

CONTEXTUALISED POLICY DOCUMENT

SECOND REGIONAL EXPERT MEETING ON CLUSTER 1 – FUNDAMENTALS

“LET JUSTICE RULE THE REGION”



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Based on the conclusions of the Regional Expert Meeting held in Skopje on 19 October 2023

North Macedonia – Serbia – Albania

The challenges of the Western Balkans regarding the Rule of Law and Good Governance - progress and obstacles

This Policy Paper presents the principal findings and recommendations arising from the Second Regional Expert Meeting on Cluster 1 – Fundamentals, held in Skopje on 19 October 2023 within the regional project “Let Justice Rule the Region.” The meeting brought together representatives of public institutions, civil society organisations (CSOs), academia and the National Conventions on the European Union from North Macedonia, Serbia and Albania,¹ providing a regional platform for dialogue on the implementation of reforms under Cluster 1 – Fundamentals.

The programme consisted of an official opening session followed by two thematic panel discussions. The first panel, “The Challenges of the Western Balkans Regarding the Rule of Law and Good Governance – Progress and Obstacles,” examined the principal political and institutional factors affecting the implementation of rule-of-law reforms across the region. The second panel, “The State of National Public Policies in the Areas of Judiciary and Fundamental Rights, Justice, Security, Transparency of Public Finances and Other Issues under Cluster 1 – Fundamentals,” focused on the progress and implementation challenges of national reform policies, drawing on comparative experiences from the three participating countries.

Beyond its thematic focus, the conference highlighted the added value of regional cooperation as an important dimension of the EU accession process. Throughout the discussions, participants emphasised that regional initiatives provide a unique opportunity to exchange experiences, compare reform approaches and identify common challenges, thereby strengthening the capacity of the Western Balkan countries to advance reforms under Cluster 1 – Fundamentals. Equally important was the structured dialogue methodology underpinning the event, which enabled an inclusive and balanced exchange among public institutions, civil society organisations, academia and other relevant stakeholders. Particular emphasis was placed on the contribution of CSOs, whose analytical work, policy recommendations and advocacy initiatives continue to play an important role in promoting the rule of law throughout the accession process.

The Policy Paper represents a civil society-led regional contribution and does not constitute an official position of the participating governments or institutions.

2. Regional and European Policy Context

¹ The lead partner of the project was the National Convent Serbia (EU Convent). The project partners were the European Movement in the Republic of North Macedonia, implementing the NCEU-MK, and the European Movement in Albania, implementing the National Convention in Albania.

The strategic importance of EU enlargement has increased considerably in recent years as a consequence of profound geopolitical, economic and security developments affecting both the European Union and its neighbourhood. The COVID-19 pandemic exposed structural vulnerabilities in public governance, healthcare systems, supply chains and economic resilience, while the [NextGenerationEU](#) recovery programme demonstrated the importance of coordinated European responses, institutional capacity and effective public administration in addressing large-scale crises.

Soon after Europe entered the post-pandemic recovery period, the Russian military aggression against Ukraine fundamentally transformed the European security architecture. The return of war to the European continent, growing geopolitical competition, foreign interference, disinformation campaigns, energy insecurity and hybrid threats reinforced the understanding that enlargement is no longer only a policy of integration but also a strategic instrument for safeguarding European peace, stability, democratic resilience and long-term security.

Within this new geopolitical environment, the Western Balkans have acquired renewed strategic significance. The European Union increasingly recognises that the region's democratic transformation, economic convergence and institutional resilience are inseparable from the Union's stability and security. Consequently, enlargement has evolved from a predominantly technical accession process into a geopolitical priority requiring credible reforms, stronger democratic institutions and greater regional cooperation.

Although the Western Balkan partners were at different stages of the EU accession process in 2023, they shared many common structural challenges. Serbia had already accumulated almost a decade of accession negotiations, having opened all chapters under Cluster 1 – Fundamentals and gained substantial experience in implementing EU accession benchmarks. In contrast, North Macedonia and Albania had only recently entered the analytical screening phase following the launch of accession negotiations in 2022. Despite these procedural differences, the three countries faced remarkably similar challenges related to the implementation of reforms, institutional capacity and the rule of law.

In contrast, North Macedonia and Albania had only recently launched accession negotiations following the First Intergovernmental Conferences held in July 2022 and were in the analytical screening phase of the EU acquis, representing the first substantive stage of the revised enlargement methodology. Consequently, although the procedural stages differed, the reform agenda of all three countries remained centred on the same set of fundamental priorities under Fundamental Cluster – the rule of law, judicial independence, reforming public administration, the fight against corruption and organised crime, and the protection of fundamental rights.

Despite the renewed political momentum surrounding EU enlargement, the accession process across the Western Balkans continued to advance at different speeds. Serbia remained the most advanced negotiating country, while North Macedonia and Albania had only recently launched accession negotiations and entered the analytical screening phase. For North Macedonia, however, the accession process is marked by an additional layer of uncertainty arising from the integration of commitments related to bilateral issues into the Negotiating Framework. The inclusion of obligations stemming from the bilateral Protocols generated significant public debate and political polarisation, reinforcing scepticism about the predictability of the accession process and raising broader questions regarding the relationship between the merit-based principle of enlargement and the treatment of bilateral issues. Bosnia and Herzegovina had only recently obtained EU candidate status (December 2022) and was working towards fulfilling the conditions

for opening negotiations, whereas Kosovo had submitted its application for EU membership in December 2022 and continued implementing the Stabilisation and Association Agreement.

Nevertheless, all Western Balkan partners shared remarkably similar reform challenges. Strengthening the rule of law, ensuring judicial independence, combating corruption and organised crime, improving public administration, protecting fundamental rights and enhancing institutional accountability remained among the most demanding priorities across the region.

A cross-cutting conclusion emerging from the discussions was that the Western Balkan countries no longer face a shortage of technical expertise or reform capacity. Rather, the decisive factor for future progress lies in institutional responsibility and the ability of political leaders to take timely strategic decisions, sustain reform momentum and navigate an increasingly complex political and geopolitical environment.

2. Main Findings of the Regional Expert Meeting

The discussions in Skopje demonstrated that, despite being at different stages of the EU accession process, North Macedonia, Serbia and Albania shared remarkably similar challenges across the areas covered by the Fundamentals Cluster. Participants agreed that strengthening the rule of law requires far more than legislative approximation. It requires an independent and impartial judiciary capable of applying the law equally to all citizens, free from political influence, while ensuring effective accountability for high-level corruption and organised crime. Particular emphasis was placed on the need to prevent the growing interconnection between corruption and organised criminal networks, recognising that this phenomenon represents one of the most serious threats to democratic governance, institutional integrity and public trust.

The discussion further highlighted that sustainable rule-of-law reforms depend on a professional and politically impartial public administration based on merit, integrity and competence rather than political patronage or nepotism. Participants also underlined the importance of effective financial investigations, confiscation and recovery of assets acquired through corruption and organised crime, recognising asset recovery not only as an instrument of criminal justice but also as a means of restoring public resources and reinforcing citizens' confidence in state institutions.

The protection of fundamental rights, particularly freedom of expression, media pluralism and civic participation, was identified as an equally important component of democratic resilience. Participants stressed that the increasing use of polarising and nationalist rhetoric undermines democratic dialogue, weakens institutional accountability and diverts public attention from substantive reform priorities.

Finally, the discussions confirmed that the rule of law should be understood as a shared responsibility between the candidate countries and the European Union. While national authorities bear primary responsibility for designing and implementing reforms, the European Union should continue to play an active and consistent role by providing clear benchmarks, maintaining a credible accession perspective, supporting institutional capacity and ensuring regular political engagement throughout the implementation process. The rule of law should therefore be treated not merely as a technical requirement of the accession negotiations, but as the political and societal foundation upon which democratic governance and successful European integration ultimately depend.

On the basis of these findings, the participants formulated nine regional recommendations.

4. RECOMMENDATIONS

1. Translate political commitment into measurable rule-of-law results: The governments of the Western Balkan countries bear primary responsibility for implementing the principles of the rule of law. They should demonstrate genuine political commitment through visible and measurable results rather than declarative support for European integration. Progress should be demonstrated through the effective investigation, prosecution and final adjudication of corruption and organised-crime cases; stronger guarantees of judicial independence; enforcement of institutional accountability; and improved public confidence in justice institutions.

2. Establish Cluster 1 reforms as cross-party national priorities: Obligations arising from Cluster 1 – Fundamentals should be treated as national priorities extending beyond electoral cycles and changes of government. Political parties, both in government and opposition, should demonstrate leadership and develop minimum consensus on judicial independence, public administration reform, anti-corruption, fundamental rights and the protection of independent oversight bodies. Fundamental reforms are political and institutional transformations, not merely technical exercises required to advance accession negotiations. National parliaments should play a stronger role in scrutinising implementation and following up on reform commitments.

3. Define clear benchmarks, responsibilities and implementation pathways: The Western Balkan governments, in cooperation with the European Commission, should translate broad reform commitments into precise, sequenced and measurable implementation steps. Each major commitment should specify: the responsible institution; concrete implementation steps; required human and financial resources; deadlines and intermediate milestones; indicators for assessing progress; arrangements for public reporting and independent monitoring. Candidate countries should have a clear understanding of the benchmarks against which progress will be evaluated. EU institutions and Member States should apply consistent expectations and communicate clearly what constitutes sufficient implementation.

4. Strengthen professional, independent and accountable public administration: The merit-based accession process depends on the administrative structures responsible for implementing reforms. Western Balkan countries should therefore strengthen public administrations as the principal operational drivers of the European integration process. Priority should be given to: merit-based recruitment and promotion; protection from political interference; professional and managerial accountability; institutional memory and staff retention; specialised training related to the EU acquis; adequate staffing and financial resources; stronger interinstitutional coordination; digitalisation and interoperability of public systems.

5. Ensure transparency and meaningful stakeholder participation: Implementation of rule-of-law standards should be based on transparency and the meaningful participation of civil society organisations, the business community, academia, professional associations, the media and other relevant stakeholders. Participation should take place throughout the policy cycle and should include access to draft documents, sufficient consultation periods, reasoned institutional responses and public information on how stakeholder input was considered.

6. Treat organised crime as a rule-of-law and security priority: Public security, economic prosperity and the rule of law are mutually reinforcing. Organised criminal groups exploit corruption and institutional weaknesses to infiltrate illegal proceeds into the legal economy, public procurement and public institutions. The fight against organised crime should therefore remain a high national and regional priority. Governments should demonstrate results through effective investigations, prosecutions, final court judgments, dismantling of criminal networks and improved regional and international operational

cooperation. Institutional performance should be assessed not only by the number of initiated cases but by their quality, timeliness, judicial conclusion and deterrent effect.

7. Strengthen financial investigations, confiscation and asset recovery: The confiscation of illegally acquired assets is a central indicator of the effectiveness of the fight against organised crime and corruption. It demonstrates that criminal activity does not generate secure economic benefit. Western Balkan countries should strengthen: parallel financial and criminal investigations; early identification and tracing of assets; temporary freezing and seizure measures; final confiscation procedures; interagency cooperation; management and socially beneficial reuse of confiscated assets; operational Asset Recovery Offices and cooperation with corresponding EU networks. Authorities should publish consistent data distinguishing between assets identified, frozen, confiscated and effectively recovered.

8. Move from anti-corruption strategies to enforcement: Declarative commitments to fight corruption must be translated into coordinated institutional action and visible results. Anti-corruption strategies and action plans should be implemented systematically, with particular attention to high-risk sectors including public procurement, energy, transport, health, infrastructure, spatial planning and the management of public enterprises. High-level corruption cases should be investigated and adjudicated effectively, with respect for procedural guarantees and judicial independence. Anti-corruption bodies, audit institutions, prosecutors and courts should have adequate independence, resources, access to information and capacity for cooperation.

9. Strengthen regional cooperation on migration, borders and security: Regional cooperation in migration and security should be integrated into the wider rule-of-law framework. Measures should be regularly monitored, with attention to their legality, proportionality, effectiveness and impact on fundamental rights.

Cross-Cutting Follow-Up

To support implementation of these recommendations, the three National Conventions on the European Union should consider developing a common regional follow-up framework based on a limited number of comparable indicators.

The framework could monitor: implementation of selected Cluster 1 recommendations; follow-up to the annual Rule of Law Reports; institutional and parliamentary responses to civil society recommendations; regional cooperation in anti-corruption, asset recovery and organised crime; stakeholder participation and transparency in reform implementation.

Regular regional expert meetings should be used not merely to restate challenges, but to assess what has changed, which recommendations have been acted upon and where implementation remains blocked.

The central message policy document remains that the credibility of European integration will be determined not by the number of commitments made, but by the extent to which justice, accountability and the rule of law operate in practice throughout the region.