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ADMINISTRATIVE CAPACITY BUILDING IN WESTERN BALKANS AN OUTPUT OF INTERNATIONAL DONORS?

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Abstract

We discuss the aid provided by different donors to the Western Balkans region looking at two institutional scenarios of good governance building: 1) multiple donors – small prize (or: institutional destruction and the cartel of good intentions), and 2) dominant donor – major prize (or: capacity building conditionality). We argue that the Western Balkans experience a case of EU dominance by political conditionality that could lead to an ineffective administrative capacity building due to the overlap between democratization and management of security issues.

Keywords: international aid, administrative capacity, good governance

1. Introduction: administrative capacity building and good governance

An inspiring title of an article published by M. McGillibray et al made us think about good governance [1]. “It works; it doesn’t; it can, but it depends…” – might very well summarize decades of policy papers, reports and scholarly works dealing with this normative concept. It is said that initially World Bank declared its interest to the matter, and acknowledged good governance as a theme at its 1991 Annual Conference on Development Economics [2]. Be it so, over twenty years later, the concept remained a very fashionable term among donors around the world and in between became quite puzzling for both aid recipients and social sciences students.

Good governance arguments go as far as to encompass not only economic rationales on how a country should use and distribute its internal resources, but also ideological propositions on liberal democracy, minimalist state and free trade [3]. The UN Millennium Declaration [online at http://www.un.org/millennium/declaration/ares552e.htm] connects good governance to the presence of democracy, rule of law, respect of human rights, political participation, free press, access to public information and development (articles 24-25). In a more

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systematized perspective, UNDP [online at http://mirror.undp.org/magnet/Docs /!UN 98-21.PDF/Recon.htm, p. 19] discusses nineteen characteristics of good governance, while distinguishing between their economic, political, administrative and systemic natures. In that respect, government and civil service for instance should be: transparent, service-oriented, enabling and facilitative, trustworthy and regulatory.

EU also speaks of good governance [*White Paper on Governance*, 2001, online at http://eur-lex.europa.eu/LexUriServ/site/en/com/2001/com2001_0428 en01.pdf]: the keys to access it should be: openness (as in accessibility), participation, accountability, effectiveness, coherence, proportionality and subsidiarity. While it does not offer a unanimously accepted European index, World Bank does. It measures (good) governance by six aggregated indicators derived from public perception on governance: voice and accountability, political stability/absence of violence, government effectiveness, regulatory quality, rule of law, control of corruption [Policy Research Working Paper 5430, 2010, online at http://ssrn.com/abstract= 1682130, p. 4].

Starting with a similar interpretation, OECD [*Participatory Development and Good Governance*, 1995, online at http://www.oecd.org/dac/governance development/31857685.pdf, p. 14-19] focuses on four dimensions of governance: rule of law, public sector management, controlling corruption and reducing excessive military expenditures. While advocating in favour of a predictable legal environment, with government institutions able to provide public goods in a transparent and accountable manner, it also provides tailor-made solutions to reform. In a non-exhaustive, but relevant 'to do list', good governance was said to be strengthened by disseminating the law, reform the civil service, reduce corruption and public expenditures, fight against discriminatory policies and invest in demilitarization and public participation to policy-making (Table 1).

Table 1 comprises quite specific and targeted actions for governments to undertake when and if interested in building good governance. However, such a list remains, for the moment, a simple theoretical tool. Consensus may have been reached on *what* good governance is, but international organizations and governments alike are yet to agree on *how* it is to be achieved.

As argued by Meyer-Sahling in 2012, in the case of civil service reform in the Central and Eastern European (CEE) countries and Western Balkans (WB), reform agendas differ along geographical, historical and ideological boundaries. The principles thought to ease the quest for good governance in the CEE region (mainly reflecting the continental Rechtsstaat model of public administration) are not particularly appealing for the managerialist approach envisaged in the Western Balkans [online at: http://search.oecd.org/officialdocuments/public displaydocumentpdf/?cote=GOV/SIGMA(2012)1&docLanguage=En, p. 82]. In a similar note, Qudrat-I Elahi [4] discusses the misinterpretations of governance, a primarily political concept and suggests that at the root of good governance stand civil society organizations, rather than governments.

Table 1. 'To do list' for good governance.

Dimension 1: Rule of law	
Publish and disseminate the law	Officially translate the legislation
	Create an Official Gazette
	Develop legal literacy programs for poor or illiterate population
Motivate legal actors	Remunerate police, prison staff, etc.
	Improve skills by training
Fight against discrimination	Revise the laws
	Create a new body of legislation
	Introduce measures for legal aid for disadvantages
	Enforce laws for violence against women
Invest in infrastructure	Renovate the equipment of police force, courts, etc.
Dimension 2: Public Sector Management	
Reform the civil service	Collect and analyze base-line data on employees, ghost employees and payrolls
	Increase the personnel competence (meritocracy) and effectiveness
	Promote private sector activities to undertake public services and to absorb surplus government workers
	Improve the wage bills
	Improve the control of employment
	Increase accountability
Perform an accounting reform	Train accountants and auditors
	Strengthen the accountability and audit institutions
	Modernize government and private accounting
Perform a budgeting reform	Monitor and evaluate public expenditure programs
	Avoid financing of projects that are not part of the approved public investment programs
	Improve administration of tax and custom offices
	Improve information systems
Dimension 3: Controlling corruption	
Ensure transparency in policy-making	Establish or reinforce mechanisms to reduce corruption opportunities (e.g. bidding procedures, etc.)
	Establish and implement transparency and accountability standards and anti-corruption programs
	Assess the efficiency of control procedures in the use of funds
	Support public exposure of corruption
Dimension 4: Reduce excessive military expenditure	
Involve civilians in policy-making	Develop civilian expertise and management in military related affairs
	Demobilize military forces and design methods to reintegrate military personnel into civilian life

Source: authors' interpretation from OECD [*Participatory Development and Good Governance*, 1995, online at http://www.oecd.org/dac/governance development/31857685.pdf, p.14-23].

Smith [3] on the other hand, goes on a similar path to ours when drawing Table 1, and adds up the opinions of aid donors, lenders and government ministers. He thus identifies four sets of attributes requiring reforms should good governance is to be brought about: constitutional, political, administrative and the content of public policy [3, p. 6]. No success is natural just by following these attributes: successful reforms are more likely to be those designed in a sustainable manner, well-coordinated and performed fully aware of the local political contexts, says Smith [3, p. 280-286].

It is on this last point that we would like to focus our argument hereinafter: why do some reforms targeted to better governance end up in misery, while others seem more fortunate? Is it because of the tools, the actors, their scopes, the institutional framework? In order to address these questions we concentrate on the administrative capacities of transitional democracies of the WB and their respective incentives for embracing good governance.

'Administrative capacity' is to be understood as the government's ability to perform tasks and produce outputs, to define and solve problems, and make informed choices [*Institutional Assessment and Capacity Development: Why, What and How*, 2005, online at: http://ec.europa.eu/europeaid/multimedia/publications/documents/tools/europeaid_adm_concept_paper_en.pdf, p. 5] and [*Toolkit for Capacity Development*, 2010, online at: http://ec.europa.eu/europeaid/how/ensure-aid-effectiveness/documents/toolkit_cd_en_web_en.pdf, p. 9]. As argued elsewhere [5], this ability consolidates once the government internalizes democracy and acknowledges the principles of good governance in performing its functions. In this light, Table 1 becomes relevant for what governments could do in order to achieve good governance and enjoy a consolidated administrative capacity. We derive that in order to attain a consolidated administrative capacity, aid (attention) should be given to: enforcing the rule of law, building a meritocracy, developing an accountable civil service and making the human resource system transparent, effective and competitive by controlling corruption and opening-up the policy-making process.

In what concerns the 'aid', it will enclose: 1) the definition by OECD Development Assistance Committee (DAC) for the official development assistance (ODA): money from governmental sources to developing countries for the purpose of promoting economic development and welfare in recipient countries which has a grant element of at least 25% [online at: http://www.oecd.org/dac/]; 2) all benefits (of financial, material or informational nature) and assistance derived from the Europe Partnerships and Stabilization and Association Agreements (SSA) EU signed with applicants from the CEE region and Western Balkans; 3) all assistance provided by EU via PHARE, ISPA, SAPARD, CARDS, IPA, TAIEX (technical assistance, twinning) to associate and candidate countries of the CEE region and WB.

Finally, the reference to 'CEE region' implies seven states, namely: Bulgaria, Czech Republic, Hungary, Poland, Romania, Slovakia and Slovenia; and that to 'WB' includes: Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia (FYROM), Montenegro, Serbia, and Kosovo (under UNSC Resolution 1244/99).

Building on these concepts, the following sections discuss why good governance 'might work or not' in the WB. In doing so, we analyze the aids the WB received from different international donors (national governments and multilateral organizations) to develop their administrative capacities, while suggesting two possible institutional scenarios for their outputs: 1) institutional destruction and the cartel of good intentions (mostly the African case, with multiple donors of similar strength and prizes); and 2) capacity building conditionality (the CEE case, with one dominant donor – the EU, and one substantial prize – the EU membership).

2. The tragedy of institutional destruction and the cartel of good intentions

As Arndt [6] argued, after the Second World War, democratic Europe benefited from a massive infusion of capital made available by the Marshall Plan. Its success generated optimism in what concerns the possibility of rapid economic development forged by foreign aid. This optimism resulted in a growing attention given to less developed countries. It was believed that the European example would be followed by countries mainly from Africa, Asia and Latin America. Later on, after the fall of their autocratic governments, CEE countries received positive answers to their cry for international assistance. So did the new states of the WB. The common goal of the international assistance in those countries was local democratic institutional building and self-sustainment *i.e.* good governance. Looking at the African countries experience though, we get a not that bright picture of real-life foreign aid. Scholars of international assistance listed several cases of administrative capacity building failure from which, both the donors and the new European states, could learn. In what follows we summarize some foreign aid-caused cases of administrative capacity building failure.

Knack [7] speaks of several possible drawbacks of foreign aid: sustaining bad governments, increasing political instability, increasing rent seeking activities, weakening state bureaucracies. Traditionally foreign aid was thought as improving governance and helping reform-minded governments to survive. But external resources can help bad governments as well as good governments to survive. By external assistance aid, both the costs of reform and, in Knack's terms ”of doing nothing” [7, p. 312] could be reduced. Another possible negative effect of foreign aid could be an increased political instability as a result of ”making control of the government a more valuable prize” [7, p. 312]. Moreover, as mentioned above, it could increase rent seeking activities, resulting in loss of social welfare. The argument for this is that, as the amount of non-produced resources increase, the amount of produced resources decreases. Various groups will have incentives to specialize in obtaining non-produced resources (from foreign aid) and this will imply that fewer resources will be allocated for productive activities. Finally, a problem that could result from the foreign aid, which is of our primary interest in this paper, is the possible weaken of state bureaucracies of the recipient governments. The argument is that the donor organizations could extract all the scarce talent from the civil service: ”donor organizations often hire away the most skilled public officials at salaries many times greater than those offered by the recipient-nation government” [7, p. 313]

This later idea goes back to Bräutigam and Botchwey (1999) who argue that donors *by-pass* the recipient states governments: ”instead of the slower route of working within existing institutions to build their capacity, donors frequently implemented their projects through temporary, semi-autonomous project management units that ‘by-passed’ weak government offices and civil service regulations”. [online at http://bora.cmi.no/dspace/bitstream/10202/257/1/WP 1999.1%20Deborah%20og%20Kwesi07192007_10.pdf, p. 12] These semi-autonomous project management units had yet the effect of extracting the qualified personnel from the labour market and leaving the receiving states with *low skills* - *low salaries* public personnel exactly as Knack [7] later argued.

This effect is magnified by what Easterly [8] and Bräutigam, Knack [9] called the tragedy of the commons of institutional destruction. As Arndt noted: ”weak local institutions are in the heart of the development problem” [6, p. 15]. Foreign aid was meant to solve this problem, but far from doing that, it might have transformed it into a chronic disease. The mechanism received a clear description from Easterly: ”There is a tragedy of commons problem in that different aid agency executives (operating independently) treat the time of the recipient country staff as a free good without taking into account congestion externalities. For an aid agency executive, adding one more ‘*priority #one*’ mandate for a poor country has the large benefit of satisfying some rich country constituency that cares about that mandate.” [8, p. 242] So there is a collective problem or collective inaction problem as Nunberg and Taliercio [10] call it: Independent operating donors put pressure on a common pool of *low skills – low salaries* public personnel from the receiving countries. The result nobody individually intended is, as Bräutigam and Knack [9] noted, institutional destruction. Each project requires government oversight and reporting and by project fragmentation donors manage to preserve the pre-existent institutional retard. To specify the tragedy further, project fragmentation rather than central coordination and budget support is a strategy preferred by all donors because of the constituency constraint noted by Easterly [8]. Due to their accountability to homeland constituencies, as Knack and Rahman argue in 2013 citing a World Bank study from 1998, donors engage in these practices ”to increase the visibility of their efforts and the short-term appearance of success for their individual projects, at the expense of coherent policy making and capacity building in the recipient country’s public sector” [online at http://elibrary.worldbank.org/content/workingpaper/10.1596/1813-9450-3186, p. 3].

The above discussed tragedy of commons is supplemented with a case of toxic collective action or in Easterly's [8] terms, a cartel of good intentions. Easterly argued "that the industrial structure of foreign aid limits competitive pressure on aid agencies, who make up a *cartel of good intentions*" [8, p. 226]. He also listed eight reasons for establishing such malign cooperative arrangements [8, p. 245-246]: First, by acting collectively aid agencies could receive economies of scale in campaigning for aid revenues. Second, because the demand for foreign aid is more inelastic than in many other types of bureaucracies, the market power of aid agencies as a whole is greater and the degree of inefficiency and output restriction is worse. Third, "there are frequent interactions between different aid agencies and high probability that both the aid industry and individual agencies will survive indefinitely" [8, p. 245]. This will imply, as the iterated games theory argue, a cooperative equilibrium. Fourth, the number of major aid agencies is relatively small making cooperation easier. Fifth, the same aid agencies operate in many different countries and "undercutting one's rival in one market will lead to retaliation in other markets, making deviations from cooperation less likely" [8, p. 246] Sixth, project-product differentiation between aid agencies "makes collusion more stable" [8, p. 246] Seventh, the degree of innovation of foreign aid industry is usually low and the disruptions in the collusion are less probable. Finally the public disclosure requirements of aid bureaucracy make monitoring easier and retaliation probable. From these eight arguments, Easterly infers the cartel of good intentions: a collusion of aid agencies with a shared interest in reporting fast and loud success and concealing failure. As Easterly argues, this collusion destroys information and overall critical evaluation of aid agency outputs and results in a generalized inefficiency of aid.

So, starting from the above two explanations, on one part there is a problem of failed collective action (the tragedy of commons) of which result is a chronic ineffective civil service and institutional destruction, and on the other, a case of successful collective action with negative results for aid effectiveness. Together they could explain, at least in part, why in many cases foreign aid was ineffective (and did not lead to good governance) and even, maybe, why African political conditionality donor's policies failed. (For this later point, we could cite Crawford [11] who concluded that political conditionality was usually ineffective for the African states).

3. Conditionality and capacity building

In Europe, international assistance took a different form than on other continents. As mentioned in the antecedent section, after the fall of their autocratic regimes, the CEE and WB countries needed international assistance. This assistance came from many sources just as it did in Africa, Asia and Latin America. However, an important difference must be noted: the African experience involved many donors with somewhat similar contributions. European developing states however, received a disproportionate aid. There was an increasingly dominant donor, namely the EU. (*e.g.* the 2008 and 2013 OECD Reports Development aid at a glance: Statistics by region [available at http://www.oecd-ilibrary.org/docserver/download/4308091e.pdf?expires =1364978796&id=id&accname=guest&checksum=C751BC36C374C6A94DD87D6D5 D0315B3 and at http://www.oecd.org/dac/stats/Europe%20%20Development %20Aid%20at%20a%20Glance%202013.pdf] confirm that in 2004-2006 EU held a share of 71.3% of multilateral ODA, while in 2009-2011, it went up to 82.4%). Building on Olson's [12], it could be argued that this dominant position of the EU gives the donors group an asymmetric dimension. From this, the collective outcome – achieving good governance – had better chances to be optimally supplied.

This process of (mainly) European assistance is generally referred to as Europeanization by political conditionality – a long term plan of conditional assistance aiming at developing CEE states' capacities by: ”(a) construction, (b) diffusion, and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things', and shared beliefs and norms which are first defined and consolidated in the making of EU public policy and politics and then incorporated in the logic of domestic discourse, identities, political structures, and public policies” [13].

Schimmelfennig, Engert and Knobel simply described the process above as “the core strategy of the European Union to induce non-Member States to comply with its principles of legitimate statehood” [14, p. 495]. As Schimmelfennig and Sedelmeier noted in [15] this compliance was obtained only through reinforcement by reward. In Schimmelfennig and Sedelmeier' terms, conditionality is a process of negotiation where EU ”pays the reward if the target government complies with the conditions and withholds the reward if it fails to comply. It does not, however, intervene either coercively or supportively to change the cost–benefit assessment and subsequent behavior of the target government by inflicting extra costs ('reinforcement by punishment') or offering extra benefits ('reinforcement by support')” [15, p. 663-664]. The two definitions above imply a rationalistic approach which is even more visible at Lavenex and Schimmelfennig [16]: ”conditionality implies a bargaining process in which an international actor uses selective incentives in order to change the behaviour of actors in the target country. These target actors are assumed to weigh the benefits they derive from democratic change against the costs and to comply with international conditions if the benefits exceed the costs” [16, p. 890].

The already presented conditionality came in two main forms. As discussed by Schimmelfennig and Sedelmeier [15], one could distinguish between democratic and acquis conditionality. The former concerns “the fundamental political principles of the EU, the norms of human rights and liberal democracy” [15, p. 669]. It is supposed to have represented the first stage of political conditionality, one obvious in the early days of post-communism, when the CEE region initiated its new institutional ties with EU. By the time the European Councils in Copenhagen (1993) and Madrid (1995) asked proofs for respecting democracy and human rights, economic stability, and consolidated administrative capacities, the acquis conditionality took charge [15].

Both forms of conditionality were successful. Sedelmeier [17] noted that the "EU's conditionality strategy was a very effective tool in prompting the alignment of the post-communist candidate countries with EU law" [17, p. 806]. Lavenex and Schimmelfennig [16] and many other EU Enlargement scholars concurred to that conclusion: European conditionality did succeed. It follows then that with a very visible prize insight (EU membership) and a dominant donor (or, in Olson's [12] terms with an asymmetric group of donors), one has a case of successful export of good governance to developing countries. However, this is not the end of the story. Richter argued that this conclusion was not true for all European states [18]. For WB, for instance, the EU conditionality was not as effective as for the CEE countries. This relative ineffectiveness was caused by EU's using one strategy for two problems. Just as the CEE countries, WB experienced a democratic deficit. Unlike the former, however, the later faced an additional and very important security problem. In reply, the Copenhagen-Plus criteria, including "crucial elements of post-conflict rehabilitation (such as refugee return, confidence-building measures, and disarmament) were complemented by structural changes in the political system and society (for example, decentralization and power sharing)" [18, p. 509]. Ergo, as Richter noted, EU's strategy for WB was to complement "the advancement of democracy (the Copenhagen criteria) and that of security (the Copenhagen-Plus criteria)" [18, p. 509]. But this two-headed strategy had at least one serious drawback. As Richter argued, fulfilling the Copenhagen-Plus criteria and a rapid accession would surely enhance security. In the same time though, it would "entrench the hybrid, semi-democratic character of the states" [18, p. 510]. So, for WB "political conditionality in security issues has generated counterproductive unintended consequences in the democratization process" [18, p. 510].

4. Administrative capacity in WB: discussion

The WB region presents interest to a lot of international donors. However, the 2013 OECD Report on Europe "Development aid at a glance" [available at http://www.oecd.org/dac/stats/Europe%20%20Development%20Aid%20at%20a%20Glance%202013.pdf] lists a top 10 multilateral donors to Europe and places EU on a staggering 1st place (with 82.4% of all multilaterals), followed by the International Development Association (4.9%), the Global Fund (3%), OSCE (2.1%), IMF (2.1%), UN Refugee Agency (0.9%), the Global Environment Facility (0.9%), World Health Organization (0.6%), International Atomic Energy Agency (0.5%) and the UN Economic Commission in Europe (0.5%). The same report discusses the top 10 ODA European recipients and there, the WB score 41% of the total. A quick look at the sectors for ODA in Europe shows that a large amount of the aid targeted to the WB must have been consistent with the international agenda for good administrative capacity building (for 2011, 44.8% of the total bilateral commitments in DAC countries, was targeted to the social sector, which included 'Government and civil society').

On a similar note, the TAIEX Activity report [online at: http://ec.europa.eu/enlargement/pdf/taiex/11216_taiex_2011_en.pdf] speaks of 42.49% of all the organized technical assistance events being held in the WB. Considering that TAIEX provides institution building support to assist the process of transposition, implementation and enforcement of EU legislation and policies, and that EU acknowledges the need for the WB to comply with the Copenhagen-Plus criteria, good governance does seem to have been a coin for trade in the region. In that respect, Table 2 presents an up-to-date state of affairs for WB and the EU.

Table 2. WB and the EU (key moments).

	SSA signed in	**EU application approved in**	**EU candidate status granted in**	**EU Accession Treaty signed in**
Albania	2006	2009	pending	-
Bosnia and Herzegovina	2008	pending	-	-
Croatia	2001	2003	2004	2011 (2013)
FYROM	2001	2004	2005	-
Kosovo	pending	-	-	-
Montenegro	2007	2008	2010	-
Serbia	2008	2009	2012	-

What does this data tell us? In the wording of the antecedent sections, it speaks of a region where the dominant donor is the EU and the catchiest prize on the table seems to be the EU membership status: "The EU reiterates its unequivocal support to the European perspective of the WB countries. The future of the Balkans is within the European Union. ... Preparation for integration into European structures and ultimate membership into the EU, through adoption of European standards, is now the big challenge ahead. ... The speed of movement ahead lies in the hands of the countries of the region". [*Western Balkans Summit Declaration*, available at http://www.cespi.it/STOCCHIERO/dossierBalcani/dich-Salonicco.PDF]. It follows then that the most likely scenario for the WB is that of a successful conditionality, leading towards good governance building.

Yet, the region does remain under the influence of other donors, addressing the very same administrative capacity agenda (UNDP, for instance, coordinated numerous projects dedicated to the subnational capacity development in the WB, under the aegis of 'Capacity is Development' Knowledge Fair [online at: http://www.impactalliance.org/ev_en.php?ID=49348_201&ID2=DO_TOPIC]). However, the Paris Declaration on Aid Effectiveness (2005) and Accra Agenda for Action (2008), [online at http://www.oecd.org/development/effectiveness/34428351.pdf] urge donors to harmonize their actions and avoid, to the maximum extent possible, creating dedicated structures for day-to-day management and implementation of aid-financed projects and programs.

There are also early indicators describing the failure of some EU driven changes. In 2012 Meyer-Sahling ends his analysis on the overall performance of civil service reform in the WB saying that: "The sustainability of reforms is considered as low unless the international community remains actively involved in civil service reform. Civil service professionalisation in the WB is hence by and large externally dependent" [online at http://search.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=GOV/SIGMA(2012)1&docLanguage=En, p. 8]. Also, a study made by Nugteren et al. [online at http://ec.europa.eu/enlargement/pdf/financial_assistance/institution_building/2012/20120525_twinning_vs_ta_final_report.pdf, p. 20-21] comparing the delivering instruments twinning and technical assistance in the WB and Turkey between 2005-2007, points to several weaknesses of the EU incentives for good governance. For example for twinning, beneficiaries in the region considered that it entailed excessive burden on the beneficiary institution (41%), it was very hard to deploy the required support staff, with proper language and other skills (32%), it had insufficient influence on the quality of inputs and outputs (21%), and might lead to brain drain (8%). Insofar as the weak points of technical assistance, beneficiaries opted for: lack of guaranteed results (48%), high costs (28%), supply driven orientation (25%) and lack of sufficient expertise from technical assistance advisers (23%). Brain drain was also mentioned by 15% of the respondents.

EU's asymmetrical position in the region is likely to determine good governance building; however, as suggested by the data above and Richter [18, p. 509] in the previous section, the WB might also experience a deficit of democratization due to their security problem. Not addressing this issue on time could lead to a significant fragile administrative capacity and a questionable success of reforms.

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