



BALKAN ENLARGEMENT AND THE POLITICS OF CIVIC PRESSURE: THE CASE OF THE PUBLIC ADMINISTRATION REFORM SECTOR

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One precious lesson learned by the European Union (EU) from the experience of its eastward expansion between 2004 and 2013, and applied now in the case of the Balkan aspiring members, has been to complement the politics of conditionality – that is, Brussels' traditional 'carrot and stick approach' – with the politics of pressure – whereby the region's governments are 'squeezed' in a "Brussels sandwich"¹ between societal demands and an uncompromising European Commission. The Commission's search for civil society allies in the Balkans represents a promising break with the legacy of previous accessions, in which governments were Brussels' only trusted interlocutors. Yet, the new strategy still overestimates the ability of Balkan societies to step up to the mark by themselves. A vibrant civil society is a long-term investment that the EU should beef up further. The public administration reform (PAR) sector supplies concrete opportunities for the Union to do just that.

BACKGROUND

Enlargement no longer simply proceeds with minimal adjustment from previous rounds that sought to integrate new members; it has become a sophisticated policy tool to encourage the EU-hopeful countries in the Balkans to transform from war-torn, ethnically-divided, post-communist societies into functioning democratic polities. In fits and starts, Europeanisation – that is, the formal and massive transposition of European laws, regulations and conventions – had already begun to meet transformation during the accession of the Central and Eastern European (CEE) states and Croatia. However, the limits of the EU's ability to generate sustainable behavioural change – that is, implementation and enforcement of adopted reforms – was conspicuously exposed once these countries joined the EU and started backtracking on their pre-accession pledges with little, if any, EU leverage remaining at that point. In particularly vulnerable fields, such as anti-corruption, public procurement, the political control of public broadcasting, and the politicisation of administration, new entrants seemed to fall back on old habits as soon as the accession pressure was lifted.

In 2012, with the benefit of hindsight, the European Commission elevated the promotion of 'good governance' to a guiding principle of its enlargement strategy towards the Balkans. Since then, enlargement has matured into a policy that rests on three fundamental and interconnected pillars: the rule of law, economic governance and public administration reform. Progress and a track record of results in each of these areas are key for a country to be able to advance on the EU track. Detailed criteria dictate the applicants' to-do lists and encourage them to tackle the most difficult reforms early on. While this enhanced conditionality can slow down the process and make it more unpredictable than ever before, it also aims to shape the very substance of the domestic governance process in the Balkan states and to secure a sustainable reform commitment from strategic domestic players.

1. Krastev, Ivan (2008), "Europe's other legitimacy crisis", *openDemocracy*, 26 July.

Take, for example, the latest pillar added by the Commission to its enlargement strategy in 2014, which upgraded public administration to the status of a fundamental reform area, in recognition of the sector's contribution to the performance of the political system as a whole, both at national and EU levels. The capacity and general quality of public administration is crucial for a government's ability to deliver public goods and services. Likewise, professional, motivated and honest civil servants, together with a sound public finance management system (especially public procurement), are essential for the implementation of EU legislation, including the preparation and monitoring of projects within the European structural and investment funds.

The same goes for evidence-based and inclusive policymaking or efficient policy coordination, all of which are vital to a state's ability to define and successfully defend its national position in various international fora, whether before or after EU accession. The fact that the Union now scrutinises and provides more systematic assistance with regards to all these and other PAR principles has widened the breadth and depth of the EU's engagement with the Balkan aspirants in ways that are qualitatively different to and should prove more lasting than in the past.

Moreover, the acknowledgement that civil society can bring together all fundamental areas of reform, helping to ensure political accountability, social cohesion and a better understanding and inclusiveness of accession-related processes, has added an extra layer to the Commission's new approach. This has pushed the Balkan governments to create more enabling environments for the development and participation of civil society in their national policy cycle. The PAR context is illustrative in this regard, with the involvement of civil society now mainstream across various policy fields, particularly in policy development and coordination. As such, the Commission has signalled its intention to somehow redress the widely-perceived executive bias of its accession process, but also to change the nature of its leverage towards a stronger focus on the empowerment of civic forces to act as catalysts of change and to keep national politicians in check for the long term.

STATE OF PLAY

This said, what do the public administration reform efforts made thus far in the Balkans reveal about the translation of the Commission's new and ambitious enlargement strategy into actual practice?

The policy dialogue on PAR

In the absence of an *acquis* chapter on PAR, the dialogue between the EU and the aspirants takes place within the PAR Special Groups (PAR SG), which are set up in the framework of the Stabilisation and Association Agreements (SAAs) that govern the relations between each Balkan state and the Union until accession. The PAR SGs are held mainly at the technical level and gather the relevant authorities from the enlargement countries and the Commission, with only indirect involvement from the EU member states.

Given the high premium that the Commission now puts on public administration reform, the PAR SGs have gained political attention, with line ministers often co-chairing or opening the meetings. They have also caught media interest, although the substance of the reporting on these meetings has remained in the hands of ministers' public relation officers, with only basic information finding its way to the public. In addition, because the agendas, minutes or reports of these meetings have never been released, various external stakeholders, such as civil society organisations (CSOs), have been unable to analyse the process or its outcomes. Thus, despite getting some media coverage and enjoying broad-based interest, the PAR policy dialogue has so far been rather closed and opaque.

This lack of transparency is due, in part, to the fact that member states approve the agenda of each SAA sub-committee meeting and are allowed to raise additional questions or make new proposals until the final adoption of the agenda by the Council of the EU's enlargement committee. Since this committee usually meets shortly before the scheduled SAA subcommittee meetings (PAR SGs included), it is difficult for the Commission to publish the agendas with due notice. The over-reliance of the PAR policy dialogue on the interaction between the Balkan governments and the Commission risks alienating parliaments, civil society and citizens from the process.

This, in turn, negatively affects the national-level policy cycle in aspiring countries, especially the problem-definition and policy-formulation phases, since the Commission's reports already list the policy problems and EU experts provide the policy proposals with little scope for additional input from civil society. The governments in the region can then use the Commission's advice to justify predetermined policy choices without accommodating further public consultation at home. In so doing, Balkan governments seem more responsive to the Commission's demands (such as for the provision of data and indicators) than to those of their own electorates.

Recent developments

To be sure, steps have been taken more recently to involve civil society in the PAR policy dialogue by organising consultative meetings with CSOs, the Directorate General for Neighbourhood Policy and Accession Negotiations (DG NEAR) and representatives of the EU Delegations in several Balkan countries. Building on a proposal made by the WeBER project² in cooperation with DG NEAR, this initiative to engage with civil society broadens the perspective of the Commission and EU Delegations, allowing them to better prepare for their PAR SG meetings with the governments of the Balkan countries. It also gives an opportunity to the civil sector in the region to effectively monitor and advocate for reforms in this area, alongside the Commission.

Hitherto, invitations to these consultative meetings have been sent to CSOs active in various PAR areas (such as in anti-corruption, transparency, accountability, service delivery, but also gender and disability) with whom local EU Delegations cooperate, as well as to partners in the WeBER network.

While this marks a positive opening-up of the PAR policy dialogue, it still falls short of a formal, structured and systematic consultation of civil society across the Balkan countries. The channels for inviting the CSOs vary throughout the region and do not guarantee an even representation of the different civil society groups. Moreover, the set up and objective of these consultations is not yet clearly defined. Thus, these meetings can have uneven impact on the formal policy dialogue between the Commission and the Balkan governments.

The regional challenge

Beyond these procedural issues, it is also the case that the public administration policy area is not a traditional meeting point for CSOs. National and regional civil society initiatives – such as the National Convention on the EU in Serbia, the SELDI network on anti-corruption and the Balkan Civil Society Development Network – actively working on different aspects of the EU accession process and promote, for example, exchange of knowledge and experience or effective joint advocacy. In the field of PAR, however, civil society is much less well-organised. A notable exception is the WeBER platform, which was established only recently with financial support from the EU (and co-financing by the Kingdom of the Netherlands).

At the same time, the PAR policy is highly demanding on the participating parties in terms of technical expertise and coordination. Yet, while civil servants in the Balkan countries receive regular training and capacity building, civil society does not, which obstructs its professional development. Building know-how in the PAR area takes time. The EU, as well as other donors, are currently addressing this issue through specific projects (mainly individual grants). Such assistance enables CSOs with greater capacities and technical expertise to train and otherwise help other organisations by developing their knowledge on PAR or their skills in policy monitoring and indicator measurement. At present, however, few organisations can be said to be fully capable of grasping the complexities of the EU's dialogue on PAR with the Balkan governments, and much more capacity still needs to be built, especially in policy development, public-service delivery, accountability, and human-resource management (civil service). This lack of adequate expertise on PAR means that civil society has yet to become a credible interlocutor for the government and Brussels.

PROSPECTS

To avoid (or at least mitigate) the possibility of backsliding on reforms, as has occurred in a number of CEE countries after their EU entry, the Commission is now wisely investing in the politics of bottom-up pressure for the Balkan aspirants. A capable and well-organised civil society can fill in the gap which emerges when the coercive power of EU conditionality fades post-accession. It can do so by continuing to monitor, in a credible and independent manner, the reforms previously monitored by the Commission, and by maintaining pressure and holding national governments accountable with respect to their commitments to good governance and the rule of law.

In developing this domestic leverage and ensuring a more meaningful involvement of civil society in fundamental areas of reform undertaken by the Balkan countries, like PAR, timing is critical. To ensure the sustainability of reforms, systematic civil society participation must be embedded in the PAR policy dialogue between the EU and Balkan governments. From the start and throughout the process, CSOs should benefit from specific support to develop their capacity and expertise in the relevant policy areas. Similarly, the policy dialogue should become more transparent and inclusive of the views of citizens.

2. That is, *The Western Balkan Enabling Project for Civil Society Monitoring of Public Administration Reform*. See <http://www.par-monitor.org/>, last accessed on 30/09/2017.

To that end, the European Commission should:

- Agree with the lead PAR authority in each Balkan country on a uniform practice of publishing the agenda and minutes of each PAR SG meeting.
- Decide on a common, structured approach to the organisation of preparatory consultations with civil society ahead of each PAR SG meeting. More specifically:
 - Invitations should be sent out to wide mailing lists and the main CSO networks. The final meeting invitees should be mutually agreed by the Commission and civil sector, and should ensure the involvement of organisations representing vulnerable groups (for example, disabled persons, minorities or gender groups).
 - Ideally, these consultations should take place no less than a week before the PAR SG meetings, with the agenda agreed and communicated, at least verbally, to the CSOs at that time.
 - CSOs should be given the possibility to suggest priorities on the agenda of the PAR SG meetings, as well as to propose potential conclusions to be adopted therein.
 - Following each PAR SG meeting, a wider, public debriefing should be held and relevant information should be disseminated to CSOs (potentially, using its networks working on PAR).
- Recommend that the governments of the aspiring countries make publicly available all reports produced in the PAR area (both those produced by EU's missions/experts and those prepared by national institutions) to increase accountability and stimulate domestic policy debates.

Moreover, the pre-accession period should be used to boost the capacity and self-organisation of civil society in the PAR area. In this sense, the Commission can have an important role to play by streamlining its approach to funding civil society in the region and by further investing in the sector's development (especially by supporting existing, well-functioning networks).

The Commission should also more forcefully back initiatives of the kind made recently by regional organisations such as the Regional School of Public Administration and the Regional Cooperation Council to directly involve CSOs as participants or speakers in their conferences, seminars or regional meetings. Since most of these organisations already benefit from EU financial support, their grants should more explicitly require them to involve CSOs on a larger scale than at present.

Finally, the guidelines for calls for proposals under the Civil Society Facility Programme (through which the EU provides financial support to CSOs in the region) should unambiguously demand self-organisation, capacity building and the creation of knowledge platforms in the area of PAR. On that basis, the more developed CSOs in the Balkans should commit to sharing their expertise in order to improve the capacity and skills of smaller, often local, organisations for successful PAR monitoring and evidence-based advocacy.

Completing the transformation of the Balkan countries into democratic EU member states is a common goal of the Commission and the civic sector in the region. The two sides should team up if they are to solve such a broad challenge. But this collaboration must be on a level playing field, with the partners tapping into each other's strengths and helping one another to overcome weaknesses. The Commission has the means, as well as the opportunity in the PAR sector, to support civil society in becoming its credible ally. It should thus invest in this strategy, with confidence that it will yield high returns in the future.

The views expressed in this Policy Brief are the sole responsibility of the authors.

