

**Civil Service Reform in Albania:
The Broken Promise of De-Politicisation**

By

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Submitted to:

Department of Public Policy

Central European University

In partial fulfilment of the requirements for the degree of

Masters of Arts in Public Policy

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Budapest, Hungary

2010

Abstract

This dissertation reviewed the civil service reform in Albania in the light of evidence for political influence over civil service, and explored the roots and motives of this influence. Findings established that the reform has recorded progress with the legal and institutional frameworks. However, law implementation and functioning of institutions are hindered by political intervention, as the latter makes the separation of politics and administration unenforceable. This allows politicisation to flow over recruitments and other aspects of a civil servant career, including career termination by political dismissals.

Politicisation has persisted in the last two decades and analysing its causes, the research focused on political parties and argued that they exploit civil service to extract jobs for their supporters and recourses for party-building purposes. This exploitation was facilitated by coalition governments, product of cartel-like party alliances or opportunistic pacts. Coalition members politicised their ministries facilitated by: parliamentary majorities; a weak and excluded opposition, not able to constrain their actions and; the lack of internal coalitional accountability, as parties shared office spoils among them. The study proposed three recommendations to address politicisation: the reformation of political parties, the agents of politicisation; the reaching of political consensus not to intervene on civil service personnel policies when power rotates and; finally, the education and awareness-raising of society to make informed choices and penalise politicians who engage in politicisation. International and especially European institutions can play a crucial role in removing the political influence over civil service since Albania is working toward EU accession.

Acknowledgements

In these lines and I would like to acknowledge Professor Gar Yein Ng for her invaluable supervision and thoughtful advice throughout the research process. I want to thank also other professors and my fellow students at CEU for their support, and finally my family, to whom this dissertation is dedicated.

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Chapter I

Introduction

1.1 The research context and the problem for analysis

In the early 1990s Albania emerged from five decades of communist regime to embrace democracy and market economy. The former-communist nomenclature that the country inherited had to be overhauled to accommodate these developments and take on the newly emerging public functions (Elbasani 2009: 75). Similar to other post-communists contexts, the reform was inspired by Weberian bureaucracy, considered as the right “recipe” to demolish the inheritance of intertwined party-state nomenclature, and eradicate the political influence over administration that emanated from this arrangement (Meyer-Sahling 2004: 71). Its overarching objective was to separate politics from administration and establish a professional, sustainable and impartial body of public officials (Kodra n.d: 268).

The reform initially focused on the central administration, named later the “civil service”. To guide this process, in 1994 the Department of Public Administration (DoPA) was created. DoPA worked to put in place a civil service law, adopted in 1999, and established the Civil Service Commission in 2000 and the Training Institute of Public Administration in 2002 (Simixhiu 2005: 5-7). The reforming of civil service has received a new impetus as Albania is seeking European Union membership, both in terms of the need to negotiate this process, and as an accession condition, as “candidate countries need to develop their administrations to reach the level of reliability of the European Administrative Space” (SIGMA 1999: 15). However, after

two decades of intensive work and considerable domestic and donor resources invested in this process, there are indications that civil service is characterised by political intervention that results in high staff turnover, lack of competence and compromised impartiality (SIGMA 2004, 2009; EC 2007, 2009; Kajsiu et al. 2003; Elbasani 2009, 2009b).

In this context, this dissertation reviews and evaluates civil service reform in Albania to explore the roots and motivations of political intervention. Given the fact that this intervention has continued and shows resiliency even in the presence of the civil service law, the present work examines the wider political context and relations of incumbent parties with the civil service. This intervention is known as the phenomenon of politicisation which at a basic level means the domination of political criteria over merit-based criteria in the recruitment, promotion, disciplining and other moments of a civil service career (Peters and Pierre 2004: 2).

The study of politicisation of civil service in Albania has a special importance as politicisation hinders the reform implementation and reverses its results, bringing repercussions for the quality of governance and EU membership aspirations (Bogdani and Loughlin 2007: 47, 119).

Politicisation has been mostly discussed in EU monitoring reports and in a few articles, whose angle has been more chronological, as evidence and facts are brought into light, rather than deep analyses on its causes. Therefore, there exists a research gap regarding politicisation in Albania, and given the importance of the topic, my research will contribute to fill this vacuum. Analysing civil service politicisation in a post-communist country, the study will also contribute to the exploration of this phenomenon in the Eastern European post-communist space.

1.2 Methodology and dissertation structure

This dissertation is guided by bureaucracy and (de)politicisation studies as well as political clientelism and party-building literature, referring particularly to the post-communist politico-administrative interactions (Wilson 1887; Weber 1952, 1987; Peters and Pierre 2004; Rouban 2003; Kitschelt 2000, 2001; Katz and Mair 1995; Grzymala-Busse 2003, 2007; O’ Dwyer 2004; Meyer-Sahling 2004, 2008). The research covers the period from the beginning of democratic transition in Albania, in early 1990s to present. It employs qualitative methods, and document research and legislation analysis are combined with interviews and observation in the country.

Interviews consisted of open questions, structured around politicisation patterns, civil service law gaps or circumvention practices, motives of governments and incumbent parties for intervening on civil service, benefits accrued from such interventions, etc. A summary of interviewees’ data is presented in the table below. For confidentiality reasons, interviewees are coded with numbers and the names of the ministries where interviewees are/had been working are not reflected in the table. Interviews were conducted in Albanian language and I have translated into English their information, and citations from documents in Albanian language.

Table 1: The interviewees’ data

Interviewee Coding	Working Position	Interview Date
Interviewee 1	High-level Civil Servant ¹	14/04/10
Interviewee 2	Medium-level Civil Servant	14/04/10
Interviewee 3	High-level Civil Servant	15/04/10
Interviewee 4	Former-official in Political Position	19/04/10
Interviewee 5	Retired Head of Department	19/04/10

¹ Civil servants in specialist position are categorised in three levels, namely, high, medium and low (CSS 1999: art. 11);

This dissertation is organised in five chapters. Following this Introduction, Chapter II offers a historical perspective on politics-bureaucracy relations and the conceptualising of politicisation and its common patterns. Chapter III concentrates on civil service reform in Albania and evaluates the legal and institutional frameworks and their implementation and functioning. Following the evaluation findings, Chapter IV explores the question why politicisation persists and analyses the role of incumbent parties in exploiting civil service to offer jobs to their supporters, and extract resources for party-building purposes. Chapter V draws conclusions and provides recommendations to address civil service politicisation as well as avenues for further research.

Chapter II

Politicisation of Public Administration: Causes and Consequences

Introduction

Public administration is an essential part of the state. Its mandate includes complementary duties such as the translation of laws into public goods and their delivery to the citizens, as well as, being responsible to the policy agenda of the government and serving as a channel for the public to reach policy-making process (Peters and Pierre 2003: 2). Therefore, administration plays an intermediate role between government and the public, the success of which depends on its professionalism and maintaining an impartial position. This position, which defines also its professionalism and efficiency, is critically affected by the relations that administration constructs with the government and citizenry. The government threat to administration impartiality results from the “quest” of politicians to control it, and from citizens’ side as lobbying pressures of special interest groups (Peters and Pierre 2004; Ståhlberg 1987: 365-6; Hojnacki 1996: 141).

These intrusions, in reality, are usually intertwined. The first, known as politicisation of administration, triggers the second, preferential treatment for certain individuals and groups based on their political and financial support for incumbent elites (Hojnacki 1996: 141). However, politicisation or intrusion from above prevails because of the governmental power over administration and their interactions in the governing process. This chapter reviews the politicisation debate in a historic perspective and then concentrates on its conceptualisation and common patterns.

2.1 Keeping politics and administration separate: a historical challenge

Politicisation is generally defined as undue influence of politics over management and functioning of public administration (Rouban 2003: 311). Preventing this influence from reaching administration, which risks biasing the provision and delivery of public goods and the two-way communication between government and citizens, has been a historical challenge. Administration impartiality came into attention as new bureaucracies emerged in the nineteenth century, and its importance is emphasized by Woodrow Wilson: “it is through administration that the State makes a test of its own powers, and of the public needs, and a test of law, its efficiency, suitability, etc.” (1887 in Cook 1997: 293). Wilson was writing in late 1880s in the context of congress-administration relations in United States, and concerned with the widespread political patronage and corruption, he proposed the separation of politics and administration, known also as the politics-administration dichotomy (Sapru 2006: 57).

Wilson defined politics as “choosing between policies and fixing upon political purposes” and administration as “the work of bringing policies and purposes to realization”, and although administration receives tasks from politics, it does not belong to political sphere and should not be subject to political power (1887 in Cook 1997: 289). However, he acknowledged that a mechanical dichotomy would result in non-optimal policy, if administrative capacities were not utilised in the process, and inefficient administration, if the administrative body was not democratically controlled (1887 in Cook 1997: 291). In order to avoid such dysfunctions, Wilson proposed that politics and administration be properly and securely linked functionally and institutionally, always taking into account their very specific mandates (1887: 210).

Wilson’s work inspired other contributions in the separation debate. Goodnow (1900) furthered the distinction by arguing that politics is a value-laden activity and very different from

administration, which is based on facts and scientific investigation. With the expression “there is no Republican way to build a road”, but only the engineers’ way, he was trying to highlight the technical nature of administration and the need to let it work free from politics (Goodnow 1900 in Henry 2004: 30). Although at the beginning of the twentieth century the pendulum of separation debate in United States went back and forth, in Europe the model of the public bureaucratic organisation developed by Weber began to shape the features of Western European bureaucracies (Fry and Nigro 1996).

Weber developed his theory of bureaucracy writing about the exercise of power and authority in society. He defined three types of authority: charismatic; traditional and rational-legal (1952: 19-21). While charismatic and traditional authorities derived respectively from the special individual characteristics and hereditary traditions, rational-legal authority was based on the power of normative rules. According to Weber, rational-legal authority was ideal and superior compared to the instability of personalized charismatic rule and democratically-incontestable traditional power. This authority in its “purest” form is exercised through a bureaucratic organisation, the work of which is based on a body of law, and bureaucrats “administer” the law, meaning applying it to specific cases (Weber 1952: 21). Thus the politics-administration dichotomy, or lawmaking and law administering, and the professional drive of the latter permeate Weber’s theory and shape the organisation and operation of bureaucracy.

Bureaucratic officials, according to Weber (1952: 21-2), have ten characteristics: 1) develop impersonal relations with authority; 2) occupy positions in a clear hierarchical structure; 3) have a well-defined jurisdictional authority; 4) enter office freely, as opposed to the patrimonial rule where officials owe the position to the leader; 5) are employed for their qualifications and skills; 6) are remunerated by pre-defined salaries in money; 7) have public office as the main occupation; 8) advance in career based on seniority and achievements, and are assured against

arbitrary dismissal in order to guarantee “a strictly objective discharge of office duties free from all personal considerations” (1987: 85); 9) have their private interests separated from office and; 10) are exposed to strict rules of conducting official duties (Weber 1952: 21-7; 1987: 81-6).

Although all these characteristics are inter-connected with the containing of political influence, the most relevant to politicisation are: the establishing of impersonal relations with the authority, meaning no subordination of bureaucrats to the level of personal servants of political superiors; the meritocratic recruitment principle as the only way to access office; financially-rewarding, secure and predictable careers; the separation of office from private interests of the bureaucrats and; the domination of administrative codes of rules. These features have been influential for the consolidation of civil services in Western Europe (Rouban 2003: 314), and they are also regarded as the right “recipe” to demolish the legacy of party-state fusion in post-communist administrations (Meyer-Sahling 2004: 71). However in spite of the existence of such theories and their stressing of the costs of politicisation, the phenomenon is present in different forms and motivated by different reasons, as next section discusses.

2.2 Politicisation of public administration: means and ends

Politicisation occurs when governing parties extend their power over administration and influence its functioning (Peters and Pierre 2004: 287; Rouban 2003: 311). Although straightforward, politicisation is a complex phenomenon that can take many forms and be induced by different reasons. Hojnacki (1996: 139) defines it “as a form of human behaviour that includes the use of political means to achieve political ends”. This view is detailed by Plano et al. (1973: 291), contending that politicisation “is ... the exercise of influence, the struggle for power, and competition among individuals and groups over the allocation of rewards of ‘values’

within a society”. Their conceptualisation points toward the fundamental question of policy and service delivery, “who gets what”, and the influence that politicisation has on the process (Rouban 2003: 310).

It is clear then that for political wishes to become the intended ends, they have to flow into administration, which in turn has to be moulded in such way to make the former achievable. This is the instrumental part of politicisation that refers to the composition of public administration and its partisan orientation to increase the compliance with political directives. Its essence is “the substitution of political criteria for merit-based criteria on the selection, retention, promotion, rewards and disciplining of the members of the public service” (Peters and Pierre 2004: 2). Thus politicisation of recruitments and public officials’ careers prioritises political loyalty over professional responsibility. But why does this happen?

The first thing to consider is that, according to the division of labour discussed in the previous section, administration has to accommodate the policy agenda of the government. On the other hand, administration has to be professionally responsible and the much sought balance is to handle political requests in a professional and neutral way (Almond and Powell 1966: 152). In reality, the balance is a quite delicate, in contrast with the aphorism “politicians propose and administrators – dutifully and unquestioningly – dispose” (Eichboum 2010: 200) and governments understandably, would like to compromise it to advance their agendas.

A second argument is that governments have to engage in politicisation in order to make administration react quickly to their policy proposals and ensure their policies survive. As Ståhlberg (1987: 365-6) argues, modern bureaucracies have grown into complex organisations which often “frustrate political intentions” with their inertia and resistance to change. A moderate level of politicisation, in the form of political positions introduced in administration, is

seen as a functional prerequisite to make it responsive to the policy “signals” of the government (Rouban 2003: 311). According to Peters and Pierre (2004: 284), these positions are also helpful in checking administration, as politicians are held accountable by the public for the administration’s performance, which they can control only imperfectly. In United Kingdom this type of politicisation is manifested in a few political positions, such as political advisors or high level directors, while in United States it is represented in up to ten percent of the central administration positions that the president has the right to fill with political appointees (Peters 2001: 82). In both cases, politicisation is confined to these positions, and the research shows that political appointees generally have very good qualifications and skills (Rouban 2003: 313).

Finally, politicisation occurs also to attune “who gets what” with the interests of ruling parties as administrative activity defines the distribution of public goods and services to the citizenry (Rouban 2003: 310). Although politicisation in policy-making is somehow legitimised by the popular vote and the fact that, within a group of beneficiaries qualifying individuals are not excluded (Stokes 2007: 3), politicisation as a mechanism to preferentially distribute public resources is unacceptable on many grounds. Firstly, it undermines the Weberian ethics of administering “without ...anger or prejudice” (Weber 1994 in du Gay 2007: 2) and secondly, violates principles of good administration, as eligibility criteria, equal treatment, fairness and non-discrimination, transparency and accountability are replaced by the connections or loyalty to the party and the covering up that political power provides (SIGMA 1999; Brinkerhoff and Goldsmith 2002: 9).

From an issue of politically-nuanced access, where public resources are selectively distributed, politicisation transforms to clientelism and patronage as preferential access is exchanged for political support and votes for the “benefactors” (Roniger 2004: 354). As Piattoni (2001: 2) argues, clientelism and patronage are “strategies for the acquisition, maintenance and

aggrandizement of political power”. In Stokes’ view their core mechanism is “the proffering of material goods in return for electoral support, where the criterion of distribution that the patron uses is simply: did you (will you) support me?” (2007: 2). Patronage and clientelism are exploited by many parties in different institutional settings; however, there are certain parties and contexts where these phenomena particularly thrive.

Among parties, the most susceptible to resort to clientelism and patronage are those that lack extended and institutionalised structures and a stable electoral base. According to Kitschelt (2000: 846-7) these parties, being unable to present and fulfil policy promises, fail to construct programmatic linkages with the electorate and thus concentrate on building clientelist links with individual or group voters. Keefer (2005: 9-10) finds this phenomenon more pronounced in new democracies, as parties lack experience and credibility. According to him, parties rely on local brokers that are capable of securing more votes than politicians do, by mobilizing their families, kinship or the whole community under their influence. Cleavage politics, pursued by parties which appeal to “sectional” constituencies and draw boundaries between “friends” and “foes”, employs clientelist linkages as well (Kitschelt 2001: 305). Therefore, under these parties public jobs are distributed as clientelist goods and administration becomes a partisan institution that favours respective parties’ clientelist enclaves.

However, clientelism and patronage are not exclusivity of these parties, as a new type of inter-party organisation coined by Katz and Mair (1995: 17) as “cartel party” is taking over. In this establishment “ostensible” competitors collude to ensure a collective survival through the penetration of the state and exploitation of its resources. The electoral collusion of cartel party members results in this group securing parliamentary surplus majorities, which leaves a weak opposition to confront their state exploiting actions (Grzymala-Busse 2003: 1125). On the other

hand, the cartel agreement to share the office spoils in a governing coalition, undermines their ability to control and constrain each-others' politicisation interventions (O' Dwyer 2004: 521).

Regarding the institutional contexts, post-communist countries offer a fertile ground for clientelism and patronage in the light of Keefer (2005) thesis on new democracies with inexperienced parties, and Kitschelt's (2000) on parties with weak structures and low policy credibility. These countries are also going through a mixed transition and modernisation process, which according to Goetz (2001: 1041-2) reflects "widespread corruption, state capture ... clientelism, nepotism, various forms of party-political patronage, including the 'parcelling up' of the state and its resources among a small cartel of political parties". Additionally, cleavage politics is frequently pursued to fuel the hatred between people who were favoured and those persecuted by the communism for political benefits (Kitschelt 2001: 305).

Conclusion

The politics-administration dichotomy and Weberian bureaucracy influenced the envisioning of an administration that could handle political requests with competence and impartiality and equipped with public service ethos and protection from dismissals, resist biased political orders. This model has helped western administrations modernise and it is also guiding post-communist countries bureaucratic transformations. Having a history of institutionalised politicisation, and developing politicisation vulnerability during transition, these countries are reforming their administrations to put in place Weberian bureaucracies. Albania is such a country and it has embraced this model in the attempt to upgrade its administration to Weberian standards. Next chapter will evaluate the civil service reform component, a two decade effort, to find whether the results indicate prospects for a Weberian administration and elimination of politicisation in the country.

Chapter III

Civil Service Reform in Albania:

Progress and Politicisation Reversals

Introduction

The transition of Albania to democracy and market economy, following the collapse of communist regime in early 1990s, was accompanied with numerous institution-building challenges. The transforming of the former-communist nomenclature into a modern civil service was one of these challenges. As the role of this structure was crucial in initiating and guaranteeing the success of overall transforming and engineering processes, its reformation became a priority (Elbasani 2009: 75). Modelled on Weberian bureaucracy the reform aimed to separate politics from administration and establish a professional, sustainable and de-politicised body of civil servants. Its managing by independent institutions, the welcoming of well-qualified candidates selected on meritocratic basis, provision of rewarding wages, prospects for promotion and career, and the necessary protection from political dismissals, were some of the reforming instruments (Kodra n.d: 268; Meyer-Sahling 2004: 71-72).

The reform has been a priority of domestic and international actors in terms of attention it received in strategy documents (SIPAR 1997; PARP 2000; CSPAR 2009) and funding (EC 2001; SIGMA 2004, 2009) and this chapter will evaluate its results. The chapter starts with an analysis of civil service law and managing institutions and then concentrates on their functioning in practice, with special regard to general management, recruitment, performance evaluation, promotion, pay and training aspects.

3.1 The legal and institutional frameworks of civil service reform

Like other former-communist countries, Albania inherited a nomenclature type of central administration, with politicisation being an institutional feature as according to Meyer-Sahling (2008: 3), most of public officials combined political and administrative careers in party organizations and state apparatus. This legacy and the conceiving of central administration as the agent of overall transformations, made its reformation imperative (Elbasani 2009: 75). The task of preparing and implementing the reform was entrusted to the Department of Public Administration (DoPA), created in 1994. The mission of this structure was to manage the civil service that included the administration of President, Parliament, Council of Ministers, ministries and other central independent institutions (Selenica n.d: 185).

To start the reform process, DoPA worked to put in place a civil service law, adopted in 1996. However, this law was never implemented and the lack of experience and above all of political will, were some of the reasons why it failed (Simixhiu 2005: 2. After an institutional crisis in the country in 1997, DoPA supported also by international institutions intensified efforts on a new law and in 1999 the Civil Servant Status (CSS) was approved (Kodra n.d: 261-5). The main principles of this law (1999: art. 3) were “professionalism, independence and integrity, political neutrality, transparency, service to the public, career continuity, accountability and correctness in the application of binding legislation”. Reflecting the Weberian standards, CSS drew a distinction between civil service and political positions at the ministry level, and established the post of general secretary as the highest rank civil servant, responsible for the overall ministry management and facilitation of interactions between the two. Most importantly, through the granting of civil servant status, CSS (1999: art. 11, 20) aimed to protect civil servants from

political dismissal, the most sensitive issue of the day, as the entry into office of the two post-communist governments was marked by extreme levels of political dismissals (Kodra n.d: 265; Vickers and Pettifer 2000; Freedom House 1998).

Within a short period, the CSS was completed with the necessary secondary legislation and its implementation was followed by the creation of Civil Service Commission (CSC) and Training Institute of Public Administration (TIPA) (Simixhiu 2005: 5-7). CSC has a quasi-legal status and oversees the civil service management. Its establishment was strongly advocated by international institutions to protect the civil service from political influence, ensure DoPA correct handling of the law and, provide a gateway for aggrieved civil servants (SIGMA 2004: 32-3). Seen through the lens of legal and institutional frameworks, civil service reform in Albania has generated positive results and for a comprehensive view, next section explores law implementation and the functioning of institutions, concentrating on general management, recruitment, performance evaluation, promotion, pay and training aspects.

3.2 Results of the reform on the ground

Civil Servant Status benefited from international expertise and resources, which together with the pressure exerted by the donor community resulted in its conformity to the European mainstream standards as SIGMA concludes (2004: 32). DoPA also has managed a considerable work volume channelled through three reform documents, Strategy for State Institutions and Public Administration Reform (1997), Public Administration Reform Project (2000) and Cross-sector Strategy of Public Administration Reform (2009). However the most important part is the implementation process of these legal and strategic objectives.

3.2.1 The discretionary spaces on the law and the weak position of Department of Public Administration

Although the CSS can be considered a successful initiative, it contains many discretionary elements that are exploited by political superiors. The present research identifies three such elements: the hiring of public officials with contracts rather than through competitive exams, on cases of supposed urgent needs; the right of ministers to frequently reshuffle the structure of the ministry, indirectly attacking certain civil servants through cutting off their positions and; the selecting clause on the right of the direct superior to pick one of the three top candidates decided by the competition, which will be dealt with later on recruitment procedures (DoPA 2006: 5; Simixhiu 2005: 5; Interviewee 1).

Interviewee 1 elaborated on contracted recruitment, pointing out that in the absence of a selection procedure “political superiors have a free hand to appoint whomever they want in these positions”. DoPA raises this issue forcefully and appeals to the ministries to stop this procedure, asking also for political support to make them comply (2006: 5; 2008: 8). According to DoPA contracted recruitments undermine the public confidence on the objectivity of civil service recruitment procedures. As contracted officials have connections with the ministry elite, and the comparative advantages of being an insider as well as working in the position, the public does not believe in the fairness of competitions where they are expected to compete. This fact results in few applications which fail to meet the required quorum to proceed with the exam (2006: 5). Moreover, the frequent annulment of competitions resulting from that, leads to a waste of DoPA funds from repeated advertising of positions in the newspapers.

Regarding reshuffling, Interviewee 1 said that in her ministry, the reshufflings were as frequent as once in eight months. According to her, the aim was not to increase the work efficiency of the

ministry, but rather to target and dismiss certain civil servants, as there were cases when the reduced positions were added in the next restructurings. The opening of new positions for political appointments was identified as another restructuring output (Interviewee 1). On this issue, DoPA (2006: 10-11) states that because of frequent restructuring, a structural instability is created among ministry units that switch designs, and problems with re-formulation of job descriptions have surfaced.

Civil servants, whose positions are cut, usually are dismissed from civil service and some, at the discretion of ministry officials are placed on the waiting list where they receive salary compensation for one year, meanwhile waiting to be employed in similar civil service positions (Interviewee 1, 2). The prospects of list civil servants to be re-employed are minimal, although DoPA draws attention of the ministries to consider this group first when a new vacancy is created. However, DoPA emphasizes that it has kept proposing the employment of civil servants registered in the waiting list, underlining also the list financial costs, but “such proposals have been continuously refused by the ministries” (2006: 6). The ministries’ attitude toward list civil servants proves the real motivation of reshufflings: the releasing or creation of new positions to be occupied by individuals close to political superiors.

These cases reveal that DoPA lacks a powerful institutional position to make ministries implement the law requirements. Initially DoPA was under the authority of Prime Minister, but since 2005 its structure was moved to the Ministry of Interior (Selenica n.d: 185). In both arrangements DoPA has not fully lived up the role of an independent institution (Interviewee 1). However, at least in the first arrangement, under the Prime Minister office, it had more power to make ministries comply and hold them accountable, compared with the actual position where it is vulnerable to double political interventions, and being in a parallel structure has no imposing authority.

3.2.2 General management, recruitment, performance evaluation and promotion

Concerning general management and the insulation of civil servants in ministry level from politics, the law assigns this role to the general secretary, a career civil servant epitomising the backbone of ministry stability. However, general secretaries have not been immune from dismissals as when the government changed in 2005 there was a collective purge against them, with only two surviving the storm, and the motivation of the purge was purely political according to SIGMA (2009: 7). This attitude toward general secretaries is against the logic of the civil servant status that they enjoy, set to prevent political dismissals. As expected, their dismissals were followed by political appointments of new general secretaries made through contracts rather than open competitive exams (SIGMA 2009: 7). Therefore, the political orientation of general secretaries seriously compromises their role as guarantors of politics and administration separation and results in a vicious circle with this scenario periodically repeated.

General directors and heads of departments in the ministries, both civil servant positions, are exposed to the same dismissal pressures and political replacement patterns. The first implication of politicising these positions is the triggering of similar reactions to other civil service levels.

According to Interviewee 3,

... these officials brought in civil service not by their competence but by political affiliations, are under the pressure from ministers to deliver their political wishes and at the same time to return the favour by dismissing inherited employees under their authority, to employ those that the ministers recommend.

The second implication is related to the financial aspect, as after political dismissals, many removed civil servants win the cases against the respective ministries in Civil Service Commission and in courts, and this fact indicates fabricated dismissals reasons (AHC 2006: 4).

The winners are entitled to salary compensation and to resume working in their former or similar position. However, since these individuals have been moved for political reasons, they are not welcomed by the ministries. Therefore, they continue to take financial compensation in the form of the salary of the position where another employee is being paid as well, resulting in huge loss for the state budget (Methasani 2009: 3; DoPA 2006: 6).

The third implication is the discrediting of competition process, as politically-supported individuals contracted at senior civil service positions need to go through the exam process to be confirmed as civil servants (Interviewee 4). According to Interviewee 4, these officials in order to secure the necessary number of candidates to proceed with the exam invite their friends to take part formally or oblige their subordinates to do so. On this phenomenon Barjaba (2010) writes:

High and medium level specialists apply for job positions that are known from the beginning will be occupied by their head of sector. Head of sectors go with the same diligence in competitions where their directors are expected to win. Directors, even more zealous, compete for job positions destined for general secretaries. In brief the dependants pretend to be “ignorant” in the competitions, without being such in reality, in order to open the way to “the performance” of their superiors in the exam.

Recruitments in the lower levels exhibit similar problems. Left with a discretionary clause, where the direct superior has the right to select one of three top candidates emerging from competition (CSS 1999: art. 13), they are easily manipulated to favour individuals with political connections. Interviewee 4 said that political officials frequently “instruct” the members of ad-hoc committees, responsible for organising the competition process, to advance the preferred candidate on the first three positions. This candidate is then picked by the direct superior and SIGMA (2009: 9) notes that “it has occurred that the direct superior has selected the second and even the third candidate when the first one has had 20-30 % more points”.

On performance evaluation and promotion, the CSS foresees that civil servants should be evaluated annually and the results determine the level of financial reward at the end of the year and their chances for career advancement (1999: art. 15, 16). DoPA reports (2006; 2008) highlight the difficulties related with evaluation, stating that “not only has the process not been understood and is not serving the intended purposes, but also there exists a refractory attitude among ministries in relation to it” (2006: 10). The latter reveals the tension between DoPA and the ministry elites who intervene in the process. Regarding this matter, Interviewee 2 expressed that performance evaluation is largely “fictive” as connections with the minister and other powerful positions in the ministry define it, rather than annual individual achievements. In the same vein, promotion chances are higher among those having ties with the ministry elite (Barjaba 2010).

3.2.3 Reforming of wages and establishing of training system

The improvement of civil servants’ remuneration toward the objective of rewarding wages has been another component of the reform. Initially there was a huge gap between the remuneration of civil servants and comparable positions in the private sector. This factor made civil service positions generally unattractive for qualified individuals, and at the same time stimulated the departure of existing capacities to the private sector (DoPA 2002: 10). In 2002 a new salary system was introduced, which doubled the wages of civil servants in the specialist level and raised by around 50 % those of directors and other senior positions. The categorisation process of specialists at high, medium, and low levels, which also differentiated their wages, was another significant step in improving the civil service remuneration (DoPA 2005: 11; CSS 1999: art. 11). The achievement of rewarding wages has had the attention of all governments and in 2006 there

was another wage increase ranging from 5 to 70% (EC 2007: 8). Unfortunately these measures have heightened the politicisation pressures over civil service jobs.

To increase civil service attractiveness, DoPA has undertaken other initiatives such as the financial qualification bonus for civil servants having master and doctoral titles, and the “Brain Gain” program that invites Albanian graduates from outstanding international universities to join civil service (DoPA 2008: 6). Along with these developments, the salary system has evolved in a well-regulated scheme and as SIGMA (2009: 16) concludes “the civil service law-based salary scheme is relatively transparent and leaves little leeway for discretion in determining individual salaries”.

However, although the system at the macro level cannot be manipulated for individual preferential treatment, it can at the ministry level. One element that allows this is the categorisation process of civil servants in the specialist positions done at the ministry level. As mentioned earlier, categorisation is related to a wage supplement and as such it is prone of interventions. The process is based on legal criteria; however they are not rigorously implemented. Interviewee 2 pointed that, although the job positions are crucial for determining the category level, civil servants who are not placed in these positions but have connections with those who make decisions, can be assigned to a higher category. The interviewee added that bonuses or financial rewards, which are at the discretion of the minister or other senior positions, are another mechanism that allows favouring of civil servants, mostly on politicisation and connection basis.

With respect to training and capacity building, the Training Institute of Public Administration (TIPA) has developed a relatively consolidated training system for civil servants. Since 2002, TIPA has put in place training curricula in different topics and has established a network of

experts and trainers. In addition to periodic trainings, a positive step is the mandatory training course “Presentation with public administration” designed for new civil servants (DoPA 2006: 12-4). Training opportunities are also enhanced by participation of Albania in the Regional School of Public Administration, located in Montenegro, which is supported by EU assistance that aims to increase administrative capacities in Western Balkans (DoPA 2008: 4-5). However training achievements are similarly weakened by politicized dismissals, as resources invested in building capacities of removed civil servants are wasted, and at the same time new resources need to be devoted to basic training for the incoming civil servants.

Conclusion

This chapter found that civil service reform in Albania has achieved progress with the legal and institutional frameworks. However, aspects such as recruitment, performance evaluation and promotions have fallen prey of politicisation. Civil service wages’ scheme and training system, the most successful aspects, are also penetrated by politicisation, resulting in undermined remuneration equality and losses of established capacities. Overall, the results of the reform are reversed by the presence of politicisation, which the reform in itself has not been able to curb let alone eliminate, a goal stated at the beginning. The next chapter will explore the question why the reform has not been able to deter politicisation and proposes to focus on political parties as agents of politicisation, which treat administration as a source of jobs for their followers and exploit it for party-building purposes.

Chapter IV

Why Politicisation Persists: Parties as Agents of Politicisation

Introduction

The results of civil service reforms in Albania demonstrate that politicisation causes a significant discrepancy between the legal and strategic objectives and their achievement level in reality. As European Commission comments, “the legal framework is largely in place through the civil service law, but its implementation remains problematic” (2009: 9). Verheijen (2003: 489) reviewing the progress of post-communist civil service reforms, justifies some background difficulties in the process, as reforms had to bring comprehensive change, in addition to operating in non-conducive contexts where the nomenclature legacy prevailed. However, considering dimensions of politicisation in Albania, in terms of the numerous patterns identified by the present research and the extensive permeation of all civil service ranks, the problem cannot be classified as minor. Moreover, politically-motivated staff turnover, its most visible form, have continued from the beginning of transition to nowadays relatively with the same high pace (Vicker and Petiffer 2000; Kajsia et. al 2003; SIGMA 2009).

This raises the question why politicisation persists? This chapter explores this question by first analyzing and comparing the trends of political dismissals before and after 2000, the year that the civil service law entered into force, and then focusing on the proposal of this dissertation that suggests political parties as responsible for politicisation of civil service, in order to extract jobs for their supporters and resources for party-building purposes.

4.1 Persisting politicisation trends and alternative explanations

Countries that leave behind an old regime face the necessity of reforming their bureaucracies, so they can embrace and facilitate institutional, legal and structural changes. Their reform is not a smooth process, as bureaucracies are responsible for drafting and implementing their own reforms, or as Hesse (1993: vi) puts it, they are both “the object of reform, and invariably, the chief agent”. Additionally, the decision about preserving these structures, which have served the “ancient” regimes and may still have “deep attachments” with them, makes the process more difficult (Wilson 1993: 426).

These issues were vivid in the first days of democratic transition in Albania as the communist party had entrenched its power and control over all state branches and its apparatus (Bogdani and Loughlin 2007: 36-85, 137). The preservation decision was especially complicated for two major reasons: the concerns of the first democratically-elected government to rely or not on the former-communist nomenclature to build democracy and market economy, both ideological enemies of the regime that this structure had worked for and; the popular perception of the old bureaucracy, specifically its top echelons, as the perpetrators of communism’ wrongdoings (Biberaj 1998: 148-81; Elbasani 2009b: 10).

Meyer-Sahling (2008: 4-6) explores the alternatives about the fate of high rank officials in post-communist contexts, and identifies four choices facing the first democratically-elected governments. The first choice is the Weberian perspective, meaning no replacement of inherited top officials, and when vacancies become available, low level officials are promoted in these positions based exclusively on professional competence. The second one is what Meyer-Sahling

names “bounded politicisation”, where replacements are done and in the positions of removed top bureaucrats, low level civil servants are promoted, but this time by politicians rather than their merits (2008: 4-5). The third choice is “open politicisation” as individuals outside ministerial and party settings come to occupy these vacancies, breaking the promotion link from lower to senior ranks. The last choice is “partisan politicisation”, as incomers belong to political sphere, with previous careers in party organisations or governmental posts (Meyer-Sahling 2008: 6).

Analysing the decision of the first democratically-elected government in Albania, led by the Democratic Party (DP), toward inherited top bureaucrats and bureaucracy in general, in the light of Meyer-Sahling (2008: 4-6) choices, it can be said that Weberian perspective was ruled out largely for the reasons discussed at the beginning of this section. “Bounded politicisation” was not applied either and government sacrificed the opportunity to address its concerns on the undermining of its policies by discharging top officials, whose replacement by lower level officials would not lead to significant losses in expertise and bureaucratic skills (Elbasani 2009b: 10). The same can be said for the “open politicisation”, again giving away the chance for a balanced bureaucracy, as these individuals coming from non-political settings would equally represent different views, including political ones. Indeed the “partisan politicisation” was endorsed and government took a hard line strategy of “wholesale cleansing of public institutions from the communist era employees” (Elbasani 2009b: 10). Replacements were made on political basis and as Vickers and Petiffer (2000: 244) argue, public officials “had their biographies scrutinised so that grounds could be found for dismissing them in favour of DP loyalists and northern² clansmen”.

² The DP leadership was mostly from the northern part of Albania and that's why these groups enjoyed preferential access in public jobs (Vickers and Petiffer 2000: 244);

The DP stayed in office until 1997, when through premature elections Socialist Party (SP) came into power. In that year Albania went through an institutional crisis triggered by uncontrolled ponzi schemes, which absorbed the savings of thousands of families (Biberaj 1998: 319). The bureaucracy filled with officials lacking professionalism and experience, unable to detect the ponzi schemes and to outlaw them on time, shares most of the blame for the crisis (Elbasani 2009b:11). Also, their exhibiting of party militancy in public office, where the allegiance to DP informed the treatment that individuals and country regions received from administration, leading to a polarised society divided on rightist-leftists and north-south lines, aggravated the crisis into a state disintegrating one (Bogdani and Loughlin 2007: 127-8).

The attitude of SP and its allies toward administration did not differ much from that of their predecessor. In fact, they had a pretext to remove the failed politically-appointed bureaucrats of the former government. But the cleansing policy went deeper and Freedom House (1998: 51) observed that “since taking power, the Socialists have dismissed 15.000 public administration employees and thousands of other workers and have replaced most of them with partisan appointees”. Thus, administration suffered a second round of extreme levels of political dismissals, paving the way for political appointments and other forms of politicisation.

Politicisation during these periods can somehow be justified by the lack of a civil service law and relevant institutions to offer protection from political dismissal. Some may argue that administration was not yet settled as these developments occurred close to the beginning of transition. A third view might be that the nomenclature legacy, which means the identification of the state with the incumbent party as in communist times, was still strong. However, in 2005 when Civil Servant Status had been in place for more than 5 years, DoPA and CSC were consolidated, and transition and nomenclature effects have become less influential, the dismissal scenario was repeated again by DP and its coalition partners. This time politicisation was

disguised as restructuring reforms and poor performance of inherited civil servants (Methasani 2009: 3). Regarding the former, as Interviewee 1 argued, certain civil servants positions were targeted to be cut, but after the removal of the position-holders, reappeared in next restructurings. Similarly, the dismissal reasons based on poor performance were baseless justifications, as the majority of CSC rulings in 2006 favoured aggrieved civil servants (AHC 2006: 4). Moreover, the real purge started in 2006, the second year of DP governing, indicating underground politicisation moves.

While this analysis has traced politicisation of civil service to the moments of power rotation, politicisation has occurred even within a ruling mandate. For instance, during 1997-2005, the two consecutive mandates of SP and its allies, each of six government cabinets displayed the “tendency ... to place members of their inner circles in key state positions” (Elbasani 2009b: 13). Similar scenarios were staged by DP and its partners during 2005-2009. For instance, after a cabinet reshuffle in 2008, the leader of Demo-Christian Party who was given the post of the Minister of Health, filled the ministry with his party collaborators, pursuing his belief that since the party was part of the governing coalition, its members should be represented in civil service level as well (Ndoka 2008 in Methasani 2009: 7). In summary, incumbent parties consistently have been involved in dismissing and appointing civil servants based on political criteria and next section explores their motives for such actions.

4.2 Parties as agents of politicisation

Politicisation has continued with the same high intensity during the last two decades without showing any decline in spite of Civil Servant Status. Considering politicisation from transition and nomenclature legacy angles, there is no logical correlation between the growing time

distance from transition watershed and nomenclature effect and no retrenchment signs of politicisation. On the nomenclature inheritance, Meyer-Sahling (2009: 512) argues that this factor is “no more than a background noise that can be largely discounted when studying public administrations in Central and Eastern Europe today”. Since these arguments fail to explain high levels of persistent politicisation, this section focuses on political parties as the responsible actors.

4.2.1 The type of politicisation in Albania

The politicisation overview in the previous section revealed that incumbent politicians in Albania have been considerably involved in the politicising of civil service personnel under their authority. Examining their reasons in the light of politicisation motivations discussed in Chapter II, it can be said that politicisation of Albanian civil service is not informed by policy survival concerns as parties have very similar programs, which “usually include catchy statements like integration into EU..., fighting corruption, reducing poverty and increasing employment”, meaning a continuation of policies rather than radical shifts when power rotates (Jano 2008: 91). Moreover, political replacements in Albania are not restricted to the top level as in cases when politicisation has been introduced in the name of policy success (Pierre and Peters 2004: 2). What remains is politicisation to reach political ends, or in other words to help political parties capitalise power. Politicisation of civil service in Albania fully accords with this type as the means used, point towards reaching party rather than policy goals.

The most evident means is the providing of jobs for party supporters through dismissing inherited officials. About this issue Krasniqi (2007: 6-7) writes that when parties come into power they “draft lists of officials that must be dismissed and lists of party members and supporters to be appointed in their place. So the ministers and the executive branch become

party employment offices in the government”. These individuals are then required to intermediate political support for the party by securing the votes of their family, kinship or the group where they have an influence. Frequently they are also assigned the duty to set-up and maintain local party offices, especially by the small parties that have largely inexistent local structures (Interviewee 2, 5; Kajsiu et. al. 2003: 27). If the party goes in opposition, these individuals mostly lose their jobs as another set of politicians and their supporters will replace them.

Civil servants appointed in this way are instrumental in fulfilling other politicisation purposes such as the conferring of preferential treatment informed solely by political criteria rather than technical judgement, or merits and needs. Owing their position to the party, or fearing dismissal, as Interviewee 2 argued, civil servants do not have the strength to oppose biased directive but to follow them unquestionably. Political superiors frequently “guide” them to favour regions where parties have recorded electoral success or the constituencies of the ministers with public investments and development projects, (Interviewee 1, 4). These measures help to establish clientelist bonds between the incumbent parties and the benefiting constituents. In the same vein, companies close to the parties’ elites are treated with priority on the bids for public work contracts by public agencies, which also approve favourable regulations for businesses that contribute to party accounts (Kajsiu et al. 2003: 18; Krasniqi 2007: 4).

Parties are among the institutions, “whose activities are absolutely essential for the proper functioning of representative democracy” (Gunther et al. 2002: 2-3) and certainly this is true for Albanian democracy. However, these means of reaping political benefits violate the constitutional and legal rules as according to (Krasniqi 2007: 2) parties in Albania through politicisation tend to dominate the state by subordinating the three independent branches of power, namely legislative, judiciary and executive, to their own power. They also clash with the

Copenhagen Criteria for EU accession that aspiring Albania has to fulfil (Bodgani and Loughlin 2007: 105, 147). Nevertheless, politicisation ends are actualised formally and informally.

In the context of civil service politicisation, formal channels are the discretionary elements of Civil Servant Status, such as the contracted recruitments, transformed on the main tool of political appointments, or the unlimited restructuring processes “used frequently to dismiss civil servants in uncertain grounds” SIGMA (2009: 2). SIGMA also informs about two intentions of the government to legalise other politicisation avenues: the lowering of dividing line between political positions and civil servants to reach as far as heads of departments, thus converting three levels of civil servants, namely, the general secretary, the general directors and head of departments into political positions and; the scraping of Civil Service Commission, with the justification that a new system of administrative justice is being established where civil servants can complain (2009: 7). CSC dissolving would remove an effective institutional barrier of politicisation, which has strongly protected the rights of politically-dismissed civil servants. Informal means, as analysed in Chapter III, thrive under the consent and protection of political superiors, who on the other hand are backed up by their parties.

The unhindered use of politicisation means raise the question, how is it possible for parties in Albania to pass discretionary laws and favouring regulations, or for political officials in central institutions to stray from legal standards into informal and corruptive paths, without being penalised? A response to this question can be found in the type of inter-party cooperation’s that parties have followed in the last decade. To explore the role of these alliances on facilitating politicisation actions, I will apply to them the model of cartel party developed by Katz and Mair (1995).

4.2.2 Cartelisation of politics and the joint exploitation of civil service

Multi-party system was reinstalled in Albania only two decades ago, and the political landscape includes two comparable large parties, the Democratic Party and the Socialist Party, and many other small parties, mostly emerging within the parliament or from power-sharing conflicts in large parties (Krasniqi 2007: 4; Jano 2008: 89). Parties are loosely anchored in society and have relatively weak organisational networks, which in the case of small parties are largely inexistent (Kajsiu et. al. 2003: 27). The commonly quoted factor in post-communist party studies that links the actual distance between parties and the citizenry with the reminiscence of the forced adherence to the communist party line (Rose 1995: 555), is not so influential in Albanian context. Political pluralism revived the hopes for political participation and interest representation among the electorate, only to be dashed by the opportunist politics followed by parties over the years (Jano 2008: 88; Bogdani and Loughlin 2007: 137). This fact is illustrated by an alarming decrease of voters participation in elections, as in the first parliamentary elections held in democracy in 1991 this figure was 98,92 % and in 2005 election it reached the lowest point of only 48,8 % (Jano 2008: 92).

Being distant from society, as a result of selfish and non-credible politics, parties in Albania have low popularity among voters and at the same time miss membership support. Small parties feel these problems even more without credibility records or party base, as being elite parties they have only the leader with some close allies and a handful of members in the centre (Interviewee 5; Krasniqi 2010). Therefore, all parties in Albania are oriented toward the exploiting of state resources to increase their attractiveness among the electorate through clientelist bonds rather than programmatic linkages, and revitalise or put in place weak or absent party structures (Kajsiu et al. 2003: 18; Kitschelt 2000: 846-7).

Through coalitions that have characterised every post-communist government, all parties have shared state resources, which have been easy to extract in a situation of blurred politico-administrative boundaries (Krasniqi 2007: 2; 2010). Coalition governments have been a product of the electoral system, Mixed-Member Proportional (MMP) (Peters et al. 2005), but this fact indicates also the tendency of parties to govern undisturbed by the opposition through securing parliamentary surplus majorities (Bogdani and Loughlin 2007: 133). This tendency is more pronounced in the 2001 and 2005 elections (OSCE 2005: 5), as the two large parties in order to secure such majorities circumvented the electoral rules with the creation of vote-trading block alliances that display characteristics of the Katz and Mair (1995) cartel party.

Cartel party as mentioned on Chapter II, is a form of inter-party cooperation with parties allegedly competing in elections, but in reality colluding to ensure a collective occupation of public office through coalition governments (Katz and Mair 1995: 17). Their collusion reshapes the political environment and respective institutions, which in turn facilitate the state politicisation through three crucial mechanisms. The first is the manufactured parliamentary majority, as by colluding involved parties are able to win a large number of seats together. Backed by the power of numbers, they can adopt every policy and govern without the need to make compromises and bargaining with the opposition. This leads to the second mechanism, a weak opposition that being uninvolved and marginalised according to Grzymala-Busse (2003: 1125), is not able to check and hold to account the cartel establishment.

The third mechanism refers to the lack of internal accountability in the governing coalition, as sharing the office spoils between themselves, parties have an incentive to cover each-others back, or continue with politicisation as they are not blamed individually (O' Dwyer 2004: 521). Their ability to hold each-other accountable is undermined also by the fact that coalition is not a product of effective political bargaining but of opportunistic agreements (Katz and Mair 1995:

22-3). Although parties' ideologies may present a challenge for cartel organising, colluding parties may tone down their ideological differences in the prospect of gaining public office.

The cartel party model and its politicisation mechanisms fits well with the two block alliances created by the SP and DP and their respective allies in 2001 and 2005 elections, and the ways the emerging coalitions have politicised the civil service. In these alliances members formally competed but at the same time traded votes to maximise the number of seats they could earn together (Freedom House 2006). The electoral system in place, MMP, which gives electors two votes one for the MP candidates and one for competing parties, with the latter defining the number of seats that parties receive from the closed proportional list (IDEA 2005: 29), was manipulated by both cartels (OSCE 2001: 8-9; 2005: 5).

The manipulation consisted of vote-splitting appeals to the electorate to cast the MP vote for the candidates of the large parties and the party vote for the small parties that were members of respective alliances. This was made in order for the small parties to take as many proportional list seats as possible as in their own they were barely able to pass the parliamentary entry threshold (Kajsiu et al. 2003: 22). Large parties "granted" the party vote to their small allies. Because winning more direct seats than the percentage of the party vote, according to the proportional rule set in Constitution, they were not entitled to receive additional seats from the list (AC 1998: art. 64; Bogdani and Loughlin 2007: 136).

Through this manipulation in 2001, SP and its allies secured a manufactured majority of 88 seats out of 140 parliamentary seats (CEC 2001). This number was well above 84, the number of qualified-majority-voting, required for the election of the President or the adoption of important laws (Kajsiu et al. 2003: 22). Thus the cartel party led by the SP was able to come into power and furthermore enjoy undisturbed governing, as the opposition, having only 52 seats was

disregarded and unable to play an effective role in the Parliament (OSCE 2005: 3; Jano 2008: 95). In 2005, with the same vote-splitting schemes and gathering more members under its alliance, PD was able to win a majority of 74 seats (CEC 2005). This number was sufficient to create a government, but the new government would have to cooperate with opposition in many occasions.

The winners drive for surplus majorities, and the opportunistic behaviour of small parties, to change cartels in the search of the best deal, resulted in negotiations between DP and two small parties, Agrarian Party and Human Rights Union Party, both belonging to the SP group. These parties, having held ministerial posts in the outgoing government, in order to cling into power, formed an alliance with DP, a party holding a “diametrically opposite position” in the political spectrum (Jano 2008: 90). Such alliances when parties of opposite ideologies come together have been frequent in Albanian politics. As Bogadani and Loughlin (2007: 137) write “some odd coalitions have been observed in Albanian political life such as the alliance of Monarchists with Republicans ... [and] the coalition of DP (a right wing party) with the Union for Human Rights (which represents the minorities’ rights)”. These types of agreements demonstrate that the parties’ ideologies are downplayed in the attempt to access the public office. These moves both in 2001 and 2005, strengthened the respective governments as more seats were attached to their majorities, but left oppositions with less constraining and checking power over politicisation strategies used by each member of governing coalitions.

Having secured surplus majorities, both coalition governments in 2001 and 2005, led respectively by the SP and DP, showed no commitment to minimise politicisation as no legal initiative was taken to narrow or eliminate discretionary spaces on Civil Servant Status (Interviewee 1). On the contrary, as discussed in the previous sub-section, SIGMA (2009: 7) informs about plans to include more politicisation instruments in the law, such as the increasing

of political positions by including the post of general secretary, established to guarantee the politics and administration separation, and those of general directors and heads of departments, supposed to be impartial experts with policy-making responsibility. This initiative in fact works for all parties as then they cannot be blamed for breaking the law by replacing officials on political positions, not covered by the civil servant status. The same can be said for Civil Service Commission dissolving, as the complaints of aggrieved civil servants will then get mixed in court records rather than presented clearly by the Commission' reports, affecting the image of involved governments in the eyes of the public and international actors.

On sharing the office spoils, concretely the civil service jobs, using Goetz term (2001: 1042), they were “parcelled up” among the cartel members proportionally to their seats' contribution on the parliamentary majority. As expected, the large parties, SP and DP, received more ministries in the respective coalitions. Small parties were given one or two ministerial positions and “they had the space to dismiss the directors and the general staff in their ministries and institutions under their authority and replace them with ... [their] loyalists” as Krasniqi (2010) writes. He continues that in the case of cabinet reshuffling if an allied party took a different ministerial post, the officials brought in by this party moved to follow the minister to the new ministry (Krasniqi 2010). This fact indicates the need of small parties to reward or increase their membership not only through offering jobs, but also through drafting favourable policies, distributing funds, or other means that require loyal civil servants to follow the orientations of the minister.

A more active type of politicisation in the ministries assigned to small parties emerged from interviews as well. Interviewee 5 argued that these parties have a very limited membership concentrated in the centre, since they have been created from the traffic of MPs, or as fractions of large parties (Tema 2008; Jano 2008: 90). In these conditions, running a ministry for them is

an opportunity to build the party. Interviewee 4 argued that small parties are under more pressure from those who finance their electoral campaigns either for providing jobs, public contracts or other forms of preferential treatment. This is because small parties rely more on private sources for their sustenance, as the funds they receive from the state are not sufficient, since they are distributed proportional to the seats secured by parties (Bogdani and Loughlin 2007: 144).

Regarding account-giving within the coalition, coalitions following the vote-splitting manipulations suffered a lack of internal accountability. As Krasniqi (2010) argues, each party member had space for politicisation, but even in the case of intentions to prevent politicisation, coalition partners were not able to control and discipline each-others actions. The small parties were not in a position to hold the leaders of each cartel accountable, as they passed the entry threshold to the parliament and enjoyed a ministerial post thanks to the votes of the large parties. As Bogdani and Loughlin (2007: 136), argue “the survival of the small parties depends to a large extent on their ability to ally with either of the main parties. Thus they enter in alliances with either of the main parties, creating coalitions, but being more like satellites around them”. Large parties on the other hand, had to be “lenient” with the small parties as there were the seats they commanded, despite the collusive way they were gained, which gave SP and DP governments the additional strength of numbers (Tema 2008).

With the change of electoral system from MMP to Proportional Regional in 2009, where the electors have only one vote cast for the parties, which then defines the number of MPs that each party receives in the region (IDEA 2005: 29), the chapter of cartel-like party alliances was closed. However the logic of such coalitions continues in Albanian politics, as in 2009, this time in order to create a government, the DP made alliance with the Socialist Movement for Integration (SMI), a small party of the left spectrum, as many of its former right allies remained

out of the parliament in the absence of vote-trading (Krasniqi 2010). Even in this coalition the state is “parcelled up” again and according to Krasniqi (2010), “in 2009, the new governing cabinet was created based on an agreement that, the second governing partner, [SMI], gets 20 % of the positions in the central public administration and institutions of executive line”. Supposing that this coalition will lead the country until the next parliamentary elections in 2013, the politicisation quotas are set, and DP and SMI, furthermore a small party, will make the most of them to reward or invite new members or strengthen and build their party structures.

Conclusion

The correlation of politicisation with electoral cycles as well as internal cabinet reshufflings, and its persistent nature, led the research on politicisation causes to focus on parties as agents of politicisation. Rewarding of supporters or the inviting of new members and the extraction of public resources for party-building were the main drives of parties to engage in politicisation. Politicisation was facilitated by the cartel-alike party alliances that each of the two large parties constructed in 2001 and 2005 elections, as they brought surplus majorities in the legislature, weakened the opposition, and undermined the coalitional internal accountability.

What resulted is that no cartel took any legal action to limit the discretion on Civil Servant Status; indeed recently there were plans to include more politicisation instruments. Opposition has been disregarded and the cartel-coalitions members enjoyed office spoils undisturbed. Small parties have shown a more aggressive politicisation trend as they lack local membership and structures, and having insufficient funds to sustain the party, rely more on private resources, which then require the favours back by means of politicisation. The manipulation of electoral system in the past gave birth to exploitative coalitions, and after its dismissal, the opportunistic party pacts take this role, defining politicisation quotas in the founding coalitional agreement.

Chapter V

Conclusion and Recommendations

5. 1 Key research findings

This dissertation set out to evaluate civil service reform in Albania, in the presence of indications about politician intervention on civil service, causing instability of careers and lack of competence and impartiality. The findings demonstrate that reform has achieved certain progress with the approval of Civil Servant Status and establishing of DoPA, CSC and TIPA. Aspects such as recruitment, performance evaluation and promotions in reality have fallen prey to politicisation. The same stands for civil service wages scheme and the training system, considered as the most successful components of the reform, as politicisation erodes remuneration equality and results in losses of established capacities. Based on these findings and the persistent nature of politicisation, resulting from tracking of political dismissals in the last two decades, the reform has failed with the de-politicising of the civil service, which on the other hand, forces the reforming process to move backwards.

The dissertation examined the reasons why politicisation persists. As accounts related to the lack of civil service law and nomenclature and transition's effects proved not useful in explaining its persistence, the analysis focused on parties as agents of politicisation, with the purpose of providing jobs for their supporters or potential members and extracting resources for building and maintaining their structures. The study analysed parties and their relations with the electorate and found that the weak links between parties and citizenry push parties to employ

politicisation means to stay into power. Therefore, civil service jobs, public contracts and other forms of public goods are distributed selectively to party followers or those who broker electoral and financial support for parties. Small parties count more on politicisation, as they have limited membership and quite inexistent local party structures, in addition to receiving less public funds.

Politicisation was widely facilitated in coalition governments resulting from collusive electoral alliances in 2001 and 2005 elections led respectively by SP and DP, and opportunistic party agreements. Applying the model of cartel party (Katz and Mair 1995) on these alliances and coalitions that followed, I argued that they enjoyed politicisation benefits undisturbed because of the surplus majorities owed to electoral collusion, the weak and uninvolved opposition, and finally the lack of checks and balances within the cartel. On the case of opportunistic inter-party negotiations to create a government, politicisation shares are the first to be decided. In conclusion, this study identifies a central challenge that is the need to have effective parties and political life in Albania to enable citizens' participation and representation in democratic politics, and at the same time, an impartial civil service that has institutional and legal relations with incumbent parties.

5.2 Recommendations and avenues for further research

This research focused primarily on civil service and from the widespread politicisation indentified in this structure, an even higher presence of politicisation can be inferred for the rest of public administration which is not covered by the Civil Servant Status and moreover, is far away from the scrutiny of international actors. Therefore, under these conditions when politicisation threatens to replace the public service ethos and principles of merit and fair competition with the party ethos and loyalty to politicians, this study proposes three broad recommendations to address this situation.

The first recommendation relates to the reformation of political parties as instigators of politicisation. This process should be supported with funds and capacity building programs from donors that have left parties largely out of their attention (Kajsiu et al. 2003: 27). Educational programs for parties and politicians need to be implemented as the political environment in Albania exhibits a clear deficit of democratic culture, with parties distorting rules of the game to remain in power and excluding opposition, which has its own legitimate role in the governing process. These programs should convey the messages that parties gain solid support through their programs and policies rather than politicisation means, and that parties in Albania have to work in elaborating their programs and furthermore keeping the promises when in office. At the same time new generations of politicians need to be trained and prepared to refresh the politics in Albania and embed the democracy culture and its values.

The second recommendation refers to the reaching of political consensus in the political spectrum, with parties committing not to intervene in civil service personnel policies when governments change. This consensus can be facilitated by the county elite and international and European institutions. The role of international and especially European institutions is crucial in reducing politicisation as Albania is working toward EU accession. European institutions must emphasize the successful reforming of public administration as a non-negotiable accession condition, which as Meyer-Sahling (2009b) argues, it is better to be dealt with during negotiations as in the membership phase the compliance mechanisms are reduced significantly. These institutions can also exert pressure to strengthen the position of DoPA and CSC, eliminate the legal discretionary spaces exploited for politicisation purposes, and prevent others politicisation mechanisms from entering the law.

Finally, the dissertation recommends educating society in Albania, as the ultimate environment where politicisation takes place. This process should focus on three groups: citizens in the politicians' role, who orchestrate politicisation to gain political advantage; individuals from the public who accept an unmerited administration job or public work contract and; the rest of society over which the costs of such actions fall. Politicians and their collaborators should be made aware of what they gain and what they lose in the short and long terms, as in the near future their merits and rights would be infringed by another set of politicians and their loyalists, through such practices that they contributed to entrench.

The rest of society should be informed about these practices and how they deprive it from a meritocratic and impartial public administration, which works to bring growth, jobs and services for all, and uses the tax payers' money responsibly and efficiently. This role can be played by media and civil society organisations, which should unravel and investigate politicisation in order to enable society to make informed choices and penalise politicians who engage in politicisation.

Further research on politicisation in Albania would be needed as due to the short time available to conduct research and writing space limitations many issues were left out of this study. The internal functioning of parties, party financing, and the motives of the public that follow or push politicisation deals need to be explored further in order to formulate effective and detailed recommendations for eliminating politicisation of public sector in Albania.

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