

## RULE OF LAW AND CORRUPTION IN NORTH MACEDONIA

Mira Jovanovska

University of Skopje

**Abstract:** *When the idea of EU enlargement towards Central and Eastern Europe matured, the EU Council defined the Copenhagen criteria (1993) for accession to the EU. A candidate country is expected to have stable institutions that guarantee democracy, the rule of law, human rights, respect for and protection of minorities, the existence of a functioning market economy and the ability to cope with competitive pressure and market forces within the Union. These criteria were reinforced by the conclusions of the Madrid European Council (1995). The EU required candidate countries to promote and build the rule of law and the fight against corruption. N. Macedonia became the first aspirant country to sign the Stabilisation and Association Agreement (2001). In 2005, N. Macedonia was granted EU candidate status. Twenty years later, the results in the areas of the rule of law and the fight against corruption are not encouraging. The stay of the European expert Reichard Priebe (2016 – 2017) helped to diagnose weaknesses but did not help to overcome them. According to Freedom House in 2024, North Macedonia took a step back in the rule of law. The research goal of this paper is to identify the fundamental weaknesses of the political and legal system of North Macedonia that increase corruption and weaken the rule of law. The conclusion is clear that organized crime and the influence of the executive branch over the judiciary is a significant weakness in the country.*

**Keywords:** *Rule of Law; Corruption; North Macedonia; European Union; Pribe Report*

### INTRODUCTION

In 2018, in the document called Twelve proposals for EU enlargement form the Western Balkans prepared by international experts of the European Movement, it was concluded that (Medak et al. 2018) “the enlargement of the European Union to the Western Balkans (WB) has become an endless story that is at a crossroads: either to accelerate and increase its efficiency, or to lose credibility and become a meaningless policy”. In this essay, the vision is emphasized that by 2025, i.e. by the period when we are writing this paper, the enlargement is feasible by the end of this year at least for Serbia and Montenegro. And for a shorter period, the other countries of the Western Balkans would supposedly realize their membership in the EU by 2027. These ambitions would be realized provided that changes and reforms adapted to the regional context are accepted and implemented. Experts propose a dozen mandatory reforms that would stimulate the enlargement process and ease the path of candidates to meet the accession criteria. At the center of this reform focus is the fight against corruption as a central theme of the rule of law, one of the greatest weaknesses of the candidate countries for EU membership. In the recent history of the European visions of the Western Balkan countries, including North Macedonia, in June 1999 they welcomed with pleasure the Stabilization and As-

sociation Process launched by the EU. In the same direction of the pro-European orientation of the Western Balkans, the EU Summit in Thessaloniki in 2003 was realized. The EU Council announced a wide opening of the EU doors to the Western Balkan countries, “provided that they meet the membership criteria defined at the EU Summit in Fiera 2000.” A quarter of a century later, of the six Western Balkan countries, only Croatia gained membership in the European Union. The fact is that among the membership criteria imposed a) The new methodology for membership negotiations; b). the need for more funds for the accession process, c) faster adaptation to the rules of the single European market and accelerated economic development, but it seems that the biggest problems arise from d) the range of measures for the rule of law as an essential obligation to demonstrate the readiness of the Western Balkans for EU membership. The Republic of North Macedonia, which was constantly blocked from membership in the EU until 2018 due to the name issue with the Republic of Greece, was also facing other problems for EU membership arising from the Copenhagen Declaration, from the decisions of the EU Council at the Madrid Summit (1995) when the procedure for analyzing EU candidacy was defined with Art. 49 and the final declaration of the Fiera Summit (2000). Internally, the country was faced with the typical weaknesses of an illiberal democracy that most weakened the rule of law and the fight against corruption. Faced with the worrying rule of law issues and growing corruption, the EU sent one of the former EU directors, Reinhard Priebe, to North Macedonia in 2015. On 8 June 2015, the First Priebe Report was published, consisting of specific recommendations in five key areas: the control of communications, the judiciary and prosecution, external oversight by independent bodies, the manner of conducting elections, and the situation in the media. The recommendations of this report became urgent reform priorities. The Report published in June 2015 at the height of the political crisis in the country, known as the First Report of the Expert Group headed by R. Priebe, highlighted the need to implement the identified weaknesses “as a matter of urgency”. Two years later in 2017, in a new report, European Commission experts led by Reinhard Priebe proposed a series of reforms in key sectors and institutions in the country. In Priebe’s opinion, almost none of the recommendations from the previous report have been implemented. (Georgievski 2017) The report is divided into four chapters: Judiciary, Law Enforcement and Prosecution, Independent Bodies and Media and Civil Society. Specific recommendations are listed for all four chapters. The expert group recommends that, if the state has serious pro-European ambitions, it must not allow “the mistakes of the past to be repeated and one form of captive state must not be replaced by another. Some moves that will be made in the near future will undoubtedly be a test in that direction”, the report concludes. What is the state of play today, eight years after the second and final Priebe report, with regard to the rule of law and the fight against corruption in North Macedonia? Has any progress been made in these areas, which directly relate to chapters 23 and 24 of the New European Union Enlargement Strategy?<sup>1</sup>

## **METHODOLOGICAL APPROACH**

The basic hypothesis that we confirm in this paper is the assumption that the rule of law and the fight against corruption in North Macedonia depend on deepening the reforms of institutions, the depoliticization of the judiciary, and the reduction of the excessive monopoly of the ruling parties in all spheres of life. For the scientific evaluation of the topic, we will adhere to the methods of scientific analysis and synthesis, quantitative and qualitative methods.

## **THE SITUATION OF THE RULE OF LAW AND THE BATTLE AGAINST CORRUPTION IN NORTH MACEDONIA**

Although there is no universal definition of corruption, it is undoubtedly as old as human history. From the First Dynasty (3100–2700 BC) in ancient Egypt, when corruption was first observed in the judiciary (El-Saady 1998) to the large-scale money laundering operations uncovered today, (EPPO 2023) the fight against corruption is still ongoing. However, in the twenty-first century, we must also consider other rights and obligations that lie on the other side of the fight against corruption, such as the right to the protection of personal data. The report prepared by the EU expert group headed by Reichard Priebe in 2015 provides the most adequate picture of the state of the rule of law and the fight against corruption in North Macedonia. The first report, which is the basis for the EU Progress Report on the country's path to the EU, highlighted 12 recommendations that should have been implemented by 2017 in order to reduce the massive corruption that is destroying the system in the country. During the presentation of the annual progress report, Enlargement Commissioner Johannes Hahn said that Macedonia will have a recommendation to start membership negotiations with the European Union when the Pržino Agreement is implemented. The country is conditioned by the implementation of the agreement and progress in urgent reforms, and a new report is announced after the elections in 2016. "The Commission is giving Macedonia a recommendation, but it is conditional on the implementation of the Pržino Agreement and the implementation of urgent reforms. This issue will be reopened after the elections in April 2016", said Hahn. Commissioner Hahn expressed concern about what he called a political system undermined by corruption. "The massive wiretapping of conversations (by the Security and Counterintelligence Directorate of the Ministry of the Interior) in which high-ranking government officials are clearly involved, makes it clear that there is a violation of fundamental rights, interference in judicial independence, in media freedom, in elections, as well as corruption," said Hahn to the members of the European Parliament's Foreign Affairs Committee, describing the Macedonian crisis as a result of the illiberal democracy and authoritarianism that the VMRO-DPMNE government has established in the past ten years, and is considered the most serious crisis since 2001. (Jovanovski 2015)

The most critical part of the Report prepared by the expert group of Reichard Priebe is the section dedicated to the judiciary. It emphasizes that only one of the 12 recommendations proposed in the 2015 report has been implemented. In addition,

it is concluded that numerous negative practices from that period continue: “The control and abuse of the judicial system by a small group of judges in powerful positions who serve and promote political interests have not diminished in any significant way. These judges continue to exert pressure on their junior colleagues through control over the system of appointment, evaluation, promotion, discipline and dismissal that is used to reward the obedient or punish those who oppose them.” The problem, it goes on to say, is not in bad laws or legal structures, but in the behavior of judges, albeit a minority of them. What is perhaps most significant in this section is that the expert group rejects the new government’s announcements of a general purge of the judiciary. Measures should be taken against those who have abused their position, but “a general re-election of judges is not recommended because abuses of the judiciary are not universal.”

The Special Public Prosecutor’s Office stems from the Przino Agreement, an agreement signed between the leaders of the four largest political parties to resolve the political crisis in Macedonia. The SPO was established by the Law on Public Prosecutor’s Office to prosecute crimes related to and arising from the content of the illegal interception of communications. On 15.IX. 2015, the Council of Public Prosecutors elected Katica Janeva to the position of Special Public Prosecutor.

However, precisely because of corrupt actions, Special Public Prosecutor Katica Janeva was convicted in June 2020 of abuse of office and authorized a seven-year prison sentence in the “Racket” case. She asked to be pardoned, Macedonia probably has reason to regret after the sad story of the Special Public Prosecutor’s Office. The State Audit Office revealed that in the period 2015 – 2019, 4.5 million euros were spent only on compensations other than salaries, of which 157 thousand euros were for the head Katica Janeva alone. The compensations were given without prescribed criteria. The total amount for salaries and allowances for the same period is about 12 million euros. (Kramarska 2024)

## CONCLUSION

Negotiating Chapter 23 is a new chapter, added after the fifth and sixth waves of enlargement of the European Union. The subject matter covered in this chapter concerns the fulfilment of the political criteria which are a basic prerequisite for further European integration of the candidate countries for accession to the EU. At EU level, there are few regulations governing the matters covered by this chapter, as it is largely left to the Member States to regulate these areas themselves and to apply the best European practices to the standards which are the fundamental values on which the European Union is based. The policy objective of this chapter is to maintain and protect the rule of law through an independent and impartial judiciary; apply practices in the judiciary which will make it more efficient, accountable and professional; implement an anti-corruption policy in order to remove political influence on the institutions, and modernize the laws and protocols related to human rights and fundamental freedoms of citizens. By implementing this chapter, there is an opportunity to improve the quality of the judiciary and the rule of law, to protect

and continuously develop human rights and to implement anti-corruption policies in order to apply the principles of independence, impartiality, efficiency, accountability and professionalism in all institutions. EU policies in the field of judiciary and fundamental rights aim to maintain and further develop the Union as an area of freedom, security and justice. The chapter is divided into four thematic parts which include measures on: judicial reform, anti-corruption policy, fundamental rights and rights of EU citizens.<sup>2</sup>

**Judicial reform.** The establishment of an independent and efficient judiciary is of paramount importance for the Union. Impartiality, integrity and a high standard of decision-making by the courts are essential for protecting the rule of law. Serious efforts are needed to eliminate external, often political, influences on the judiciary, and to allocate adequate financial resources and training. The aim is for the judiciary to be independent, impartial, effective, accountable and professional. A number of documents containing principles for the judiciary, judges and public prosecutors have been adopted within the framework of the Council of Europe: Council of Europe Recommendation CM/Rep (2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and accountability; Council of Europe Recommendation Rec (2000)19 on the role of public prosecutors in the criminal justice system; European Charter on the Statute of Judges (1998); Magna Carta for Judges (Fundamental Principles) (2010); European Guidelines on Ethics and Conduct for Public Prosecutors (Budapest Guidelines adopted by the Conference of Prosecutors of Europe on 31 May 2005).

**Anti-corruption policy.** The European Union requires countries to effectively combat corruption, as it poses a threat to the stability of democratic institutions and the rule of law. The subject discussed in this chapter concerns the fulfilment of the political criteria which are an essential prerequisite for further integration. The candidate country must fully align with the EU *acquis* and demonstrate a willingness to make tangible results in preventing and fighting corruption. Given that the aim of the negotiations is for a candidate country to join the EU, it is necessary to establish mutual trust and ensure the functionality of the system, respecting the values of the European Union itself. The international and domestic legal framework for combating corruption includes the following conventions and laws: the Criminal Law Convention against Corruption and the Civil Law Convention against Corruption of the Council of Europe, the UN Convention against Corruption, the UN Convention against Transnational Organized Crime, the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, as well as the transposition of Directive 2014/42/EU on the Freezing and Confiscation of Illegally Acquired Assets and Criminal Procedure in the EU.

## NOTES

1. On March 25, 2020, the Council approved a new methodology for the integration process, following a proposal from the European Commission.
2. Судство и фундаментални права. <https://eu.org.mk/chapters/poglavje-23/> [viewed 26 June 2025]

## REFERENCES

- EL-SAADY, H., 1998. Considerations on Bribery in Ancient Egypt. *Studien Zur Altägyptischen Kultur* 25, pp. 295–304. Available from: <http://www.jstor.org/stable/25152765>
- EPPO, 2023. *Operation in Italy against criminal group under investigation for massive VAT fraud: 12 arrests, including four public officials* Available from <https://www.eppo.europa.eu/en/news/operation-italy-against-criminal-group-under-investigation-massive-vat-fraud-12-arrests>
- GEORGIEVSKI, B., 2017 <https://www.dw.com>, Deutsche Welle, 17.09.2017
- JOVANOVSKI, B. 2015. *Obavjen e izveshtajot za napredokot na Makedonija* [published 10 November 2015] [viewed 26 June 2025]. Available from <https://mk.voanews.com/a/>
- KRAMARSKA, S. 2024, *Katica za se* [published 31 July 2024] [viewed 26 June 2025]. Available from: <https://www.dw.com/mk/katica-za-se/a-69815648>.
- MEĐAK, V., LOPANDIĆ, D., BOBIĆ, M. and KNEŽEVIĆ, I., 2018. *Twelve Proposals for EU Enlargement from the Western Balkans*. Belgrade: Evropski Pokret u Srbiji.

## ВЪРХОВЕНСТВО НА ЗАКОНА И КОРУПЦИЯ В СЕВЕРНА МАКЕДОНИЈА

**Резюме:** Когато идеята за разширяване на ЕС към Централна и Източна Европа узрява, Съветът на ЕС определя „Копенхагенските критерии“ (1993) за присъединяване към ЕС. Очаква се страната кандидат да разполага със стабилни институции, които гарантират демокрацията, върховенството на закона, правата на човека, зачитането и защитата на малцинствата, съществуването на функционираща пазарна икономика и способността да се справя с конкурентния натиск и пазарните сили в рамките на Съюза. Тези критерии бяха подсилени от заключенията на Европейския съвет в Мадрид (1995 г.). ЕС изисква от страните кандидатки да насърчават и изграждат върховенството на закона и борбата с корупцията. Северна Македония стана първата страна кандидатка, подписала Споразумението за стабилизиране и асоцииране (2001 г.). През 2005 г. Северна Македония получи статут на кандидатка за ЕС. Двадесет години по-късно резултатите в областите на върховенството на закона и борбата с корупцията не са обнадеждаващи. Престоят на европейския експерт Райхард Прибе (2016 – 2017) помогна за диагностицирането на слабостите, но не помогна за преодоляването им. Според Freedom House през 2024 г. Северна Македония е направила крачка назад по отношение на върховенството на закона. Целта на изследването на тази статия е да се идентифицират фундаменталните слабости на политическата и правната система на Северна Македония, които увеличават корупцията и отслабват върховенството на закона. Изводът е ясен, че организираната престъпност и влиянието на изпълнителната власт върху съдебната власт са значителна слабост в страната.

**Ключови думи:** Върховенство на закона; корупция; Северна Македония; Европейски съюз; доклад на Прибе

**Mira Jovanovska, PhD Candidate**

Scientific Advisor: Prof. Nano Ruzin, PhD

University of Skopje

Skopje, Republic North Macedonia

E-mail: mirajovanovska@yahoo.com