

# Civil Society in Anti-Corruption Countering CSO Capture





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Policy brief No 16, September 2022

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## KEY POINTS:

- Corruption in the Western Balkans causes poverty, obstructs development and EU integrations, corrodes democracy and drives away investments. According to the European Commission reports, Western Balkan countries didn't make any progress in the fight against corruption since 2019.
- CSOs continue to be critical protagonists in the fight against corruption, and have been forming an integral part of the response to corruption for many years. For example, CSOs in Kosovo have been mostly engaged in monitoring of public procurements, especially during the intensive procurement of medical equipment during the COVID-19 pandemic.
- Financial sustainability of CSOs in the Western Balkan poses a main challenge in their work. The international community remains by far the most important donor of the CSOs in the region, which proves the unwillingness of the state authorities to show real will to fight corruption. According to the Monitoring Matrix on Enabling Environment for Civil Society Development in North Macedonia almost 80% of surveyed CSOs receive funding from foreign donors.
- The COVID-19 pandemic exposed the financial instabilities of the CSOs and moved most of the work online. The focus of the civil society sector strongly shifted towards monitoring the activities of the government, especially when it comes to the healthcare system. CSOs also turned their attention to the public procurement systems, denouncing uncompetitive and clientelist practices.
- One of the biggest challenges for civil society in the Western Balkans continues to be the dismissive attitude of governments and public institutions toward the CSOs. For the most European countries there is a long tradition of consultation and partnership between government and civil society organizations, while these partnerships are very fragile in the Western Balkans.
- The media landscape in the Western Balkans remains a matter of concern. Media freedom in all of six countries is still far below satisfactory level, journalistic standards are not being respected and the ground is getting more and more fertile for disinformation proliferation. Kremlin has been able to gain a foothold in the Balkan media sphere, intimidating journalistic independence and disseminating its preferred narratives. Kremlin's aim is to win hearts and minds of the Balkan publics in an attempt to undermine the attractiveness of the Western liberal democratic model of governance.
- Russian invasion of Ukraine strongly affected CSOs financial viability since donors are revising their budgets, reducing funds for the projects or reallocating them for other purposes.

## CORRUPTION AND CIVIL SOCIETY ORGANIZATIONS

In areas where corruption is rife, it is common that state actors responsible for governance (whether at local or national level) are unable to fulfil their responsibilities, to the extent that they are sometimes even described as “captured”.<sup>1</sup> In the Western Balkans, powerful patronage networks have infiltrated and consolidated their control over the state institutions. These networks wield influence on many important institutions in the justice, law enforcement and anti-corruption sectors. As a result, politically independent and effective oversight and prosecution mechanisms can be absent, whilst corrupt officials and organized criminals can occasionally engage in acts of corruption with impunity.<sup>2</sup>

In this context, civil society organizations have become critical protagonists in the fight against organized crime and corruption, and have been forming an integral part of the response to corruption for many years. However, only a few CSOs in the Western Balkan region deal with corruption. In Western Balkans, there are more than 100. 000 registered CSOs, but less than 1% of them are working on organized crime and corruption.<sup>3</sup> This is expected considering that many of these CSOs face similar challenges, including pressure from governments and concerns about security.

Although only a few CSOs are working solely on corruption, most of them are interested in culture, education and environment and they face and tackle corruption issues in those areas.

CSOs in the region have a diverse portfolios of activities that they carry out when fighting corruption, ranging from prevention activities like training and education to consulting and monitoring, as well as research activities and drafting analytical reports with recommendations. Most CSOs are active in oversight of the regulatory bodies, monitoring of the parliament, as well as monitoring of the public procurement processes. Certain CSOs are also monitoring the work of the judiciary. In Kosovo, CSOs are mostly engaged in monitoring public procurement. The electronic submission of bids became mandatory for all procurement types and values with the implementation of e-procurement in January 2019, so more data have become available to the public. Riinvest Institute used this data to design digital solution for monitoring the integrity in public procurement called Public procurement barometer (x-index) whose purpose is to monitor and to evaluate the performance of Kosovo’s 38 municipalities in public procurement through a statistically built index.<sup>4</sup>

According to the answers to the questionnaire provided by the CSOs engaged in SELDI network<sup>5</sup>, CSOs from all six countries

1 Global Initiative Against Transnational Organized Crime, Hotspots of organized crime in the Western Balkans. Local vulnerabilities in a regional context, [online] Available at: <https://globalinitiative.net/analysis/oc-western-balkans/> [Accessed 10 February 2022].

2 U4 Anti-Corruption Resource Centre, Western Balkans and Turkey: Overview of corruption and anti-corruption, [online] Available at: <https://www.u4.no/publications/overview-of-corruption-and-anti-corruption-in-the-western-balkans-and-turkey> [Accessed 10 February 2022].

3 Amerhauser, K. and Kemp, W. (2021) Stronger together: Bolstering resilience among civil society in the Western Balkans, [online] Available at: <https://globalinitiative.net/wp-content/uploads/2021/03/WBalkans-CSOs-web.pdf> [Accessed 12 February 2022].

4 RIINVEST Public Procurement Barometer (X-INDEX) 2020, [online] Available at: <https://www.riinvestinstitute.org/En/x-index/> [Accessed 12 February 2022]

5 This results are based on the questionnaire with the main project partners from all six Western Balkan countries, as a part of the SELDI project. More on SELDI available at: <https://seldi.net/>

of the Western Balkans pointed out financial sustainability as the main challenge in their work. Although CSOs across the region receive funding from public, private and international stakeholders, the international community (including embassies, development agencies and international organizations) remains by far the most important donor.

The COVID-19 pandemic had a serious impact on the work of CSOs. According to the research<sup>6</sup>, the pandemic had a negative impact on the work of CSOs due to limited movement and epidemiological measures, which led to the postponement of all public gatherings and other public events. The situation caused by the pandemic of the COVID-19 virus has prevented or limited implementation of program activities or reduced budget support seriously affecting the financing of CSOs.

Due to the high dependence on donors, CSOs do not participate much in defining the strategy and priorities of donor organizations. Grants are often short term, focused on bigger cities and there is little support for issues they think are relevant to the community. That also makes CSOs reactive rather than proactive, which means that it is hard to attract or build expertise on specific subjects as staff is usually expected to work on one project and then switch quickly to a different topic for the next project.

Building regional connections is important, because sometimes it is easier or safer to approach corruption issues through a regional lens with allies outside national bor-

ders. The international community should give more importance to strengthening the networks of civil society organizations in the field of anti-corruption, because they have more capacity and better chance to enhance anti-corruption policy development and anti-corruption reforms in the region. CSOs have identified some key benefits of networking, among which: networks represent a form of empowerment of all actors fighting against corruption, an effective mean to exercise power towards a common goal, they build capacity among their members, and they cover a significant part of the region or territory in which they work.<sup>7</sup> The most active networks are Coalition Preugovor from Serbia, Together Towards the Goal from Montenegro and Platform of CSOs Against Corruption from North Macedonia. These networks are very significant given the activities they carry out. They monitor anti-corruption policy and decision-making and present recommendations and proposals for changes in the legal framework. They analyze and record progress in the anti-corruption area in their reports and policy briefs. They improve the work of CSOs in the fight against corruption and contribute to their constructive cooperation with state institutions. Overall, these networks help to build solidarity and improve the knowledge base, and thus increase the impact of civil society. Taking this into account, CSOs should put more efforts in creating strong anti-corruption networks with actors from diverse fields of knowledge, and donors should be encouraging them more, both on a national and regional level.

<sup>6</sup> Izveštaj Istraživanja o uticaju COVID-19 na civilno društvo u BiH tokom 2020 godine (Report on research of COVID-19 impact on civil society in BiH during 2020), [online] Available at: <https://civilnodrustvo.ba/wp-content/uploads/2022/03/Izveštaj-istrazivanja-Uticaj-Covid-19-na-civilno-drustvo.pdf> [Accessed 09 August 2022].

<sup>7</sup> Fostering sustainable civil society cooperation for better governance in South East Europe: What's Next? SELDI non-paper, [online] Available at: <https://seldi.net/wp-content/uploads/2022/01/Non-paper.pdf> [Accessed 5 October 2022].

## CHALLENGES AND BENEFITS OF CSO'S FIGHT AGAINST CORRUPTION

CSOs in the Western Balkans face various challenges in the fight against corruption. The most obvious challenge is the difficulty in raising funds and ensuring long-term sustainability, because most CSOs are strongly donor dependent. According to the 2020 CSO Sustainability Index, the sustainability rating of organizations in Kosovo and North Macedonia is 3.6, on a scale from 1 to 7, with 1 indicating the highest and 7 the lowest rating. Compared to the other Western Balkan countries, a worse rating was recorded in Serbia - 4.3. The sustainability rating of CSOs in Albania is 3.7, and 3.8 in Bosnia and Herzegovina.<sup>8</sup> Administrative silence remains a fundamental issue in all Western Balkan countries. Non-transparent institutions offer very little access to information for the CSOs. Significant number of documents is not available to the public, which hinders transparency and creates a difficult environment for the CSOs to properly conduct the

activities such as monitoring. Lack of political will is also a problem. Even if CSOs are involved in meetings with policymakers, it is not certain that their recommendations, which are based on thorough research, are actually taken into account.

The basic interest of civil society organizations in engaging with anti-corruption activities mainly relates to the fulfillment of their statutory mission and their positioning in favor of the public interest and good governance. Involvement in anti-corruption activities is also good opportunity for civil society activists to affirm their public appearance, adapt models and systems of professional analysis, using it as a basis to build bridges of cooperation with drafters and implementers of public policy and to take part in amending the relevant legal framework. As shown below, in Figure 1, a large number of CSOs are registered in each country. It is noticeable how few organizations in the Western Balkans are focused on organized crime and fight against corruption. This is surprising, considering the serious and widespread impact of these issues in the region

	Albania	Bosnia and Herzegovina	Kosovo	Montenegro	North Macedonia	Serbia
Registered CSOs <sup>9</sup>	>11 000	>25 600	>9 400	>5 700	>16 900	>34 300
CSOs working on organized crime and corruption	49	36	24	27	35	34

**Figure 1** Overview of CSOs registered in the Western Balkans Six countries in 2019-2020.<sup>10</sup>

8 2020 Civil Society Organization Sustainability Index. Central and Eastern Europe and Eurasia, [online] Available at: [https://www.cnvos.si/media/filer\\_public/04/75/04753eaa-6a1f-4f67-ad04-14b57d3db52b/csosi\\_final\\_2020.pdf](https://www.cnvos.si/media/filer_public/04/75/04753eaa-6a1f-4f67-ad04-14b57d3db52b/csosi_final_2020.pdf) [Accessed 20 February 2022].

9 It is important to note that the numbers given here were provided by national registries, but the data available is often not updated. Where registries exist, they include all kinds of associations, including sports clubs, art foundations, etc. Informal organizations are excluded from government statistics. It is also important to note that the registration of CSOs is not mandatory in all countries (e.g. in Serbia, for which the number of CSOs is likely to be higher).

10 Global Initiative, Stronger Together, bolstering resilience among civil society in the Western Balkans, [online] Available at: <https://globalinitiative.net/wp-content/uploads/2021/03/WBalkans-CSOs-web.pdf> [Accessed 22 February 2022].

Because of small number of CSOS involved in anti-corruption they can get financial assistance from various regional and international donors to conduct projects in this area. Aside from financial support, the CSOs are usually provided with technical assistance in organizing seminars, workshops, conferences and public events dedicated to raising awareness. The most prominent donors in the Western Balkans are the European Union and USAID. Some major donors for projects related to anti-corruption are also the Balkan Trust for Democracy of the German Marshall Fund of the U.S., Open Society Foundation, Partnership for Transparency Fund, Rockefeller Brothers Fund, National Endowment for Democracy and Konrad Adenauer Stiftung. To make a more significant progress, a much larger number of CSOs is needed to opt for projects in the area of good governance and anti-corruption. Very little progress is made regarding tackling corruption in previous years, and Western Balkan countries are facing democratic decline and the rise of authoritarianism, which will contribute to even higher levels of corruption.

Most CSOs that are working in the field of anti-corruption are based in the major cities and they are more focused on national level with proposing legislation changes, offering expertise and performing oversight over public institutions. In North Macedonia, a total of 24 out of 35 organizations working in the field of organized crime and corruption are based in Skopje<sup>11</sup>. However, in Montenegro, most CSOs are present at the grassroots level, but they have limited financial capacity to operate.<sup>12</sup> Regarding

this phenomenon, SELDI network supports CSOs anti-corruption efforts in the Western Balkans through its small grants programme launched in 2019. These grants are focused mainly on smaller CSOs that are present at the grassroots level.<sup>13</sup>

The outbreak of the Corona virus epidemic in the Western Balkans happened in March 2020, shifting the focus of the civil sector towards more closely monitoring the activities of the government, especially when it comes to the healthcare. CSOs monitored government actions and measures taken for handling the health crisis e.g. analysis of the undertaken and suggested measures for handling the consequences of the pandemics, functioning of the parliaments during pandemic, analysis of the public services system during pandemic, analysis of the healthcare system and the weaknesses and gaps that surfaced during the pandemics, analyses of transparency in spending of the state budget during the pandemics, etc. Also, CSOs have analyzed public procurement systems, criticizing the avoidance of the competition and clientelism in state purchases, especially in healthcare sector, as well as the evident favoritism and prices of some of the main procurements in this period that were several times higher than the market value.

One of the examples of advocating towards a more open and transparent healthcare system were the actions of the Transparency Serbia, which urged the government in Serbia to make the information on the purchase of medical equipment public. They also put forth the effort to make data

11 Ibid.

12 2019 Civil Society Organization Sustainability Index. Central and Eastern Europe and Eurasia, [online] Available at: <https://www.fhi360.org/sites/default/files/media/documents/resource-csosi-2019-report-europe-eurasia.pdf> [Accessed 22 February 2022]

13 SELDI Western Balkans 2020: State-Capture Risks and Policy Reforms, [online] Available at: [https://seldi.net/wp-content/uploads/2021/05/WB-2020\\_EN\\_WEB.pdf](https://seldi.net/wp-content/uploads/2021/05/WB-2020_EN_WEB.pdf) [Accessed 5 October 2022].



on donations for the fight against pandemic public.<sup>14</sup>

Just as things were looking to go forward, and that pandemic is over, a new set of challenges confronted the Western Balkans. Russian invasion of Ukraine is now sending shockwaves across the region, which are particularly reflected in higher energy and food prices, but also in disruption of trade and investment flows. Unfortunately, this affects CSOs as well since donors are revising their budgets, reducing funds for the projects, or reallocating funds for other purposes.

## COOPERATION BETWEEN CSOS AND GOVERNMENTS

One of the biggest challenges for civil society in Western Balkans is the dismissive attitude of governments and public institutions toward CSOs. Despite states' lack of experience and capacities to manage social, economic or any other crisis, governments and public institutions have been keen to involve civil society in their responses. For the most European countries there is a long tradition of consultation and partnership between government and civil society organizations, while in Western Balkans these partnerships are very fragile. The cooperation of government institutions with civil society organizations, mainly those operating in the field of anti-corruption, is not fruitful and effective, and still remains

a formal procedure that is carried out just for a show.

There are some legal mechanisms in every Western Balkans country but they are only formal and not substantive. In Serbia, the composition of the new Government of the Republic of Serbia in late October 2020 brought significant changes regarding structural relations between civil society and the government. First, the Office for Cooperation with the Civil Society was abolished, which provoked concerns among the CSOs.<sup>15</sup> The newly established Ministry for Human and Minority Rights and Social Dialogue took over the work of the Office. Institutional cooperation does not currently exist, but some CSOs continue to try to contribute to working groups and influence the adoption of laws and other acts. The institutions, such as Agency for the Prevention of the Corruption, organize different consultative meetings with representatives of CSOs from time to time.<sup>16</sup>

The agreement on cooperation between the Council of Ministers of Bosnia and Herzegovina and non-governmental organizations in Bosnia and Herzegovina<sup>17</sup> (Agreement) was signed on November 30, 2017. This document is a recognition of the civil society organizations as drivers of certain processes and changes, legitimate observers and critics of the work of institutions as well as strategic partners in the process of society democratization. The constituting session of the Advisory Body of the BiH Council of Ministers for cooperation with

<sup>14</sup> Transparency Serbia, Transparency and corruption risks in the time Covid-19, [online] Available at: <https://www.transparentnost.org.rs/index.php/sr/aktivnosti-2/pod-lupom/11243-transparentnost-i-rizici-od-korupcije-u-dobakorone> [Accessed 24 February 2022].

<sup>15</sup> YIHR.rs. (2020). Civilno društvo zabrinuto zbog ukidanja Kancelarije za saradnju sa civilnim društvom (Civil society concerned about closing of the Office for cooperation with the civil society). [online] Available at: <https://www.yihr.rs/bhs/civilno-drustvo-zabrinuto-zbog-ukidanja-kancelarije-za-saradnju-sa-civilnim-drustvom/> [Accessed 7 Sep. 2021].

<sup>16</sup> Agencija za sprečavanje korupcije. Aktivnosti (OCD) (Anti-Corruption Agency. Activities (CSO)). [online] Available at: <https://www.acas.rs/aktivnosti-ocd/?pismo=lat> [Accessed 7 Sep. 2021].

<sup>17</sup> Agreement on Cooperation between the Council of Ministers of BiH and the NGO Sector in BiH, [online] Available at: <http://www.mpr.gov.ba/NVO/default.aspx?id=7076&langTag=bs-BA> [Accessed 22 August 2022].

non-governmental organizations was held in December 2020. One of the most significant obligations from the Agreement on Cooperation between the Council of Ministers of BiH and non-governmental organizations in BiH was realized with the establishment of the Advisory Body of the Council of Ministers of BiH for cooperation with non-governmental organizations. The Advisory Body is still working on one of the first tasks and that is preparation of the Strategy for Creating a Stimulating Environment for the Development of Civil Society to be adopted by the Council of Ministers of BiH. In reality, effects of the Agreement and establishment of the Advisory Body are minor, and didn't either increase or enrich the cooperation as CSOs had hoped.

In Montenegro, the Law on State Administration stipulates that state administration bodies cooperate with CSOs in the process of conducting public hearings when drafting laws and strategies, and participate in the work of working groups and other bodies. The law also stipulates that holding of public hearings is not mandatory for issues concerning defense and security, the annual budget, but also in extraordinary, urgent or unforeseen circumstances, as well as in situations when the law does not regulate an issue significantly differently. This provision leaves room for the abuse of discretionary powers, i.e. scenarios in which regulations are proposed and adopted while circumventing public hearings.

Good practices started in North Macedonia where advocacy improved in 2018 as

the new government was more responsive towards the activities and opinions of civil society and CSOs were able to engage more in decision-making processes both in local municipalities and central government bodies. CSOs engaged successfully in policy-making processes, and many of their initiatives were accepted by the authorities, contributing to an improvement in advocacy.<sup>18</sup> According to the Monitoring Matrix on Enabling Environment for Civil Society Development – Regional Report for Western Balkans 2020, the involvement of CSOs in North Macedonia in public consultation processes continued to be proactive. Positively, despite the lack of space for legislative activities due to the COVID-19 crisis and half a year of caretaker government, state institutions continued to invite and involve the CSOs to comment on laws and policy initiatives at an early stage, giving sufficient time for provision of opinions, and CSOs were involved in the preparation of several laws that were important for their operations.<sup>19</sup>

The Government of Kosovo also established a good mechanism for cooperation in 2019, when it approved the Strategy for cooperation with civil society aiming to increase CSO participation in policy making and further strengthen government cooperation with CSOs. This strategic framework enabled establishment of a Government Council for Cooperation with Civil Society, which been operational ever since.<sup>20</sup>

Public funding is still not a viable source for CSOs in Western Balkans and has further decreased due to the coronavirus crisis.

18 2019 Civil Society Organization Sustainability Index. Central and Eastern Europe and Eurasia, [online] Available at: <https://www.fhi360.org/sites/default/files/media/documents/csosi-europe-eurasia-2019-report.pdf> [Accessed 22 February 2022].

19 The 2020 CSO Sustainability index for North Macedonia, [online] Available at: <https://www.balkanicsd.net/novo/wp-content/uploads/2021/07/2020-CSOSI-North-Macedonia.pdf> [Accessed 12 February 2022].

20 Government of Kosovo, Government Strategy for Cooperation with Civil Society 2019-2023, [online] Available at: [http://ojqfinancime.rks-gov.net/wp-content/uploads/2020/02/Strategy\\_eng.pdf](http://ojqfinancime.rks-gov.net/wp-content/uploads/2020/02/Strategy_eng.pdf) [Accessed 6 March 2022].

Many of the planned calls for proposals were cancelled, paused or postponed in the last 2 years, which affected the amount of state funds for CSOs. Most of the funds available were allocated to the COVID-19 response, but there are some examples of governments funding the fight against corruption as well. Every year the General Secretariat of the Government of the Republic of North Macedonia publishes calls for financing of programme activities of associations and foundations for several priority areas, some of which are the rule of law, independent judiciary, and fight against corruption. The Government awarded around EUR 322.000 for 7 priority areas through the 2021 call, whereof the amount of EUR 29.000 was awarded to 3 CSOs in the priority areas of the rule of law, independent judiciary and fight against corruption. In Serbia, the Agency for Prevention of Corruption had in May of 2021 announced a public call for the allocation of financial resources to one CSO for the implementation of an anti-corruption project. The amount of allocated funds was EUR 8.000, and was provided for by the Law on Budget of the Republic of Serbia for 2021.<sup>21</sup>

There are some positive practices of cooperation between anti-corruption agencies and CSOs in Serbia and North Macedonia. The Law on Prevention of Corruption established the guidelines for cooperation between the Anti-Corruption Agency and CSOs in Serbia. These guidelines list three possible forms of cooperation: preliminary support, cooperation and partnership. Preliminary support means that the Agency will provide support to CSOs that contact the Agency requesting a letter of support from the Agency by which the Agency expressed its support to the CSO's program

or project. Cooperation implies implementation of sporadic projects with CSOs. The partnership implies that the Agency and CSOs jointly participate in a program or project with foreign or domestic donors.<sup>22</sup> The State Commission for Prevention of Corruption in North Macedonia (SCPC) closely cooperates with CSOs and they jointly implement projects, participate in joint working groups and have joint press releases. SCPC often relies on CSO's expertise for development of policies and anti-corruption review of the legislation, etc. CSOs representatives actively participated in the process of preparation of the new National Strategy for Prevention of Corruption and Conflict of Interest 2021-2025 and the Action Plan.

CSOs in the Western Balkans are often seen as watchdogs, in opposition to the government and strongly engaged in monitoring its institutions. In situations where the opposition is weak, implicated in organized crime or corruption or boycotts parliament, or where the government is seen as a corrupt or colluding with criminal groups, CSOs are sometimes perceived as anti-governmental rather than non-governmental. This puts CSOs in an awkward position and can also undermine their apolitical role. This has led to the rise of a parallel civil society. So called GONGOs are government-organized non-governmental organizations set up by government or close allies with the aim to advance their political interests. In this way, people loyal to those in power are rewarded and an image of good cooperation between CSOs and state institutions is portrayed internationally. This situation also creates the impression that there is support for the ruling party among CSOs, while slush funds are in fact being created with public money.

21 Agencija za sprečavanje korupcije. Aktivnosti (OCD) (Anti-corruption Agency. Activities (CSO)). [online] Available at: <https://www.acas.rs/aktivnosti-ocd/?pismo=lat> [Accessed 7 Sep. 2021].

22 Agencija za sprečavanje korupcije (2019). Smernice za saradnju Agencije za sprečavanje korupcije sa organizacijama civilnog društva (Anti-Corruption Agency (2019) Guidelines for cooperation between the Anti-Corruption Agency and the civil society organizations). [online] Available at: <https://www.acas.rs/wp-content/uploads/2021/01/smernice.pdf?pismo=lat> [Accessed 7 Sep. 2021].

In Serbia, the number of GONGOs is on the rise. A decade ago, the number of registered CSOs was between 17.000 and 20.000. Today, that number has increased by more than 50%. Some experts believe that most of the established CSOs are GONGOs. The reason for the increase can be found in the fact that most of them are established for a short-term period, without a program, as a government's effort to undermine critical thinking and reduce the influence of civil society.

For example, at the beginning of the health crisis caused by the COVID-19 pandemic, the health minister in North Macedonia stated that the assistance of CSOs should be limited to humanitarian support and that the authorities should be left to do their job without interference.

Despite the lack of support from governments, CSOs in the Western Balkans have proven that they can be relevant and irreplaceable partners to their respective states by providing necessary services to the most vulnerable and voicing the concerns of those in need.

## MEDIA CAPTURE

Media landscape in Western Balkans remains a matter of concern<sup>23</sup>. Media freedom in all six countries is still far below satisfactory level, and it seems that this matter hardly goes forward over the years. Number of media outlets keeps growing, but pretty much the same problems keep persisting – journalists work under pressure, governments are trying to censor the media, SLAPP (Strategic Litigation Against

Public Participation) cases are increasing in numbers, officials are threatening and suing media, and all of this is creating an atmosphere in which the journalistic standards are not being respected while the ground is getting fertile for disinformation proliferation.

The COVID-19 pandemic exposed the financial instabilities of media, but also of CSO's. Gatherings and public consultation processes were restricted during the pandemic, which affected the work of CSO's, especially those who provide services. On the other hand, shifting the activities online has brought bigger attention and visibility of the CSOs. Still, trust in CSOs remains on a level that is not satisfactory, and they keep being underrepresented in the media, because the lack of media pluralism. This decline in trust can be attributed to several factors. Most significantly, smear campaigns have sought to discredit and delegitimize the role and work of civil society in this country. IDM's study Civil Society Participation in Decision Making in Albania points out that politicians and the media spread negative narratives of CSOs as being "captured", "bought" and "money-seeking". On the other hand CSOs have not made sufficient investments in building cooperation bridges with the media for covering the issues addressed by the civil society.<sup>24</sup>

The main mode of promotion used by civil society organizations, mainly those operating in the field of anti-corruption, is the use of social networks and online portals, as well as participation of these organizations' representatives in debates and television discussions where they can express their dissatisfaction and report about their work.

<sup>23</sup> Tackling Kremlin's Media Capture in Southeast Europe, [online] Available at: [https://csd.bg/fileadmin/user\\_upload/publications\\_library/files/2021\\_03/KP5\\_ENG\\_WEB.pdf](https://csd.bg/fileadmin/user_upload/publications_library/files/2021_03/KP5_ENG_WEB.pdf) [Accessed 5 October 2022]

<sup>24</sup> CSO Sustainability Index (CSOSI) for Central and Eastern Europe and Eurasia, [online] Available at: <https://dmalbania.org/csosi-usaid-report-for-albania/> [Accessed 4 October 2022].

The media sector in Albania has recently experienced very large development, where new televisions and portals have been opened and this has positively contributed to the media coverage of civil society activities and activists. But although access has been facilitated through increased means of communication with the public, government media censorship is still evident, mainly on national television.<sup>25</sup> According to Reporters Without Borders, Albania ranked 103<sup>rd</sup> on media freedoms in 2022, while it took 83<sup>rd</sup> place in 2021 and it happened mainly due to the increased political pressure on media outlets.<sup>26</sup> The seizure of television stations by the government, threats to social media, and the use of the police under the pretext of state security are the main threats to media freedom. Another threat is the seizure of public TV stations by the state, as well as political interference in other national private media. Usually, politicians ask editors or journalists to publish certain news or to hire or fire journalists based on their political convictions. It was also noted that politicians sought to control the media by not allowing certain journalists to attend press conferences. Prestigious international media have written articles about Prime Minister's relationship with the media as well.<sup>27</sup> In Albania, the Prime Minister and the Mayor of Tirana do not hold press conferences. They do not allow independent media to ask questions in public and ignore requests for information or comments. In addition, the Prime Minister has his own ER TV station where he broadcasts government activities, carefully curated by his communica-

tions team. Recently, the government has created the Agency for Media and Information, but it is seen as a disinformation institution in the function of the government.

Media in Kosovo still remain independent and largely unaffected by the Government. According to the 2021 Press Freedom Index by media watchdog organization Reporters Without Borders (RWB), Kosovo is ranked 78<sup>th</sup> out of 180 countries. In a regional comparison, Kosovo is performing considerably better than neighboring countries. However, in recent years, there was a concerning increase in the number of SLAPP (Strategic Litigation Against Public Participation) cases brought before the courts, which are used to threaten and sue journalists and civil society activists in order to silence them. Media covers well the work of CSOs and in many instances they work in tandem to expose corruption cases. Media takes up the input produced by CSOs engaged in monitoring activities which is then further investigated and publicized. The media in Kosovo not only publishes corruption cases when identified but also engages proactively in its investigation. While the media is generally considered free, still, concerns remain regarding public smear campaigns, threats and especially physical attacks on journalists.

Some positive developments show improvement in the media coverage of civil society in North Macedonia. Certain CSOs and think-tanks have been continuously recognized by traditional media outlets, such as the TV (invited to TV debates and

25 Vibrant Information Barometer 2021, [online] Available at: <https://www.irex.org/sites/default/files/pdf/vibe-albania-2021.pdf> [Accessed 4 October 2022].

26 Reporters Without Borders. World Press Freedom Index for Albania, [online] Available at: <https://rsf.org/en/country/albania> [Accessed 4 October 2022].

27 Frankfurter Allgemeine, Dienstag, 30.08.2022, [online] Available at: <https://zeitung.faz.net/faz/medien/2022-08-30/wo-journalisten-umerzogen-werden/798295.html> [Accessed 4 October 2022].

informative programs)<sup>28</sup>. CSOs are considered a relevant partner of the media for providing analyses relevant to the public. This is especially evident in topics relevant to the wider public, such as fight against corruption, justice reforms, the rule of law, etc. This was specifically shared by the networks that work in these areas and have very frequent communication with the media<sup>29</sup>.

According to the 2021 World Press Freedom Index, 2020<sup>30</sup> the situation of the media in North Macedonia worsened. Senior government officials continued to threaten and insult media outlets, while cyber-harassment and verbal attacks against journalists increased on social media. All this served to reinforce the well-entrenched culture of impunity. At the same time, the pandemic complicated the reporting. Organizations that represent the media strongly opposed the various proposed amendments to the state and privately-owned broadcast media law that would allow state advertising in the media. They opposed this on the grounds that it could encourage clientelism. The justice ministry is drafting a new Penal Code that should make journalists and media workers safer.

Analyses, initiatives and proposals of CSOs in Montenegro enjoy significant media coverage. Leaders of the most prominent CSOs are recognized in the public and they appear as frequent interlocutors in the me-

dia on the topics they are experts in. However, there are cases in which media coverage damages the public image of CSOs. One example from 2019 concerns a series of articles that covered millions of Euros that the state and EU had invested in CSO projects, presenting these amounts as net profits by the CSOs.<sup>31</sup> Polarization and politicization of media is main characteristic of Montenegro's media landscape. Countries' inert and unequal approach to media has created atmosphere for journalists not to respect measures. They considered that the order introduced excessive and disproportionate restrictions on the right to freedom of peaceful assembly.<sup>32</sup> However, the Constitutional Court rejected this initiative in January 2021.

Bosnia and Herzegovina's media sector struggles to thrive, with main impediments to progress centering on a weak economic environment for media, lack of quality and diversity in media content, political interference in editorial policies, and impunity for pressure and attacks on journalists. The gap between the media and CSOs in Bosnia and Herzegovina is highly visible. They do not cooperate or support each other enough. Therefore, the fact that CSOs' actions and campaigns receive poor response from "normal" citizens is not at all surprising. Media outlets often ignore CSOs stories as they lack the sensationalism that drives the media industry. On the other

28 Monitoring Matrix on Enabling Environment for Civil Society Development - Country Report for North Macedonia 2020, [online] Available at: [https://mcms.mk/images/docs/2021/Enabling\\_Environment\\_for\\_CS\\_development\\_Report\\_2020.pdf](https://mcms.mk/images/docs/2021/Enabling_Environment_for_CS_development_Report_2020.pdf) [Accessed 29 May 2022].

29 Assessment of the State of the Enabling Environment and Capacities of Civil Society against the Guidelines for EU Support to Civil Society in the Enlargement region, 2014-2020 for the year 2020, [online] Available at: <https://tacso.eu/wp-content/uploads/2022/05/Civil-Society-Assessment-Report-for-2020.pdf> [Accessed 29 May 2022].

30 Reporters Without Borders. World Press Freedom Index 2020, [online] Available at: <https://rsf.org/en/north-macedonia> [Accessed 29 May 2022].

31 2019 Civil Society Organization Sustainability Index. [online] Available at: <https://www.fhi360.org/sites/default/files/media/documents/resource-csosi-2019-report-europe-eurasia.pdf> [Accessed 3 June 2022].

32 "HRA and IA filed an initiative to review the constitutionality of the order banning political rallies", PCNEN, 30.06.2020. [online] Available at: <https://www.pcnen.com/portals/2020/06/30/hra-i-ia-podnijeli-inicijativu-za-ocjenu-ustavnosti-naredbe-o-zabrani-politickih-skupova/>. [Accessed 3 June 2022].

hand, investigative journalism in Bosnia and Herzegovina has contributed significantly to the prosecution of certain corrupt activities. Thanks to investigative journalists and their articles in the past years, investigations have been launched into fraud and illicit activities in public procurement. Thus, thanks to the Center for Investigative Journalism (CIN), judicial institutions are investigating the operations of the company "Lager" for operations worth around 4 million KM. They suspect that the company delivered refurbished machines to customers instead of new ones. In the last year, courts in Bosnia and Herzegovina had rendered verdicts against 13 politicians, directors of public institutions, judges and citizens for abuse of office and election frauds discovered by the Center for Investigative Journalism (CIN). They received a total of 28 years in prison. If all the verdicts become final, they will also be deprived of their illegally acquired property worth 2.4 million KM, while some of them will be found ineligible to hold the office in which they committed the crime<sup>33</sup>. In recent years, the Fokus.ba portal has revealed a series of affairs that resulted in certain moves by the authorities, such as in the "Respirator" (Eng. Ventilators) case, where the court process is ongoing and for which the Prime Minister of the Government of the Federation of Bosnia and Herzegovina and the Minister of Finance, among others, have been accused for non-transparent public procurement of ventilators.

Due to the media capture and lack of media pluralism, the CSOs in Serbia have only a handful of independent media at their disposal through which they can present their work. Since this is not enough to gain substantial public outreach, the CSOs are shifting their efforts to social media, such as Facebook and Twitter, and usually cre-

ating websites where the interested public can easily find the newest data. The public perception of the CSOs that are working on anti-corruption issues is favorable, and they are often recognized as a trustworthy sources.

According to the Media Pluralism Monitor 2021, the political independence of media scored a high risk of 92%, since there is no adequate and efficient legal safeguard against direct or indirect control of media by political actors. The report states that "although private ownership is diverse, the ruling party has enormous influence over the media (via control of advertising, directing of state funds, or direct influence over owners), leading to editorial policies which often have the same direction, news programs frequently resemble each other, while there is a noticeable lack of criticism of those in power".

Western Balkans represent one of the most vulnerable regions in Europe to foreign malign influence. Foreign authoritarian states, primarily Russia and China have intensified their sharp power influence efforts to derailing faith in liberal democracy and presenting authoritarianism as a more viable political alternative. This has been particularly evident in the process of capturing Balkan media. Kremlin has been able to gain a foothold in Balkan media-spheres, intimidating journalistic independence and disseminating its preferred narratives. Kremlin's aim is to win hearts and minds of Balkan publics in an attempt to undermine the attractiveness of the Western liberal democratic model of governance. In addition, Russian state-owned propaganda outlets make their content freely available for republishing in local languages, which facilitates the uptake of pro-Russian media content. Another feature of Russian media

<sup>33</sup> CIN web article, [online] Available at: [https://cin.ba/nakon-pisanja-cin-a-devet-presuda-13-osudenih-28-godina-zatvora/?fbclid=IwAR14oK9VTYFJo26c7Xtj95Pq\\_JeTgNUc3USvS1x1Y8R3YJ0bJOeKdo8b6S8](https://cin.ba/nakon-pisanja-cin-a-devet-presuda-13-osudenih-28-godina-zatvora/?fbclid=IwAR14oK9VTYFJo26c7Xtj95Pq_JeTgNUc3USvS1x1Y8R3YJ0bJOeKdo8b6S8)

influence is the presence of common disinformation narratives and narration styles, depending on the degree of political, economic and ideological distance between a domestic Balkan media channel and Russia. The more closely (politically and economically) integrated a given outlet is with the (pro-) Russian oligarchic networks, the more explicitly biased its relation of Russian disinformation narratives will be.<sup>34</sup>

## COVID INFLUENCE

The COVID-19 pandemic had an impact on the work of CSOs in several ways. Initially, the financial sustainability was put in question, primarily since the CSOs were not properly included in financial packages of the government intended to ease the economic impact of the pandemic as were other sectors. Also, gatherings and public consultation process were restricted during the pandemic, which limited the possibility of CSOs to properly conduct some activities like monitoring.

Although challenging, the sector shifted most of its work online and adapted to the “work from home” concept. Projects continued online and most CSOs quickly adjusted to the new circumstances, except smaller, local level CSOs that struggled to secure and use adequate technology and tools for online work. Positively, shifting the activities online has brought bigger attention and visibility of the CSOs work done throughout the year, and their contribution to society has been more recognized by

the citizens. On the other hand, the lack of involvement of CSOs in the national crisis management bodies and the lack of cooperation and consultation with civil society indicates that governments around the region still do not sufficiently acknowledge the value and expertise of civil society enough.

CSOs have faced a number of challenges in implementing their program activities and ensuring financial sustainability due to the outbreak of the coronavirus pandemic. In Montenegro, the survey conducted in April 2020 by CRNVO shows that CSOs had encountered serious problems in their functioning in that period already. According to the research, 85.9% of the surveyed organizations said that the coronavirus pandemic affected the work of their organization. As key problems, over 42% of CSOs pointed out delays in the implementation of signed financing agreements, about 35% inability to pay bills for office rent, electricity, internet and maintenance, and over 19% stated the cancellation of office rent. Also, about 9% of organizations stated that they had to lay off employees and 7% to reduce the amount of salaries of employees.<sup>35</sup>

The COVID-19 pandemic caused high financial costs for the Albanian government. According to reports from the Ministry of Finance analyzing budget indicators, this pandemic reduced state budget revenues by no less than EUR 593.5 million and also increased expenditures beyond forecasts<sup>36</sup>. Covid-19 contracts procured by the Ministry of Health are about EUR 11 million<sup>37</sup>. After reviewing procurement data,

34 Tackling Kremlin’s Media Capture in Southeast Europe, [online] Available at: [https://csd.bg/fileadmin/user\\_upload/publications\\_library/files/2021\\_03/KP5\\_ENG\\_WEB.pdf](https://csd.bg/fileadmin/user_upload/publications_library/files/2021_03/KP5_ENG_WEB.pdf) [Accessed 5 October 2022].

35 Ana Novakovic Djurovic, Rados Musovic, *Influence of COVID-19 on work of non-governmental organizations in Montenegro*, CRNVO, 2020, [online] Available at: <https://crnvo.me/wp-content/uploads/2021/02/lzvjestaj-oticaju-Covid-19-na-rad-NVO-u-Crnj-Gori.pdf> [Accessed 3 June 2022].

36 Albania State Budget Reports during the Pandemic, [online] Available at: <https://financa.gov.al/raporte-per-covid-19/> [Accessed 10 May 2022].

37 Open Data Albania, Health Expenditures, State Budget 2020, [online] Available at: <https://ndiqparate.al/?p=11315> [Accessed 10 May 2022].



14 public tenders were conducted between March and May 2020 by the Ministry of Health and Social Protection<sup>38</sup>. The tenders were closed without prior public notice, so it is unknown how many companies participated and what conditions or criteria the procurement commission applied during the tender award. These tenders are classified as “secret”. Contracts signed between authorities and companies are also not available to the public.

CSOs in Kosovo showed great resilience during the pandemic period, particularly in monitoring and flagging corruption-prone cases due to the use of accelerated procedures in public procurement, while the schedule of structured working group meetings between the government and CSOs regarding government strategy for cooperation with civil society for the period 2019-2023 and its action plan have been disrupted due to the COVID-19 restrictions.

At the beginning of the COVID19 crisis in Serbia the government used the state of emergency to curtail civil liberties. This led to further narrowing of the civic space, creating an even harsher environment for the independent journalists, human rights defenders and watchdog organizations, which have been subjected to smear campaigns long before the crisis started. Government’s conclusion derogated the Law on Public Procurement and all procurements related to COVID-19 were declared secret, although the law does not recognize this possibility. Thus, all the procurements that were published after 1 July 2020, due to the scarce information and non-transparent process, were either purely illegal or at least suspected of non-compliance. One of the cases that raise suspicion is the pro-

urement of equipment for the hospital in Batajnica and Krusevac. In this case, the law has been ignored, and competition was limited to companies to which the Ministry of Health has sent an invitation based on unknown criteria. The cases of procurement of ventilators and other medical equipment from the beginning of the pandemics, for which the Republic Health Insurance Fund refuses to provide information, although there is a justified interest of the public to know, are disputable, as well as questionable agreements on the procurement of PCR tests worth millions of Serbian dinars concluded in July 2020.

Even before the pandemic, the Western Balkans struggled with underdeveloped economies, weak democratic institutions, varying degrees of authoritarianism and state capture, as well as competing foreign influences in their countries. COVID-19 was a huge challenge that left the region even more vulnerable. Although Western Balkans countries are not their member state, the EU response to the COVID-19 crisis in this region was very significant. The EU together with the EIB mobilized over EUR 3.3 billion of support to the Western Balkans for tackling coronavirus health crisis and post-pandemic socio-economic recovery.<sup>39</sup>

## POLICY RECOMMENDATIONS

### Policy Recommendations for CSOs

- It’s crucial that more CSOs in the Western Balkans choose to make efforts in the field of good governance and fight against corruption.
- Although the space for civil society is shrinking, CSOs needs to continue their

38 BIRN. Concern in Albania over secret tenders for COVID-19, [online] Available at: <https://www.reporter.al/2020/10/07/shqetesim-ne-shqiperi-mbi-me-tenderet-sekret-per-covid-19/> [Accessed 10 May 2022].

39 EU support to Western Balkans in tackling COVID-19, [online] Available at: [https://neighbourhood-enlargement.ec.europa.eu/system/files/2021-12/17.12.2021-coronavirus\\_support\\_wb.pdf](https://neighbourhood-enlargement.ec.europa.eu/system/files/2021-12/17.12.2021-coronavirus_support_wb.pdf) [Accessed 5 October 2022].

work not only by identifying organized crime and corruption, but also by raising collective awareness about the related problems and their impact. Therefore, civil society needs to be creative in using tools such as big data and social media to promote integrity, transparency, accountability and good governance.

- Develop more significant partnership and mechanisms for cooperation between the government and CSOs that will enable CSOs to become more involved in all phases of processes that lead to policy, legal and strategy reforms in the Western Balkan countries. Face-to-face meetings and consultations between governments and CSOs need to be obligatory. CSOs should be included in government working groups, and proactively send one-pagers, policy briefs and opinions to the key government bodies.
- CSOs and the media need to strengthen the cooperation in order to increase public presence and to express independent attitudes and opinions regarding key society issues in all of the Western Balkan countries.
- Networking and more cooperation between CSOs in the Western Balkan, especially in research and advocacy activities are highly recommended. Currently active anti-corruption networks should aim on drafting and implementing joint projects that refer to creation, implementation and evaluation of results of public policies in the field of anti-corruption.

### **Policy recommendations for government representatives in the Western Balkan countries**

- Governments need to demonstrate real political will to fight corruption by involving all stakeholders in this process. This entails conduct of transparent and accountable consultative processes that will lead to the creation of anti-corruption policies tailored to the needs of citizens, not individuals.

- Government representatives need to show their will and readiness to improve the dialogue and cooperation with CSOs that will enable their engagement in the process of creating public policies through information exchange and consultations, as well as through nominating representatives of CSOs in temporary and permanent working bodies when dealing with the problem of corruption.
- It is necessary to improve funding for the CSOs in general and the CSOs working in the field of good governance and fight against corruption, as well as to establish mechanisms for transparent financing of the programs and projects.
- Participate and support activities of the existing anti-corruption CSO networks and coalitions, and initiate creation of the new ones in order to ensure better dialogue and more effective cooperation of the competent state bodies and institutions with CSOs.
- Participation in public debates and other public actions, as well as finding a way to include citizens in debates on public issues.

### **Policy recommendations for donors and international community**

- Donors should rely more on the national expertise of the CSOs and provide them flexibility when selecting their research and advocacy areas, based on the needs identified on the ground.
- The international community should focus more on facilitating the dialogue between civil society and government.
- CSO networks working in the field of good governance and fight against corruption need to be more encouraged, because they are an important element for improving the CSOs' knowledge base and contribute to their constructive cooperation with state institutions.



The project is implemented by: **Macedonian Center for International Cooperation (MCIC)**, North Macedonia  
in cooperation with:

**Center for the Study of Democracy (CSD)**, Bulgaria,  
**Albanian Center for Economic Research (ACER)**, Albania,  
**Institute for Democracy and Mediation (IDM)**, Albania,  
**Centers for Civic Initiatives (CCI)**, Bosnia and Herzegovina,  
**ZastoNE**, Bosnia and Herzegovina,  
**Partnership for Social Development (PSD)**, Croatia,  
**Riinvest Institute**, Kosovo,  
**Institute for Democracy "Societas Civilis"- Skopje (IDSCS)**, North Macedonia,  
**The Center for Democratic Transition (CDT)**, Montenegro,  
**Institute Alternative (IA)**, Montenegro,  
**Centre for Contemporary Politics (CCP)**, Serbia,  
**Turkish Economic and Social Studies Foundation (TESEV)**, Turkey



This policy brief was produced with the financial support of the European Union (EU). Its contents are the sole responsibility of SELDI.NET and do not necessarily reflect the views of the EU.

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