



UNIVERSITY OF
NEW YORK
TIRANA

Jean Monnet Activities

“EU Political Conditionality and
Administrative Reform”

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Overview

- ❖ What impact does the EU have upon domestic institutions of aspiring candidate countries?
- ❖ Policy area: administrative reform in post-communist Albania
 - ❑ The EU pushing for administrative reform (financial aid and benchmarking)
 - ❑ Reasons for limited effect of the EU: domestic challenges
 - ❑ Reasons for limited effect: communist legacy of one party state
 - ❑ Political elites/parties bend the law to achieve state patronage
- ❖ Approaches of the EU: legal approach to reform
- ❖ Yet, insufficient implementation and enforcement
- ❖ Weak monitoring, pressure on behalf of the EU



Background

- ❖ The European Union is based on liberal democracy and market economy
- ❑ To become a member of the EU an aspiring state has to comply with the EU model
- ❑ Different rounds of enlargement (2004, 2007, 2013)
- ❑ Copenhagen Criteria (1993)
- ❖ Definition: Political conditionality is a mechanism through which the EU exercises its influence over a candidate country
- ❑ It has to be credible [rewarding or withholding membership]
- ❑ It needs a domestic reformist constituency
- ❑ It has to change the behavioral patterns domestically [not only the adoption of new legal codes]
- ❑ The administrative practices that are transposed need to be implemented

A Weberian Civil Service

- ❖ Civil service (public administration) is the bureaucracy of the modern state
 - ❑ An efficient bureaucracy (civil service) has to be neutral, professional, not politically dependent, and law-abiding
 - ❑ The effectiveness of a state depends on an efficient civil service
- ❖ Communist Albania
 - ❑ A party-state system: the bureaucracy was politically appointed
 - ❑ It did not have the necessary neutrality and autonomy
 - ❑ Political criteria dominated over legal norms

Post-communist period

- ❖ Weak state and dissolution of previous institutions
- ❑ Anti-communist ideology
- ❑ Politicization of the civil service (political purges, legal uncertainty and appointing party loyalists)
- ❑ Governing elites continued to control state bureaucracy
- ❑ Replicating old versions of state organization
- ❖ Reforming civil service
- ❑ 1998 Constitution
- ❑ A new civil service law [professionalism, neutrality, transparency, career continuity etc.]
- ❑ Support from the World Bank, IMF, EBRD, the EU through Stabilization and Association Process (SAP)

The EU leverage

- ❖ Mechanisms of EU leverage
 - ❑ Aid and assistance (PHARE, CARDS, Pre-Accession IPA)
 - ❑ Monitoring : SAP (legal changes and implementation results)
 - ❑ EU Commission Reports
- ❖ Credibility of the EU political conditionality mechanism
 - ❑ Administrative reform had been inefficient yet not properly discussed in the negotiation process
 - ❑ The EU Commission has identified the lack of proper implementation of the civil service reform (no law-abiding practices)
 - ❑ Limited effect of political conditionality in Albania

Explaining the limited role of the EU in Albania

❖ Partial compliance

- Legal changes (Yes)

- Implementation of the laws (No)

- Legal uncertainty and political use of the civic service

❖ Possible explanations

- Domestic reasons: politicization of the public administration

- Patronage politics of the political parties in power

- No real reformist constituency

- Not sufficient monitoring and sanctioning by the EU

Conclusions

In those cases in which there is no strong reformist constituency in favour of administrative reforms and when the politicization of the public administration is present, the chances of the EU political conditionality to have effects are lower.

The process is subverted even if on paper it looks fine.



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