



Seeking Democracy: Bringing Legitimacy to Balkan Institutions through Lobbying Reform

Nicholas D'Ambrà

M.A. in Political Science
with a Concentration in European Union Policy Studies
James Madison University

Abstract

Croatia's accession to the European Union in 2013 showed Western Balkan countries that EU accession is an attainable goal and a way to improve quality of life in the region. Further, the European Union is interested in accepting these countries as a way to stabilize its own neighborhood. However, one of the biggest issues for Balkan countries is eschewing histories of institutional corruption to illustrate that their institutions comply with EU standards. This paper uses lobbying regulatory typologies to understand how Balkan countries amend their lobbying laws to meet EU standards. Using the Slovenian case as a model, we compare lobbying regulations in Montenegro and Macedonia to those adopted in Slovenia. Ultimately this paper finds that lobbying regulations in Slovenia and Macedonia fit the "transparency-seeking" typology while the Montenegrin lobbying reforms match the "hard-regulatory" typology. Despite issues with implementation, Macedonian lobbying reform is closer to meeting EU standards than lobbying reform in Montenegro because the Macedonian reform closely resembles Slovenian reform that brought the nation from being considered the 17th most transparent government in Europe to the most transparent in just a few years. Ultimately, this paper concludes that lobbying reform is a tactic that western Balkan governments employ to bring their institutions in line with EU values, and that the more these reforms mirror the Slovenian case, the more likely they are to meet EU accession criteria.

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Introduction

Since Croatia joined the European Union in 2013, Western Balkan countries now see EU accession as an attainable goal and as a way to improve quality of life throughout the region. Access to the European single market would strengthen Balkan economies, and joining the European Union would bring a much-needed sense of security and stability to a region that has a long history of corruption. Further, the European Union has a vested interest in accepting Balkan states in order to stabilize its own regional neighborhood (Rumbold 2017). The only problem that persists is bringing Balkan economies and institutions in line with the EU values stated under the Copenhagen Criteria. Here, I will explore issues within institutional legitimacy by answering: how do Balkan states reform their lobbying laws to help their accession to the European Union? An answer to this question brings us closer to understanding how Balkan countries try to bring their institutions in line with EU values, and provides the lobbying and interest groups literature with a case study in how transparent lobbying laws can bring institutional legitimacy to even some of the world's most corrupt systems.

To answer the central question, I will start with an overview of the theory behind lobbying reform and discuss why legal scholars suggest that reforming lobbying laws is an effective way to promote institutional legitimacy. After establishing such an understanding, I will discuss the importance of institutional legitimacy in the Copenhagen Criteria. Next, I will discuss my case study methodology and justify the Slovenian, Montenegrin, and Macedonian cases before performing the three case analyses. Finally, a discussion of the implications for each case will allow me to draw some broad conclusions about the nature of lobbying reform in the Balkans

Lobbying Reform and Institutional Legitimacy

The Theory of Lobbying Reform

While political cultures around the world vary in every way imaginable, one norm is relatively standard: lobbying is a dirty word. Lobbying gets such a degree of scrutiny because the public perceives lobbyists as interest peddlers with undue influence to shape public policy toward wealthy clients' bottom lines and away from the public good (Holman & Luneburg 2012). Further, because lobbyists meet with lawmakers behind closed doors, there is no way for the public to know how private interests influence their government officials. Even though institutions should always be concerned with their own legitimacy, most lobbying reform laws are passed after scandals when the public calls for more transparency in public policymaking (Holman & Luneburg 2012). Therefore, because corruption and scandal plague Balkan history, as officials try to bring legitimacy to their institutions, one tactic that they use is reforming their lobbying laws to promote institutional transparency. In the Western Balkans, countries that have implemented such reform to bring legitimacy to their institutions are Slovenia, Montenegro, and the Former Yugoslav Republic of Macedonia (FYROM) (Di Gregorio 2015, 4). Because Slovenia has what are widely considered the most transparent institutions in the Balkan region, I will use the Slovenian model as a template for a comparison to Montenegro and FYROM.

Institutional Legitimacy in the Copenhagen Criteria

To join the European Union, Balkan countries must fulfill the Copenhagen Criteria. Among rule of law, market economy, and respect for minorities, the criteria require candidate countries to ensure democratic governance. Part of democratic governance is institutional legitimacy and transparency, which appear in two different chapters of the *acquis*

communautaire. To close Chapter 23, each candidate country must illustrate justice, freedom, and security (European Commission 2017a). Chapter 23 relates to institutional legitimacy and lobbying reform in its requirement to eliminate “external influences over the judiciary,” and that member states “fight corruption effectively, as it represents a threat to the stability of democratic institutions” (European Commission 2017a). While groups do not usually independently lobby judges or the judiciary, interest groups play a significant role in lobbying judicial nominations. By lobbying judicial nominations, corrupt interest group politics can indirectly affect court decisions by putting partisan judges on the bench who will promote group-specific ideology (Caldeira et al. 2000). Therefore, part of having an independent judiciary involves regulating how much influence interest groups can have in judicial nominations.

Chapter 24 of the *acquis communautaire* outlines rules for institutional legitimacy in the European Union. Specifically, Chapter 24 requires equal political voice, legitimate decision-making procedures, and democratically legitimate institutions (European Commission 2017a). In this way, lobbying reform helps candidate countries bring their institutions in line with EU values most apparently. Specifically, because most lobbying laws aim to make institutions more transparent, it is easier for candidate countries to illustrate how their institutions fall in line with EU values when they can speak in terms of civic participation, equal political voice, and transparent decision-making processes. Therefore, lobbying reform is an effective way for Balkan countries to illustrate how their institutions comply with EU democratic standards.

Methods

The Case Study Rationale

The best way to illustrate how Balkan countries reform their lobbying laws to promote EU accession is to do a case study on each Balkan country that has passed lobbying reform

legislation to bring legitimacy to its institutions. The cases will be Slovenia, Montenegro, and FYROM because they are the only Balkan countries to pass such reform. In each case analysis, I will give an objective description of the current laws that are in place to open each discussion. The second part of each case discussion will classify each policy as either “hard regulatory,” “transparency-seeking,” or “self-regulating” and discuss its purpose. Explanations for each classification follow below.

- **Hard-regulatory:** Hard regulatory lobbying reform imposes strict restrictions on lobbying activity. In such reform, lobbying is seen as something that impedes institutional function and should therefore be removed from public affairs. Examples of such hard-regulatory reform would include the “Drain the Swamp” mentality that tries to impose “cooling-off” periods on revolving door lobbyists.
- **Transparency-seeking:** Transparency-seeking lobbying reform certainly will have aspects of hard regulation. However, the most important part is that these regulations are in place for the sole purpose of promoting transparency, not for keeping lobbying voices out of government institutions. Here, it is not that lobbying equals corruption, but instead policies recognize the need for lobbying and work to ensure that all information is public.
- **Self-regulating:** A self-regulating lobbying reform is largely free of hard regulations and puts the onus of registration and reporting on each individual lobbyist. Such a system would include voluntary registries and voluntary client information disclosure systems.

Finally, each case discussion concludes with a discussion of effectiveness, in terms of promoting institutional legitimacy, based on democratic indexes and primary testimony. This

sort of case study will allow me to take a deep dive into each case to have a more comprehensive understanding of how Balkan countries reform their lobbying laws. Further, because only three countries have passed such reform, the conclusions here will be more generalizable than case studies typically allow since the three cases cover all lobbying reform in the region.

Case Discussion and Justification: Slovenia, Montenegro, and FYROM

The Slovenian case is important to include because it is typically the model that the literature uses as a point of comparison when other Balkan countries pass laws to combat corruption (Di Gregorio 2015, 7). Further, it is important to include the Slovenian case as a comparison for Montenegro and FYROM because it is an EU member state. Including an EU member state is crucial because it allows me to draw conclusions about how reforms in Montenegro and FYROM will or will not help them match EU standards. Therefore, without the Slovenian case, it would be impossible to do more than simply describe lobbying reform policies in the Balkans. Instead, this case will allow me to make analytical arguments about how likely it is that reform in Montenegro and FYROM will help the two nations' accession based on how closely their reform matches the Slovenian model. This analytical framework and scholars' common use of the Slovenian model illustrate how it would be irresponsible to conduct a study about lobbying reform to promote institutional transparency in Balkan states without mentioning the Slovenian case.

Montenegro is an important case to include because it is not only a candidate country, but it is the country closest to fulfilling the Copenhagen Criteria. More specifically, it has opened 26 accession chapters and comes closest to meeting EU institutional standards (European Commission 2017b). Further, it is important to discuss the Montenegrin case because it gives a

nice picture of the intermediary accession phase between FYROM, which is still combating corruption, and Slovenia, which is widely regarded as a highly transparent institutional system.

I have included the Macedonian case primarily due to its timeliness. Specifically, protests broke out in FYROM after President Ivanov ended an investigation into the Prime Minister and his cabinet following wiretapping accusations (Petrevska 2016). These protests have captured regional and international media attention as citizens protest corruption in their national institutions. As I discuss in the lobbying theory section above, most lobbying reform comes following government corruption scandals when officials want to appease citizens who feel that the political process is not transparent (Holman & Luneburg 2012). These violent protests that involve people storming the parliament clearly illustrate how the current Macedonian regime needs to reform before it can be considered for EU membership. Therefore, analyzing the effectiveness of lobbying reform laws in FYROM by comparing them to successful reforms in Slovenia can tell an interesting story about the likelihood that FYROM can use transparency reforms to bring its institutions in line with EU values. Further, FYROM is an important case to consider when thinking about the effectiveness of lobbying reform more generally. This is to say that if lobbying reforms decrease corruption and make people feel more involved in policymaking in FYROM, then it makes a strong case that lobbying reform is an effective way to promote institutional legitimacy in less corrupt countries around the world.

The Data

To explore the nature and effectiveness of lobbying reform laws in the Balkans, I will rely on both qualitative and quantitative data. In the first part of each case discussion, where current laws are described, I will primarily rely on EUR-Lex files for each law. In this way, I can form my own understanding of each law without falling victim to the biases of other researches

who perform analysis for their own specific projects. To avoid the same biases, when I classify each law, I will rely on analysis from non-partisan outside groups like Transparency International who do a great deal of work classifying these kinds of policies before placing each system's reforms within one of my self-developed lobbying reform typologies (hard-regulatory, transparency-seeking, or self-regulating), which I describe earlier. Finally, to assess the effectiveness of each law, I will also use Transparency International reports that provide year-to-year measures of transparency, primary interviews in systems across Europe, and testimony from government officials about how work inside institutions has changed after policy has been implemented. If Transparency International and first-hand testimony both tell similar stories, then there is a strong case to be made about the effectiveness of lobbying reform policies.

Case Analysis #1: Slovenia as an Archetype

Slovenia is just one of seven European countries with specific lobbying regulations, the others being Austria, France, Ireland, Lithuania, Poland, and the United Kingdom (Mulcahy 2015, 5). Further, among European countries with specific lobbying regulations, Slovenia is the only one with a democracy and transparency score over 50 percent. Slovenian lobbying regulations are not without issue, but Transparency International classifies their efforts as the most transparent in Europe with a 58 percent transparency score (Mulcahy 2015, 25). Further, Slovenia is the only European country to regulate revolving door lobbying in national institutions (Mulcahy 2015). Current Slovenian lobbying regulations all come from the 2010 Integrity and Prevention of Corruption Act, which is fully analyzed below.

Integrity and Prevention of Corruption Act (2010) Description

As lobbying and government relations practices around the world have increased dramatically in the twenty-first century, the Republic of Slovenia passed the Integrity and

Prevention of Corruption Act in 2010 to strengthen rule of law, integrity, transparency, and measures to combat corruption, all while eliminating conflicts of interest between legislators and outside groups (Republic of Slovenia 2010). To reach these goals, the Slovenian government focuses on ensuring lobbying transparency to “support sound lobbying practice and restrict and punish unethical lobbying practice” (Republic of Slovenia 2010). Further, the 2010 law defined “unethical lobbying practices” by implementing measures to avoid conflicts of interest, including a ban on gift-giving between legislators and outside groups in all forms, and by implementing best practice standards for government relations activity in Slovenian institutions (Republic of Slovenia 2010).

To implement the law, the Slovenian authorities gave the Corruption Prevention Commission the authority to monitor all lobbying activities within the Republic. Because the body was not previously responsible for monitoring behavior between outside groups and Slovenian legislators, it had been more difficult to track illegal gift-giving and unethical contacts. One of the most important and interesting pieces of this law is the way that it associates lobbying practices with corruption. In this way, under the 2010 law, it almost seems as if lobbying in Slovenia is considered corruption until it is proven otherwise. More specifically, lobbying is only considered legitimate in Slovenia to the extent that it is completely transparent (Republic of Slovenia 2010).

The way that lobbyists prove that their government relations activity is transparent is relatively simple. The Integrity and Prevention of Corruption Act creates a complete lobbying register to which all lobbyists must register if they want to represent interests inside Slovenian institutions (Republic of Slovenia 2010, 19). Beyond the lobbyist registry, the most interesting part of the Slovenian law is its requirement that individuals lobbied must record and report all

contacts with lobbyists representing outside interests. This is particularly interesting because it puts the onus of transparency on both sides of every contact. In this way, the Slovenian lobbying regulation has a way to make sure that transparency information provided by the lobbyist is accurate by comparing records from both sides of each meeting. It is, therefore, not surprising that Slovenia has that highest transparency score on the continent at 58 percent (Mulcahy 2015).

In sum, the Integrity and Prevention of Corruption Act (2010) places a premium on transparency from both lobbyists and government officials who are lobbied. Further, the Corruption Prevention Commission is tasked specifically with monitoring and implementing Slovenian lobbying regulations in a strict manner. Beyond these hard law aspects of the regulation, Slovenian lobbying reform has given lobbyists a set of ethical standards that are promoted by professional lobbying associations. In this way, the 2010 Slovenian lobbying reform package not only invokes hard regulations, but it completely rebrands the profession in a way that highlights the importance of professional ethical responsibility.

Classification: Transparency-Seeking

Because the 2010 Integrity and Prevention of Corruption Act imposes regulations on lobbying activities, one might mistakenly label it a hard-regulatory policy. However, the law does not suggest that lobbying activity harms institutional function in and of itself. Instead, the more significant piece of the reform is the way that it puts the onus of transparency on both sides of lobbying relationships and gives professional associations a way to promote their own professional code of ethics. Therefore, Slovenian lobbying regulation can be classified by the value that it places on transparency and ethical responsibility. While some lobbying reform tries to simply place restrictions on lobbying activity, the Slovenian reform instead ensures that there is an agency equipped to find infractions, but otherwise simply puts in place the proper

mechanisms to promote transparency. These mechanisms include the lobbyist registry and creation of lobbying professional associations. Therefore, the Integrity and Prevention of Corruption Act (2010) is a transparency-seeking regulation because people do not think that lobbying needs to disappear from government institutions, making it not a hard-regulatory reform, and because the lobbyist registry is not voluntary, making it not a self-regulating reform.

Effectiveness Assessment

The 2010 Integrity and Prevention of Corruption Act is widely considered one of the most successful lobbying reforms in Europe, and in the world at large (Mulcahy 2015). In 2009, the year before the 2010 legislation, Slovenia was given a 6.6 corruption perception score, and was rated the 17th most transparent government in Europe (Transparency International 2009). In 2015, just five years after the legislation was passed, Slovenia received a transparency score of 58 percent, making its institutions considered the most transparent in all of Europe (Mulcahy 2015, 25). These scores, based on Transparency International's corruption and transparency indexes, show the speed at which lobbying reform was able to completely transform institutional transparency in Slovenia.

While these indexes tell a powerful story, it is important to illustrate how lobbying reforms are what affected Slovenia's transparency score. In an evaluation of the robustness of lobbying transparency mechanisms throughout Europe, Slovenia held the highest score in "access to information," "oversight of register and transparency rules," and "proactive public-sector transparency mechanism including legislative footprint." The only category where Slovenia did not receive the highest score was "registration and disclosure by lobbyists," where it received a 60/100 compared to Ireland's 64/100 (Mulcahy 2015, 27). Transparency International's index clearly illustrates how the change in Slovenia's transparency and anti-

corruption score is directly attributable to the lobbying reform that legislators passed in 2010. Therefore, Slovenia is truly a model to which other Balkan lobbying reforms should be compared when forecasting their effectiveness in bringing corrupt governments into line with EU standards.

Case Analysis #2: Montenegro

Law on Lobbying Description

A new lobbying framework was established in Montenegro after an EU Progress Report criticized the nation for its lacking response to fighting corruption (Tomovic 2014). The Law on Lobbying (No. 52/2014) establishes this new lobbying legal framework in Montenegro. Under the new definition, lobbying is considered any

activity which influences the bodies of legislative and executive power at the state and/or local level, state administration bodies, independent bodies, regulatory bodies, public institutions, public enterprises and other legal entities exercising public powers, and/or activity of public interest or have the majority of state ownership (hereinafter: the authority) in the process of adopting regulations and other general acts, within the jurisdiction of those authorities, in order to achieve the interests of a lobbying client, in accordance with the law (AALEP 2017).

The first important piece of this definition is its inclusion and specification of each body that the law encompasses. However, despite this specification, the definition remains vague to incorporate as many activities as possible into the law through its definition of lobbying as any act that will influence a public body on behalf of a client.

Outside of this vague definition, the law sets a laundry list of lobbying principles that need to be followed in Montenegro. These principles include that lobbying must not damage the public good, that it must be an arrangement agreed upon under contract, and that data in a lobbying relationship can be held confidential as long as it is not legally required to be collected by a state regulatory agency (AALEP 2017). This set of principles tells a similar story as the

definition; it is largely vague and without much of a vision forward to correct corruption problems.

Beyond this initial vagueness, the key way that the Law on Lobbying (No. 52/2014) addresses corruption is in its conditions for carrying out lobbying activities. More specifically, the approach here is regulation over who can perform lobbying activity on behalf of clients rather than trying to make their activity more transparent like the Slovenian case. Under the regulation, a lobbyist must hold a higher education degree and pass a lobbying certification exam (AALEP 2017). Regulating who is allowed to lobby shows the true nature of the legislation because it is the piece that is most specific in both its language and its provisions. Therefore, this suggests that Montenegro's response to EU criticism over corruption was largely to remove the lobbyists that are taking part in corrupt influence pedaling from the pool. While this may seem like a completely rational response to EU criticism over corruption, the literature illustrates how these laws often fail to eliminate corruption, and instead, just push lobbyists out of the public eye as they continue to lobby, but in a completely unregulated fashion (Watson 2016).

The Law on Lobbying (No. 52/2014), additionally, implements a mandatory lobbying registry. The law mandates that every lobbyist be on the registry in order to comply with the regulation. This registry includes each lobbyists' name, identification number, registry expiration date, and all clients who are the subject of outside influence. The registry is public so that citizens can fully understand which lobbyists are exerting influence over which legislation (AALEP 2017). It is unsurprising that the Law on Lobbying includes a transparency register, as this has become the norm in modern institutions, especially since the European Union created a mandatory registry to lobby the European Commission and European Parliament.

The final important piece of the Law on Lobbying (No. 52/2014) is that it does not create a new, transparency oriented body to monitor the law's implementation. As lobbying becomes more and more common in institutions around the world, governments largely understand the need for an administrative agency to uphold regulatory principles. However, in Montenegro, monitoring the law's implementation is left to the Directorate for Anti-Corruption Initiative (AALEP 2017). This is a particularly important diversion from the Slovenian case's transparency orientation.

Classification: Hard Regulatory

Because the Law on Lobbying (No. 52/2014) focuses almost entirely on regulating who is allowed to lobby, and under what conditions they can lobby, Montenegro's legal framework for lobbying activity is characterized as hard regulatory. While there are a set of principles, they are established by the law and not by an independent lobbying organization, so it is not a self-regulating law. Further, the nature of regulation is over who is allowed to be a lobbyist, not over setting reporting requirements. Therefore, it is not a transparency-seeking regulation. Instead, the true nature of the law is its regulation of who is allowed to lobby. This suggests that Montenegro views lobbying as an undesirable behavior in and of itself that out to be limited to combat corruption. For this reason, I classify the Law on Lobbying (No. 52/2014) as hard-regulatory. This is a key diversion from the Slovenian case's transparency seeking model that has been highly effective in bringing legitimacy to its national institutions.

Effectiveness Assessment

Just because Montenegro's legal framework for lobbying is different from the Slovenian framework does not necessarily mean that it is a faulty system. However, it is important to look at data from Transparency International to understand just how effective the Law on Lobbying

(No. 52/2014) has been. According to Transparency International (2017), Montenegro's corruption perception in 2014, when the new legal framework entered into force, was 42/100. Today, their corruption perception is 45/100 where higher numbers illustrate that less corruption is perceived. Further, Montenegro was rated 64th out of 174 countries included in the corruption perception study (Transparency International 2017). For reference, in the same study, Slovenia was rated 31st out of the 174 countries surveyed, and their corruption perception score in 2016 was 61/100.

The numbers may not seem to tell an interesting story at first glance, but they illustrate how Montenegro's hard-regulatory framework has not effectively taken steps in the right direction because we do not observe the same striking change in transparency scores that we saw following the new Slovenian legal framework was created in 2010 where it jumped from being considered the 17th most transparency government in Europe to the most transparent government in Europe in just a few years (Mulcahy 2015). More interestingly, the way that Montenegro addresses lobbying regulation is remarkably similar to the criticism that has followed anti-corruption effort in the Western Balkans more broadly. The specific critique is that anti-corruption in the Western Balkans targets sectors too specifically in a way that does not make fundamental changes to institutional norms (Ninua 2018). We see this vividly in the Law on Lobbying (No. 52/2004) where specific limitations are placed on the lobbying profession rather than on institutions and professional organizations through reporting requirements. In this way, Montenegro is limiting who can be a lobbyist without changing how their institutions function at all. Therefore, I would argue that the Law on Lobbying (No. 52/2014) has not been effective for two reasons. First, the law is not effective because it has not led corruption perceptions to improve since the framework was established in 2014 in the same way that perceptions in

Slovenia changed suddenly. Second, the Montenegrin legal framework is not effective because it targets lobbying too specifically without providing a way for institutions to fundamentally, and holistically change their operational norms in a way that matches Western Balkan anti-corruption effort criticisms.

Case Analysis #3: FYROM

Description of the Legal Framework

The three laws that combine to form FYROM's lobbying legal framework are the 2002 Law on the Prevention of Conflicts of Interest, the 2007 Law on the Prevention of Corruption, and the 2008 Law on Lobbying. Further, these laws are monitored by the State Commission for the Prevention of corruption. However, this Commission created by the 2007 law also has monitoring responsibilities outside of lobbying, including conflicts of interest, gifts, assets, and interests (Di Gregorio 2015, 10). Further, the 2007 law defines corruption as any activity by a public person to "benefit oneself or others" (Law on Prevention of Corruption 2002). This definition is important because it provides the basis for determining which lobbying activity is legal, and which constitutes using a public office for personal or external profit.

In short, the 2008 Law on Lobbying requires all lobbyists to appear on the Secretary General of the Parliament's registry, and requires them to report all lobbying activity and revenues each year. In contrast to other transparency registries, the Secretary General's registry is not simply a system of reporting information, but instead requires lobbyists to draft annual reports themselves. Putting the onus of writing annual reports surely does not promote transparency, since it places such a time burden on lobbyists (AALEP 2014). Further, the 2008 law places the burden of reporting only on the lobbyists, and not on public officials. Therefore, transparency records only exist on one side of the lobbying relationship, which causes problems

because having the public officials that are lobbied report on the content from meetings is an important part of confirming what was discussed in meetings.

The biggest problem with the 2008 Macedonian lobbying law, according to the European Commission, is the way that it creates selective access for certain organizations. Specifically, this means that lobbyists are only allowed to lobby an institution when the institution invites them to come for a meeting (European Commission 2011). This is a particular problem because government institutions can choose which voices that they want to hear, and which they want to ensure are kept out of public policy deliberation. Therefore, while it may seem that FYROM is taking steps in the right direction, nuances like selective access ensure that while there may be a transparency registry, that FYROM is still far away from having an interest group and lobbying community that embodies democratic pluralism that would encourage EU accession.

Classification: Transparency-Seeking

Despite criticism about selective access, the three Macedonian laws focus on creating a transparency registry, creating a commission to monitor lobbying and conflicts of interest, and requires lobbyists to write annual reports detailing their activities and revenues. Therefore, the Macedonian legal framework does not suggest that the government sees lobbying as something negative in and of itself that should be removed from policymaking, meaning that the three laws do not create a hard-regulatory legal framework like that in Montenegro. Further, while the onus of reporting is placed on lobbyists, they are not changing their behavior based on a code of ethics created by a professional organization. Instead, because legislation outlines reporting requirements, the legal framework is not self-regulating. Therefore, the Macedonian lobbying legal framework is transparency seeking because the three laws work together to create a system where lobbyists are required to disclose information to the public about their activities. The

specific transparency-seeking aspects of the Macedonian system are therefore, the transparency register and the annual reports requirements.

Effectiveness Assessment

In Transparency International's corruption perception survey, FYROM was ranked 90th of the 174 countries included in the study. Further, in 2012 FYROM received a corruption score of 43/100. However, in 2016 FYROM's corruption perception score had fallen to 37/100 (Transparency International 2017). I will note that this drop in the corruption perception score is not surprising given the recent public demonstrations against government institutions in the country that have escalated violently. Nevertheless, it seems strange that FYROM's transparency score did not improve even though it is classified the same as the Slovenian case where I illustrate a noticeable rise in transparency scores and perceptions just a few years after the new lobbying legal system was put in place. However, upon further investigation this can be explained by the Macedonian government's failure to implement the laws after they were passed (Holman & Luneburg 2012). For example, even though the lobbying laws were passed in 2002, 2007, and 2008, not a single lobbyist had been added to the register by 2012 due to difficulty in understanding who is included under the current definition of a lobbyist (Holman & Luneburg 2012). Therefore, it is not fair to say that the policy has been ineffective simply because the conditions for its success are not in place. Before making a definite effectiveness assessment for the Macedonian legal framework, it is important that the government creates a feasible definition for the term "lobbyist" and creates a plan for implementation. Once these conditions are in place, then it would be more realistic to judge the Macedonian framework against the Slovenian framework.

Discussion

As I mention above, the literature describes the Slovenian case as the model for transparency and anti-corruption reform in the Western Balkans. In this discussion, I will use the Slovenian case as a point of comparison to suggest whether Montenegro and FYROM are moving their institutions in a direction the promotes EU accession or whether there is still much work left to be done. For easy reference, the table below condenses all three cases and their respective typologies.

Country	Regulatory Typology
Slovenia	Transparency-Seeking
Montenegro	Hard-Regulatory
FYROM	Transparency-Seeking

Montenegro

Montenegro’s new lobbying legal framework creates a new definition for “lobbying,” creates a laundry list of best-practice principles, creates a mandatory registry, and most importantly creates a set of conditions that specify who is eligible to lobby (AALEP 2017). The way that legislation limits who is allowed to lobby suggests that there is something in and of the activity that makes it undesirable in Montenegrin institutions, therefore making it a hard-regulatory system. Given EU criticism, it is not surprising that they took the hard-regulatory approach, but it is not moving institutions in the right direction. Further, the legal framework

does not create an agency to specifically monitor lobbying activity within institutions. Future legislation should use the Slovenian case as a model and move away from regulations that push lobbying into the shadows through creation of conditions on who can lobby. In addition, a transparency agency should be put in place to monitor lobbying activity within institutions since much of people's confidence in Slovenian institutions comes from transparency over "access to information," "oversight of register and transparency rules," and "proactive public-sector transparency mechanism including legislative footprint" (Mulcahy 2015). Until these changes are made and public confidence increases in Montenegrin institutional transparency, EU accession will remain difficult on grounds of institutional legitimacy.

FYROM

Despite a worsening corruption perception score in FYROM, the structure of their lobbying legal framework is promising because it shows striking similarities to the Slovenian case. Specifically, there is an agency in FYROM with responsibility for monitoring all lobbying activity within government institutions, there is a transparency registry (although it is voluntary), and there are annual reporting requirements for lobbyists. However, the two problems that remain are issues of selective access that inhibit true democratic pluralism in the interest group and lobbying community, and the lack of proper implementation. Despite these two issues, the Macedonian lobbying legal framework is in place and largely resembles the Slovenian case. Therefore, once violent protests subside and the government creates a definite plan to implement the anti-corruption and lobbying reform laws, Macedonian institutions should be on the right path toward meeting EU accession standards. In this way, the Macedonian legal framework is closer to bringing institutions in line with EU standards than is the Montenegrin lobbying legal framework.

Conclusions

Croatia's accession into the European Union in 2013 showed Western Balkan countries that EU accession is a viable goal, and an effective way to improve quality of life for citizens throughout the region. Further, the European Union has a vested interest in bringing Western Balkan countries into the single market as a way to stabilize a historically volatile region. However, one of the biggest issues that Western Balkan nations face is ridding their institutions of corruption, and the perception of corruption, to align with EU institutional standards. One way that Western Balkan states have worked to bring legitimacy to their institutions is through lobbying reform. However, because not all lobbying reform is created equal, it is important to understand how Western Balkan nations are reforming their lobbying legal frameworks to understand whether or not these reforms are an effective way to bring national institutions in line with EU institutional standards.

Here, I use the Slovenian case as a model to suggest whether lobbying reforms in Montenegro and FYROM are moving institutions in the right direction. Two of my three cases, Slovenia and FYROM, fall under the "transparency-seeking" lobbying reform typology, which I suggest brings institutional values in line with those of the European Union. I further find that the Montenegrin case fits my "hard-regulatory" typology in a way that has not improved transparency or corruption perception scores. I find three primary conclusions. First, I affirm that the Slovenian case should be used as a model by Western Balkan nations that are reforming their lobbying legislation. I base this conclusion on Slovenia's rise from having the 17th most transparent institutions in Europe to the most transparent institutions in Europe in a matter of a few years. Second, I conclude that while the Macedonian reforms have not made significant changes in transparency or corruption perception scores, this is largely due to a lack of

implementation. Therefore, if an implementation plan is made, then Macedonian institutions can move closer to fulfilling EU standards. The second conclusion is, therefore, that Macedonian institutions are closer to meeting EU standards than Montenegrin institutions. Third, I conclude that Montenegro's hard-regulatory framework will continue to keep its institutions from meeting EU standards because, much like anti-corruption efforts throughout the region, their regulation is too specific in its regulation of who can lobby and who cannot. This is ineffective in fundamentally changing Montenegrin institutional norms. In general, there is no single system for lobbying reform in Western Balkan states that want to promote their own EU accession. However, Western Balkan nations wanting to join the European Union would be smart to follow Slovenia's lead.

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