

## **Key findings: Expert Panel – Sarajevo, 30 October 2025**

### **Introduction**

In line with the established methodological framework, the purpose of the expert panel is to provide an in-depth qualitative evaluation of the phenomenon of state capture across the dimensions and indicators defined by the methodology. Its aim is to contextualise quantitative results, identify the causal linkages and illuminate patterns of clientelism and political control that cannot be fully captured in statistical indicators.

### **Democratic Process**

Within the Democratic Process dimension, the panel agreed that the existing deficiencies stem primarily from the manner in which political parties operate, and that this dynamic is strongly mirrored across the other indicators within this dimension. In this regard, irregularities in the electoral process are seen as a direct manifestation of party practices. Moreover, the role and functioning of the media and civil society in the democratic process are shaped, on the one hand, by the dysfunction of political accountability mechanisms and, on the other, by an unfavourable environment predominantly influenced by political parties.

### **Political Parties**

According to the expert panel, political parties represent the principal agents of capture, having effectively taken control of crucial institutions and processes and subordinated them to particular interests. The panel underscored the pervasive presence of clientelism as the key mechanism through which this capture is exercised. A lack of ideological distinction among parties, strong leadership dominance, insufficient internal party democracy and the reliance on clientelistic networks for voter mobilisation were identified as the defining traits of political parties. In view of these factors, the panel unanimously assigned the lowest possible score to the role of political parties – 1.

### **Elections**

The panel acknowledged that the legal framework governing elections is generally robust. However, despite this, there was broad agreement that electoral practice frequently diverges from what is prescribed by law, although perspectives varied regarding how widespread the irregularities are and the extent to which they influence electoral outcomes. Consequently, panel scores ranged from 2 to 4. Key challenges highlighted by the panel include the misuse of public resources to secure electoral support, deficiencies in electoral organisation – such as untimely voter lists, irregularities in vote counting, the trading of positions in polling stations, etc. As positive elements, the panel noted the absence of widespread disputes over election results and the presence of a relatively stable institutional and regulatory framework that can act as a safeguard against capture.

## Media Pluralism

The panel consistently observed that the state of the media sector varies markedly across the country, with conditions in Republika Srpska deemed considerably poorer than elsewhere. While the fragmentation of the media landscape offers certain benefits by allowing for multiple viewpoints, several significant problems were highlighted: opaque media ownership structures, substantial political and economic pressures on media outlets, threats and violent incidents targeting journalists and insufficiently embedded professional standards. The majority of panel members assigned a score of 2 for this indicator.

## Civil Society

Civil society organisations, though constrained by direct pressures in Republika Srpska and indirect pressures in other parts of the country, still manage to serve as visible advocates for issues of public importance. The most pressing challenges relate to the authorities' failure to acknowledge the legitimate role of civil society, coupled with the promotion of GONGOs through opaque financing practices, which diminishes the overall credibility of the civil sector. In practice, civil society's ability to represent citizens' interests and shape policy decisions remains limited. Even so, the panel awarded this indicator the highest scores within the Democratic Process dimension.

## Decision-making Process

In general, despite the panel's attention to a number of important facets of the decision-making process, a prominent common finding is the strong presence of informal influences that consistently shape outcomes. These influences predominantly originate from political parties and economically powerful actors associated with them.

## Legislative Process

The panel acknowledged the existence of a well-developed regulatory framework for the legislative process, yet members differed in their assessments of the degree to which practice diverges from the normative framework. One perspective underscored objective indicators of systemic deficiencies: the disproportionately high number of laws adopted through fast-track procedures, the absence of meaningful public consultations and the fact that parliamentary procedures often merely formalise prior agreements among political leaders. The contrasting perspective highlighted that informal aspects of the legislative process, by their nature, resist strict regulation, and that this challenge persists even in states with long-standing parliamentary traditions. As a result, the scores assigned by panel members ranged from 1 to 4.

## The Executive

According to the panel, the executive demonstrates a markedly higher degree of non-transparency in its decision-making than the legislative branch, and, in contradiction to constitutional arrangements, it frequently dominates the legislature and exerts inappropriate influence over institutions intended to operate independently. The panel also identified the absence of strategic planning and the limited application of indicator-based decision-making. The executive's close alignment with political parties and its responsiveness to particularistic interests are evident in a wide range of decisions, including appointments and the distribution of resources. Consequently, the majority of scores for this indicator fell within the range of 1 to 2.

## Budget Process

The panel observed that the existing legal framework is robust, yet not fully implemented in practice, with delays in adopting the state-level budget representing a major concern. There is no meaningful discussion regarding priorities or the justification of budget allocations. Additional challenges include shortcomings in budget execution, limited oversight of implementation and insufficient overall transparency. Nevertheless, the procedural rules and detailed requirements provide some constraints that help reduce the potential for irregularities. Expert scores ranged from 1 to 4, producing a consolidated average of 2.5.

## Accountability System

In summarising the findings within this dimension, the panel concluded that the accountability system is fundamentally dysfunctional. While the situation differs across indicators, the effective operation of the system as a whole requires all its components to perform adequately. In some areas, the emphasis falls on capacity deficiencies, whereas in others, more direct and inappropriate external influences constitute the primary drivers of dysfunction.

### Internal controls and audits

For the system of internal controls and both internal and external audits, the panel observed that it does not yet fully accomplish its intended function. External audits were assessed as relatively more effective, primarily due to the longer period over which these institutions have operated and developed. Contributing factors to the current state include insufficient capacities and an evident lack of readiness to employ these mechanisms to enhance integrity, as evidenced by the relatively high rate of non-implementation of audit recommendations and the absence of judicial responses to the most serious irregularities identified in audit reports. On average, this indicator received slightly higher rating than others in the accountability system dimension, with an overall score of 3.

### Anti-corruption bodies

There was broad agreement among panel members that anti-corruption bodies do not yet meet the purpose for which they were created. Limited capacities and structurally weak institutional positioning, save for isolated exceptions, have meant that these bodies lack functional independence. Consequently, the more significant outcomes expected from their work have largely been absent. The panel therefore assigned an almost unanimous score of 2 to this indicator.

### Law Enforcement Agencies

Law enforcement agencies face a range of structural and operational challenges. The panel underscored the presence of arbitrariness and selectivity in law enforcement, as well as deficiencies in the effective supervision of these bodies, all of which have contributed to declining institutional integrity. Additional concerns include undue political influence over staffing processes and inconsistent cooperation with the judiciary.

### Judiciary

According to the panel, the judiciary exhibits a mixed performance. On one hand, it has shown the capacity to prosecute even the highest-level political actors. On the other, the judiciary has been

shaken by multiple scandals that have not always received timely or adequate institutional treatment. The panel further noted numerous cases in which the judiciary failed to respond to media-exposed allegations of corruption, reinforcing already low levels of public trust. Inappropriate external influences and pressures were also identified, along with a lack of transparency and substantive criteria in judicial appointments and the prevalence of self-censorship among judicial office-holders. These differing viewpoints led to panel scores ranging from 2 to 4.

### **Resource Distribution**

The panel reached a general, consensual conclusion that this dimension most clearly reflects the phenomenon of state capture. Resource distribution is predominantly shaped by clientelism and cronyism, which enables the reproduction and stability of the existing system.

### **Public Procurement**

Panel members noted that, despite a relatively solid legal framework and improved transparency, key challenges in the field of public procurement remain unresolved. Implementation of the law faces significant difficulties. Low competition, market cartelisation and deeply-rooted cronyism were highlighted as the most pressing problems. The average score of 2 is only marginally higher than the remaining two indicators within this dimension, largely due to greater transparency and a more robust legal framework.

### **Concessions**

The panel reached full agreement that, in the area of concessions, neither the highly fragmented legal framework nor its implementation provides even minimal protection of the public interest against abuse. It was noted that the complete absence of transparency and accountability in concession practices results in extensive misuse. Consequently, the panel assigned an almost unanimous lowest score of 1 for this indicator.

### **Recruitment and Appointments**

The panel agreed that the situation differs somewhat between formal procedures in public administration, where appropriate procedural frameworks exist, and other areas, including public enterprises. However, in practice, hiring based on clientelistic considerations predominates over merit-based criteria. As a result, the panel reached a consensus on assigning the lowest score for this indicator.