



*Institutional Reform  
in Southeastern Europe:  
How important is the EU anchor?*

Othon Anastasakis

South East European Studies at Oxford

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# *Main questions of presentation*

1. What kind of institution building is the EU promoting?
2. What kind of instruments does the EU use towards this goal?
3. What is the local political context and national responses?
4. Can the EU deliver in the Western Balkan countries as much as it did in the Central European cases?

# *Why EU institution-building?*

1. ***EU compatibility argument:*** adoption and implementation of the *acquis communautaire* and participation in EU policies.
2. ***Functional argument:*** creation of responsible and responsive governments able to deliver in the domestic political and socio-economic domains.
3. ***Normative argument:*** fulfilment of the Copenhagen political criteria: stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.

# *1. EU's direct interference*

- Constitution making
- Pressures and conditionality
- External institutions (military and police missions)

## 2. *EU capacity building*

*"Reinforcing the institutional and administrative capacity of beneficiary countries is a **key requirement for enlargement** if they are to be in a position to fully adopt, implement and comply with the Community acquis. This requires modernisation of their administrations and judiciary, taking account of the principles of professionalism and neutrality. Preparing for EU membership requires **far reaching changes** across a broad range of sectors in many of the institutions and organisations involved in the legislative and enforcement process."*

## 2.1 *Instruments for capacity building*

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- TAIEX

(Technical Assistance and Information Exchange Instrument)

- TWINNING

- SIGMA

(Support for Improvement in Governance and Management)

## 2.2 TAIEX

- *What is TAIEX* : short-term technical assistance.
- *Projects* : seminars, workshops, expert and study visits, training, peer review and assessment type assistance, database and translation services.
- *Beneficiaries* : public and private actors, which have a role to play in the transposition, implementation and enforcement of EU legislation.
- *Areas of action*: agriculture, transport, energy, environment, internal market legislation, freedom, liberty and security.

## 2.3 *Twinning*

- *What is twinning* : secondment of EU experts to the acceding, candidate and potential candidate countries on specific missions.
- *Projects* : experts made available for a period of at least one year to work in the corresponding Ministry in the beneficiary country.
- *Aims* : development of modern and efficient administrations with the structures, human resources and management skills needed to implement the *acquis communautaire* to the same standards as Member States.
- *Areas of action* : Justice and Home Affairs, Public Finance, Internal Market and Agriculture.

## 2.4 SIGMA

- *What is SIGMA* : assistance to partner countries to modernise public governance systems.
- *Projects* : assessing reform progress and identifying priorities; assisting in the process of institution-building and setting up legal frameworks; facilitating assistance to design projects and implement action plans.

## *2.5 Targets of EU Financial Assistance:*

### *Instrument of Pre-Accession (IPA)*

- Support for institution-building & the rule of law.
- Human rights, fundamental freedoms, minority rights, gender equality and non-discrimination.
- Administrative & economic reforms.
- Economic and social development
- Reconciliation & reconstruction.
- Regional & cross-border cooperation.

### *3. Indirect Institution building*

- Transnational exchanges, activities & policy transfers which include multilateral institutional contacts including structured dialogue & inter-parliamentary committees.
- Socialisation & emulation practices.
- Private sectors actions & initiatives
- Strengthening of civil society activities & bottom up pressures

# *The Regional Context: Weak states*

- Communist institutional legacies which resist change.
- Newly established, inexperienced institutions with limited capacity.
- Conflict legacies & divisive institutions.
- Externally administered institutions creating a dependency culture.

# Croatia

## EU accession talks

- Better equipped administratively.
- It has set its own chronological timetable of 2009.
- Need for improvements in its legal administrative system, its judiciary & fight against corruption.



# *FYR Macedonia*

candidate state

- Successful in implementation of Ohrid agreement & decentralisation.
- Weak economy.
- Divisive politics.
- Problems with rule of law, judiciary & corruption.
- Need for better business environment.



# *Albania*

signed a SAA

- Deep divisions between government and opposition.
- Complains about political appointments.
- Legal uncertainty & weakness in law implementation.
- Limited progress on improving business environment.
- Informality.



# *Bosnia-Herzegovina*

## negotiating a SAA

- International dependency and need for OHR phasing out.
- Fragmented politics & need to enhance central authorities
- Need to reform Dayton constitution.
- Strengthening public administration.
- Restructuring police sector.



# Serbia

frozen SAA negotiations

- Some progress in administrative reform and institutional potential.
- Polarised politics.
- Recently adopted new constitution.
- Progress in privatisation & FDI interest.
- Resumption of EU talks conditional upon ICTY cooperation.



# Montenegro

## negotiating a SAA

- Putting together institutional and legal set up.
- Need for new constitution.
- Need for administrative capacity building.
- Need for fight against corruption and organised crime.



# KOSOVO

## SAP tracking mechanism

- UN Security Council resolution 1244.
- International administration: UNMIK & KFOR.
- UN-led 'Standards for Kosovo'.
- Pending question of status and possibility of supervised independence.
- Transition to EU supervision and to local authorities.



# D. EU's "absorption/ integration capacity"

- Widespread public reluctance.
- "Enlargement fatigue"
- Turkey's potential accession to the EU.
- Western Balkan problems.
- Urgency of Institutional reform.
- Limited commitment and double messages.

