

**SOME REFLECTIONS ON
ANTI-CORRUPTION AND “STATE CAPTURE”
(CASE OF ALBANIA)**

by

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Round Table:

The Anti-Corruption Agenda for Southeast Europe after the 2016
Enlargement Package: How to Break the State Capture Deadlock and
Make Enlargement Deliver Again?

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KEY ISSUES FOR DISCUSSION

- **Brief overview on the main issues of European integration of Albania;**
- **Civil society, as the key actor for public anticorruption awareness, good governance and European integration;**
- **The role of civil society: main achievements and challenges for a successful fight against corruption;**
- **Some modest proposals on the role of CSO and international structures and the cooperation with civil society regarding the European integration process of Albania.**

1. Brief overview of the main issues of European integration of Albania

- **Public administration reform:** modern legislation, nepotistic appointments based on party affiliation, purchase of public posts, poor performance of the administration in provision of public services;
- **The judicial reform:** The fundamental amendment of the Constitution under a high pressure of Europeans and Americans without a real involvement of Albanian citizens / voters, lack of consensus for some basic legal acts, new judicial institutions in the process of creation, contradictory reactions including the institutions affected by the reform process. It is currently under discussion by the Venice Commission "Law for Vetting" and the country is being prepared for general election campaign in the summer of 2017;
- **The fight against corruption:** Albanians perceive that corruption is widespread in many sectors (judges, customs office, public prosecutors, political parties-*CMS, SELDI, 2016*). Setting up an independent anti-corruption unit can be considered a fundamental and indispensable issue.

1. Brief overview of the main issues of European integration of Albania (cont.)

- **Tangible results in the fight against corruption and drugs:** It is imperative to increase penalties toward senior officials involved in corruption practices (SELDI, 2016). The fight against organized crime and drugs, has been recently becoming a pressing issue;
- **Respect for human rights** based on the recommendations of the European Commission's progress report;
- **Fulfilling the recommendations of the OSCE / ODIHR and their implementation to the 2017 elections** in order to meet the European standards;
- **Decriminalization:** this is an important law adopted two years ago and it has to do with the reform of the administration and political representation of persons with criminal past and preventing their involvement in the future.

2. Challenges of CSO in Albania

- **Historical background:** The heritage of the communist period, closed society, lack of the community values, apathetic attitudes to the common fate, almost total dependence from government;
- **After 1990-s:** slower growth, efforts to influence the community for establishing a vision for freedoms and human rights, for good governance and accountability, for the pro-orientation towards the market economy and open society, public awareness for the role of the individual in government (civil participation), etc;
- **The last decade:** fragmentation of the civil society, the visible dependence on donors' funds, pragmatism and becoming GONGO, disappointment by civil society figures who were involved in politics, serious problems of internal management, etc.

2. Challenges of CSO in Albania (cont.)

Some current problems of civil society:

- Deteriorating of **public trust into civil society role**;
- **Use of some segments of civil society by the government** as a counterweight to the critical voices toward the government (its politicization);
- **Shrinking the role of pressure groups** that help to expand civic activism;
- **A mixture of the functions of civil society with the role of the consultancy company**;
- **Reducing the number of activists / civil society organizations that consistently are being motivated in an idealistic way by public interest**;
- Increased patronage by donors, decrease of the attention of the latter to the expected results, and increase of the impact of the government's segments in the allocation of funds;
- Display of **conflicts of interest related to individual and / or family members of senior officials in the management of civil society organizations, decision-making boards for projects, etc.**

3. The role of CSO in Albania

Achievements of civil society over the last decade:

- Increasing **the capacity and the level of expertise** for the CSOs exponents in addressing the current problems of society (SELDI);
- **the focus of the activity of civil society organizations in the acute problems of the current period** such as: freedoms and human rights, good-governance and anticorruption, social status of women and domestic violence, interference of the lobbies of business in political life and state capture, joint mobilization for community interests (the protest against chemical weapons), etc;
- The growth of **social activism of the youth CSO**;
- Establishing **contacts with CSO of neighbor countries and EU members, etc.**

3. The role of CSO in Albania (cont.)

The role of civil society in the fight against corruption:

- Increase public awareness especially about the consequences of bad governance and "state capture";
- Monitoring of public policies in public procurement and concessions, which constitute the "zone of risk" for the capture of the state in the case of Albania (SELDI, 2016);
- Increase the professional capacities of CSO hence providing professional reports and studies which have been recently taken and used by government;
- Increase and robust the grassroots collaboration.

4. Modest proposals

After the successful completion of this phase of SELDI project, some reflections may be as follows:

1. The success of the fight against corruption and "state capture" significantly depends on **the continuation of the effort to mobilize the community not only to understand the consequences of these phenomena, but above all to strengthen the civil reaction against abusers of public trust;**
2. Civil reaction toward the abuse of public trust can be strengthened if reforming processes and EU approach include elements such as:
 - ***Assistance with the democratization of political parties through the introduction of balancing, controlling and accountability mechanisms to their organization.***
 - ***Amendment of the electoral legal framework to reduce the uncontrolled power of political leaders.***

4. Modest proposals (cont.)

3. Addressing **more directly the issues of the country and reform processes that push the country close to the EU**, by the top representatives of the EU;
4. For the success of the fight against corruption and "state capture" in countries such as Albania, it is necessary an effective **collaboration between CSOs and mass media, especially with media investigative reporters**;
5. It is an undeniable truth **that the faith of the Albanian citizens to the EU is higher than on the political leadership democratically elected.**

4. Modest proposals (cont.)

Last but not the least, I strongly believe that the **role of CSO** in the process of EU integration **is fundamental** hence the support provided by EU in regards of projects and not only, contributes to this process. In addition, **encouraging of debate between CSO-s** before the EC report is issued, creates the ground for increasing the public awareness, increasing the citizens knowledge on benefits/costs of the process and associated with the positive public pressure toward the political leadership, accelerates the European integration of Albania.



Thank you !