Sarajevo, 2019.

— 11

Željka Cvejin,
Korupcija i organizovani kriminal u Srbiji - u potrazi za integritetom, CRTA, Beograd, 2019.

— 12

Теофил Блажевски,
Горан Ризаов,
Антикорупцијата и компромисите – невозможна мисија, Фондација Метаморфозис, Скопје, 2018.

Media: Pressure, uncertain economic perspectives, low level of professionalism...

Outdated media laws, unregulated markets exposed to external influences, uneven relation of the state towards media advertising, division of the society, inefficient self-regulation and non-compliance with professional standards characterize the media scene in **Montenegro**.

Our research has not recognized the true independence, impartiality and non-selectivity of the institutions that apply the law. This also applies to the national public broadcasting service.

Freedom and independence remain just a part of the legal system. The reality is that the media are being silenced by public accusations, journalists are being attacked, and attackers remain unknown for years. Monthly earnings of journalists are less than average state-level earnings. Their work is largely influenced by editors,

while the protection of the indirect influence of the owners or marketing sector is generally not provided.¹³

North Macedonia does not have a strategically completed media policy that would cover all important issues related to the media at one place. However, the legislative framework has been revised in 2018 and has been fairly aligned with the EU and other standards.

Self-regulation functions partially, journalists' code of ethics is generally respected. However, it prevails that the quality of journalism is falling. Research journalism is at a low level. Pressure on the media is more subtle and more economical than direct. The current government has issued a ban on advertising government campaigns in the media. There is a large number of unresolved attacks on journalists. The state has not yet effectively solved this issue.¹⁴

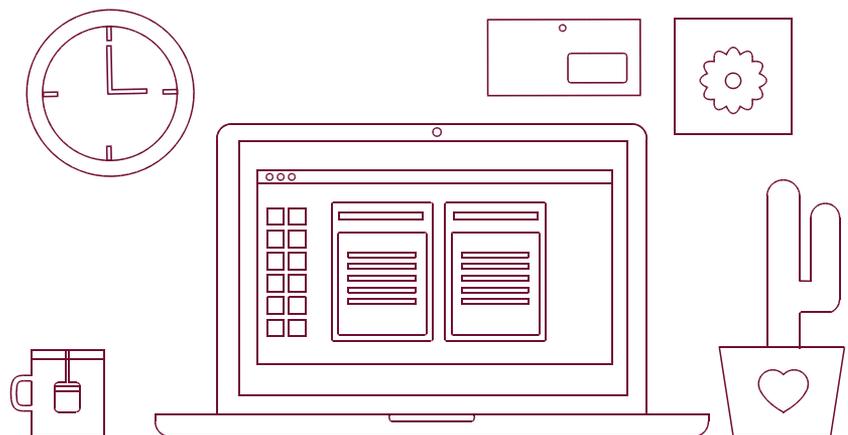
There is no encouraging environment in **Serbia** for full freedom of expression. The reform of the legal framework is not accompanied by the political will to apply the laws consistently. Project co-financing of media content has become an effective means of controlling the media, and state authorities are still the largest advertisers.

— 13

Milica Bogdanović,
Procjena napretka Crne Gore u ispunjavanju političkih kriterijuma u pregovorima sa EU. Četvrti dio: Turobna zbivanja i druge priče o medijima, CDT, Podgorica, 2019.

— 14

Теофил Блажевски,
Горан Ризаов, *Медиуми – реформи никогаш доста*, Фондација Метаморфозис, Скопје, 2019.



Public media services are largely financed by the budget and the influence of the governing structures on the selection of these services is also present. A large number of citizens express their dissatisfaction with the work of Serbian Radio Television.

The regulatory body for electronic media is highly politicized. The decisions of the Press Council, a self-regulatory body responsible for monitoring the compliance with the Journalists Code of Ethics, are not respected and do not produce positive effects. Media that violates the Code does not, therefore, have any consequences. During the year 2018, 30 cases of verbal and physical attacks on journalists were reported and the impact of investigative bodies in the processing of these attacks was low.¹⁵

Independence of the editorial policy of public broadcasting services in **Bosnia and Herzegovina** is one of the biggest problems in the media scene. There are serious political interferences in the work of these media.

Public subsidies for the media, as well as the advertising of state-owned enterprises and institutions in the media are non-transparent, and are not just and equal.

There are examples of threats and intimidation by journalists from public officials, and insufficiently developed mechanisms for adequate protection from these phenomena.

Independence of editors and journalists from the media owners in most cases does not exist, resulting in direct influence on editorial policy and the integrity of journalists and media. There is a significant lack of respect for professional standards in the media, so the cases of “deliberate” violations of the journalists’ code for various media manipulations are not rare.¹⁶

— 15

Vladana Jaraković,
Mediji u Srbiji - u slobodnom padu, CRTA, Beograd, 2019.

— 16

Tijana Cvjetičanin,
Darko Brkan, *Procjena napretka Bosne i Hercegovine u ispunjavanju političkih kriterijuma pri sticanju statusa kandidata za ulazak u EU - Četvrti dio: Sloboda i nezavisnost medija u Bosni i Hercegovini*, UG "Zašto ne", Sarajevo 2019.

Public Administration Reform: The real hazard of state administrations becoming a tank of party soldiers of questionable abilities

The **Montenegrin** public administration has not been able to respond to the problems of over-employment, lack of efficiency, and strong politicization, and exposure to the risks of nepotism and corruption for years.

Politicization of public administration is a pronounced problem, especially with regard to the political influence on high managerial positions. Public policies are still being dominantly created under the influence of party politics, without sufficient involvement of citizens, civil society and academia. New municipalities are being established on the basis of political decisions without clearly defined method-

ology and criteria, and the existing ones have many years of problems with self-financing and big debts.

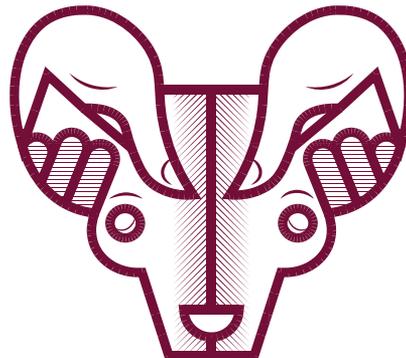
A valid Public Reform Strategy that needs to address these problems is often implemented only in a formalistic manner not as a serious reform effort but as a show for the EU. One example of this formalistic approach is the manner in which optimization of the number of employees in the public sector was approached.¹⁷

In **North Macedonia**, the process of public administration reform is implemented at an uneven pace and with delays in implementation.

The problem of politicization of public administration is pronounced, as in the rest of the region, and in public discourse parties are perceived as employers. The obvious problem is the lack of a clear system for measuring the performance of employees in the public sector. The percentage of public administration employees compared to the total number of employees is lower than the European average, but there are no adequate indicators on whether this number is adequate and whether it guarantees the efficiency of administration. A special problem is the large number of employees in some municipalities,

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Biljana Papović,
*Procjena napretka Crne
 Gore u ispunjavanju
 političkih kriterijuma u
 pregovorima sa EU. Peti dio:
 Javna uprava: Servis grada-
 na ili igračka u rukama
 politike?*, CDT,
 Podgorica, 2019.



which are indebted and financially unsustainable.

Although there are some medium-term planning documents, the system for planning and monitoring of public policies is disproportionate and dysfunctional. Public participation in policy making is limited by the excessive use of shortened and urgent procedures in the law enforcement procedure.¹⁸

Serbia is also late with implementation of the public administration reform, as well as with adoption of some important documents. The emphasis is on the fulfillment of the form, and there is a noticeable effort to adopt all the relevant documents. However, insufficient attention is devoted to application, and procedures for transparency and public involvement are often neglected.

There are announcements that it is necessary to reduce the number of civil servants, but there is no clear information on their number, nor a clear plan on how to do it. In the last few years, it has been established as a practice to appoint the highest number of senior civil servants in an acting capacity for an indefinite period, although the law prescribes otherwise. This creates a direct channel of political influence on the work of the state administration.¹⁹

Ineffective, inefficient, outdated, cumbersome and corrupt are the terms used by most international and domestic reports when describing the situation in the public administration of **Bosnia and Herzegovina**.

BiH has one of the largest public sectors in the region. The reasons for this are largely due to the fact that BiH has extremely complex and decentralized political and administrative structure. Yet the size of the public sector is affected by the way the political system works. Political parties have established the dominant practice of clientelist employment in the public sector. The growth of the public sector, i.e. the number of employees can also be understood in the function of maintaining social peace in the situation of very high unemployment and poverty rates.

Following the expiry of the 2014 Public Administration Reform Strategy, the failure to adopt the new strategic framework over a longer period has negatively affected the overall reform dynamics, as well as donor support to the reform process.²⁰

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Теофил Блажевски,
Горан Ризаов, *Мерит
системот и дигитализација
на услугите – формула за
оптимална и квалитетна
администрација*, Фондација
Метаморфозис,
Скопје, 2019.

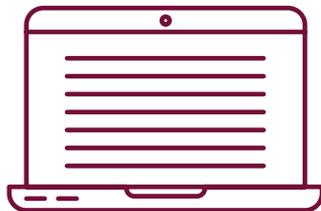
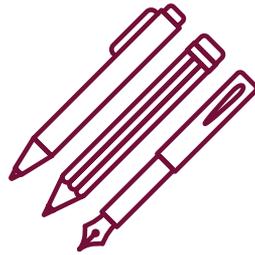
— 19

Миша Војовиќ, *Јавна управа
у Србији - дџин на стакленим
ногама*, CRTA,
Београд, 2019.

— 20

Срџан Благовџанин,
*Процјена напретка Босне и
Херцеговине у испуњавању
политичких критеријума при
стичању статуса кандидата
за улазак у ЕУ - Прти дио:
Јавна управа - Станје и ток
реформе*, УГ "Зашто не",
Сарајево 2019.

III Recommendations: Possible Directions for Improving the Situation in the Area of Political Criteria



Position meeting of the political criteria at the top of the agendas of the governments of the countries of the region. Establish effective mechanisms for measuring the effects of this process and regularly inform the public of its outcomes.

Governments and parliaments of the four states must shift their political focus to actual fulfilment of the political criteria. The approach of “marking the boxes” has to be replaced by the creation of quality mechanisms for measuring what has been achieved in this area and how the state of affairs has been improved. We need to answer the question “what have we achieved” and not “what have we done so far”.

Moreover, it is necessary to get out of the labyrinth of formally fulfilling the criteria in Chapters 23 and 24 and focus on what is needed to make that fulfilment meaningful - solving the issue of balance of power and fair and democratic elections.

Essentially free the key democratic institutions of party or government influence. Enable the creation of a system that will be based on responsibility and integrity.

It is necessary to depoliticize key institutions in society and to change laws towards the introduction of additional mechanisms and criteria of independence. This particularly applies to institutions dealing with the fight against corruption and the authorities in charge for conducting elections.

This process will not happen by itself, there is a need for an impulse by the authorities, or the political will to create independent institutions. If a spontaneous democratic order can be realized in old democracies, it is not possible in the Balkans. The institutions need a stimulus both from domestic and international public. Integrity of the institutions is not created spontaneously. It has to be a well-planned and guided process of creating conditions for it to be really achieved.

It is necessary to develop a methodology and mechanisms for monitoring the fulfillment of political criteria within the parliaments of the countries of the region.

The Parliaments of Bosnia and Herzegovina, Montenegro, Serbia and North Macedonia must strengthen their control mechanisms in the preparation of reports on fulfillment of the political criteria. This report would be the basis for a serious political debate on the situation in this area. These activities could take place within the existing ones or by forming new parliamentary working bodies. The Report preparation cycle would follow the deadline for publication of the EU report, a plan of control and consultation hearings of the institutions would be prepared, as well as the methodology for reporting, etc.

Initiate a dialogue within the Western Balkans with the aim of finding the best solutions for improvements in the areas of fulfillment of political criteria.

In most countries of the region there is no national consensus about the most effective way to address these issues. Attitudes on this important topic are most often reflected in representing short-term interests of ruling elites, but also of opposition structures. A well designed and conducted dialogue on this topic should be initiated, involving all the most important segments of society: institutions, political parties, academia, NGOs, media. This dialogue should aim at creating mechanisms for the widest possible consensus on issues that are crucial to the functioning of democratic societies. The conclusions of the dialogue and the activities of strengthening the balance of power should raise citizens' awareness of the long-term importance of these issues for each of the societies.

Establish stronger mechanisms within the EU for measuring the objective achievements and effects of the work of the states on political criteria.

The European Union should, in its power, make more effort to better present and rate the effects of meeting the political criteria. Although these ratings exist, in our opinion, they are not sufficiently developed or precise in order to obtain a truly faithful image of this process. We are aware that this process is not easy or simple, but also that the EU has the knowledge and capacity for improvement in this field.

Therefore, it is expected from the EU to have more concrete and decisive action in implementing its own Action Plan in Support of the Transformation of the Western Balkans, which also envisages support for detailed action plans in the area of rule of law and greater presence of expert missions, as well as better use of conditionality in the negotiation process.



The EU needs to focus more on fundamental democratic issues within the Western Balkans and to make stronger contributions to their resolution.

Regardless of disagreement and instability within the EU, regardless of the uncertain outcome of the May elections for the European Parliament, the EU policy must put its focus with regard to enlargement policy on key democratic issues. This part of the enlargement policy is no less important than meeting the chapters criteria, meeting the conditions for opening negotiations or resolving disputed issues between the states. The EU policy needs to find a balance between all these issues, give them the same priority and importance as otherwise the accession process will slow down or even be brought to question. Countries that do not have a quality election process, independent media or effective government control cannot be a serious aspirant for membership.

The EU should also make the negotiation process, but also the accession process, a long-term stable and certain. It should not depend on the current problems or the outcome of some elections. Only in this way would the real European perspective of the Western Balkans be opened up.

If the EU does not offer a certain European perspective to its member states, the alternative will be offered by some other actors different in terms of values on the global political scene. We must not come to a situation where the needs of the countries of the region are more carefully listened to or better understood by some less democratic actors.

EU policy should be such as to encourage democratic forces and to create better conditions for their development. It should also stimulate and help economic development and large projects to the extent that others are doing. All this is not possible without a more decisive approach to addressing the key internal issues and problems in the democratic functioning of the states of the region.

CDT Research Center

The **CDT Research Center (RC)** was established in 2011 with the support of the Think Tank Fund. Aim of the **RC** is improvement of public policies, adoption of more quality decisions by state bodies, enhancing public dialogue and strengthening of institutions.

In its work, the **RC** uses contemporary research methods and is guided by standards of transparency, objectivity and accuracy. Relying on comparative examples of good practice and concrete results, it defines measures and recommendations for improvement, which are delivered to decision makers and the general public.

RC is dedicated to continuous building of its own capacities seeing it as a quality control mechanism for its research products, and, in addition to the CDT team, a number of domestic and international experts are involved in its work as external associates.

We recommend the following policy papers to your attention:

Please read the following documents on the need for making changes to election legislation and reaching democratic standards of fair elections:

Assessment of progress of Montenegro in meeting political criteria in negotiations with the EU, Part I: Legitimacy and integrity of elections - a necessary step towards European values <https://www.cdtmn.org/2018/11/02/vrijeme-je-da-zatvorimo-poglavlje-fer-izbora/>

After three major election cycles: How to achieve electoral integrity <https://www.cdtmn.org/izbori/izbori-analize/kako-do-izbornog-integriteta-2018-predlog-prakticne-politike/>

Depoliticized and efficient election administration - a prerequisite of having trust in elections <https://www.cdtmn.org/wp-content/uploads/2017/02/DIK-Policy-01022017.pdf>

Depolitizovana i efikasna izborna administracija – preduslov povjerenja u izbore <https://www.cdtmn.org/wp-content/uploads/2017/02/DIK-Policy-01022017.pdf>

Recommendations for improving the work of the Agency for Prevention of Corruption - Review of the conclusions published in the report on the control of parliamentary elections <https://www.cdtmn.org/izbori/izbori-analize/preporuke-za-unapredenje-rada-agencije/>

Please read the following documents on how civil society experts see progress of Montenegro in meeting political criteria in negotiations with the EU:

Assessment of progress of Montenegro in meeting political criteria in negotiations with the EU, Part V: Public administration: a citizen service or a toy in the hands of politics? <https://www.cdtmn.org/dobroupravljanje/du-analize/javna-uprava-ne-radi-u-interesu-gradana/>

Assessment of progress of Montenegro in meeting political criteria in negotiations with the EU, Part IV: Dreary events and other media stories <https://www.cdtmn.org/2019/02/21/nezavisnost-i-sloboda-medija-samo-na-papiru/>

Assessment of progress of Montenegro in meeting political criteria in negotiations with the EU, Part III: Independent institutions as prerequisites for combating corruption and crime <https://www.cdtmn.org/2019/02/11/nezavisne-institucije-preduslov-za-borbu-protiv-korupcije-i-kriminala-2018/>

Assessment of progress of Montenegro in meeting political criteria in negotiations with the EU, Part II: Judiciary <https://www.cdtmn.org/2018/12/15/nakon-18-godina-reforme-pravosuda-devalvacija-postignuca/>

Please read the following documents on how the state and local governments plan development, measure the success of their work, and what should they do to improve the practices in this area:

Planning, measuring, and reporting leveraging success of government policies <https://www.cdtmn.org/dobroupravljanje/du-analize/predlog-prakticne-politike/>

Planning, measuring, and reporting leveraging success of government policies - On the example of the municipalities of Nikšić and Kotor <https://www.cdtmn.org/dobroupravljanje/du-analize/upravljanje-za-rezultate-na-lokalnom-nivou-2017-predlog-prakticne-politike/>

Please read the following document on how the state recognizes violent extremism and how it counters it:

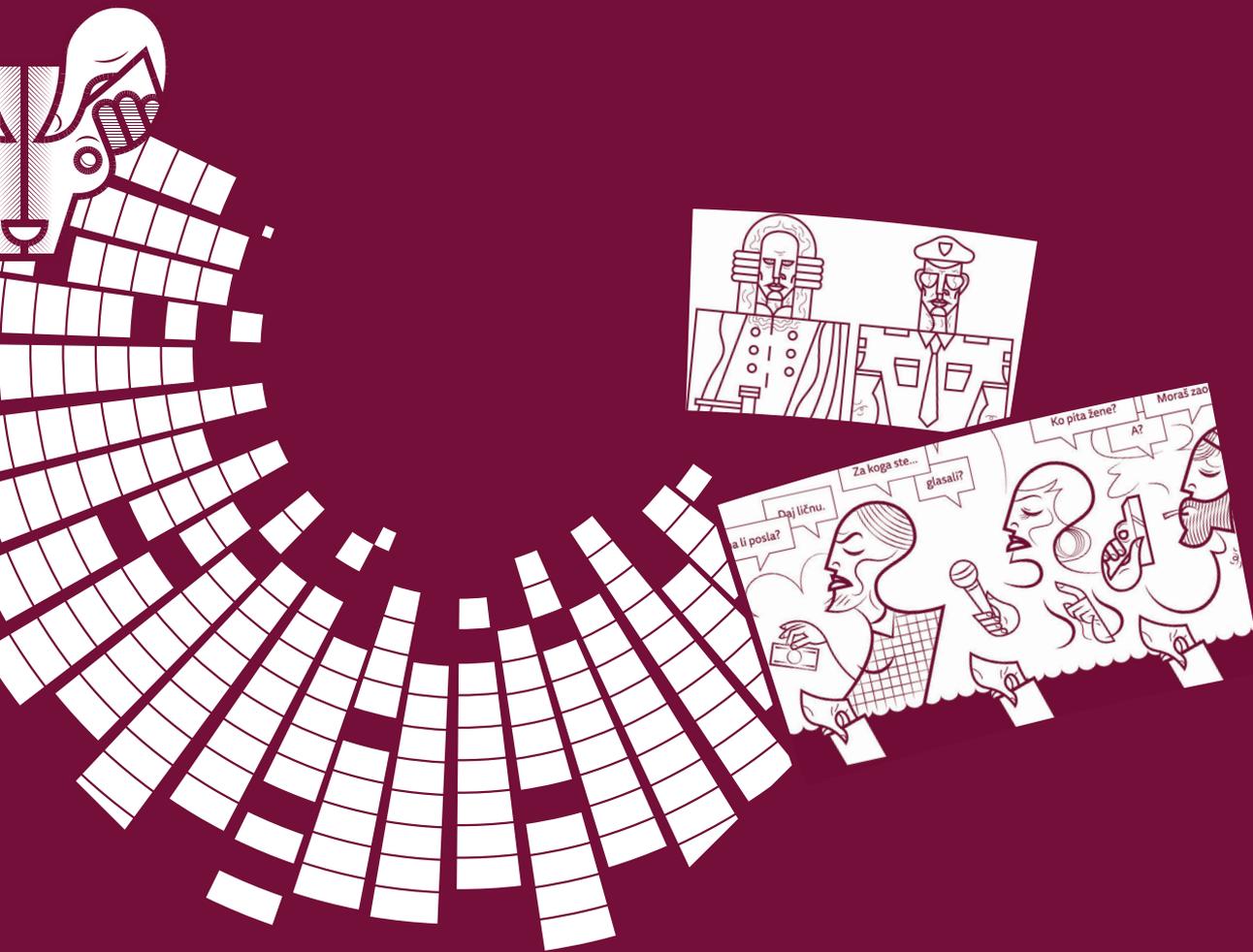
How to improve implementation of the Strategy on Countering Violent Extremism? <https://www.cdtmn.org/eu/eu-analize/kako-poboljsati-sprovodjenje-strategije-suzbijanja-nasilnog-ekstremizma-2017-predlog-prakticne-politike/>

ASSESSMENT OF PROGRESS
IN MEETING THE EU
POLITICAL CRITERIA

**DEMOCRACY WITHOUT INSTITUTIONS –
NEW BALKAN INVENTION**

AUTORS: DRAGAN KOPRIVICA,
MILENA GVOZDENOVIĆ AND MILICA KOVAČEVIĆ

ILLUSTRATIONS AND LAYOUT DESIGN
DEJAN BATRIČEVIĆ



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