

**PUBLIC ADMINISTRATION REFORMS IN ALBANIA AND TURKEY
DURING THE EU INTEGRATION PROCESS: A COMPARATIVE
ANALYSIS**

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Abstract

In post-war period, EU witnessed two vitally important transformation: Constituting the standards about the political and administrative matters and enlargement process by new members... Thus, EU would maintain its weight in 21th century by means of institutionalization. For this reason, the process turned into more institutionalized structure since 1992 Maastrich Treaty. Today the EU consist of 28 countries including the Croatia in 2013. Turkey is on the negotiation table and getting ready to be full member for a decade. Albania applied into the full membership on April 28, 2009 and gained the position of "potential candidate". On October 9, EU Council determined the membership criteria for administrative reforms of Albania which triggered the ardent reform period for this country. In this context, this study attempts to compare and contrast the EU accession process of Turkey and Albania in respect of their experiences and capacities for administrative reforms. This presentation consists of 5 chapters. As follows, the first chapter mentions about the criteria and experience of two countries within the EU integration process. The second chapter focuses on the fundamental principles of EU administrative reforms and its road map. The third one is assigned to the discussion of Albanian membership issue and the reflection of the reforms over the differenf segment of Albanian society. The fourth chapter summarized the Turkey's negotiation process and lastly, the endeavours and the adventure of two countries will be discussed in accompanying with the comparative prespective of the past experiences and futuristic hopes and expectations.

Key words: *EU integration process, negotiations, administrative reforms, membership criteria, and structural tarnsformation*

EU Membership Criteria and Enlargement Process

The European Union (EU) is an economic and political partnership that represents a unique form of cooperation among 27 member states today. The EU has long viewed the enlargement process as an historic opportunity to further the integration of the continent by peaceful means and to encourage the transition of the countries involved to democratic societies and free market economies. Analysts contend that the carefully managed process of enlargement is one of the EU's most powerful policy tools that has helped transform former dictatorships such as Spain and many of the former communist states of Central and Eastern Europe into stable

democracies and more affluent countries. The EU maintains that the enlargement door remains open to any European country, including Turkey and the Western Balkans, able to fulfill the EU's political and economic criteria for membership. Croatia, for example, is expected to become the 28th member of the Union in July 2013.

As a known that, EU was built at After World War II. The leaders in Western Europe were anxious to secure long-term peace and stability in Europe and to create a favorable environment for economic growth and recovery. In 1952, six states—Belgium, the Federal Republic of Germany, France, Italy, Luxembourg, and the Netherlands—established the European Coal and Steel Community (ECSC), a single market in these two industrial sectors controlled by an independent supranational authority¹.

In 1957, the six ECSC member states signed two new treaties in Rome: the first established the European Economic Community (EEC); the second created a European Atomic Energy Community (EURATOM) to ensure the use of nuclear energy for peaceful purposes. These two treaties, commonly referred to as the “Treaties of Rome” came into force in 1958. In 1967, the ECSC, the EEC, and EURATOM collectively became known as the European Community (EC). The EC first added new members in 1973, with the entry of the United Kingdom, Ireland, and Denmark. Greece joined in 1981, followed by Spain and Portugal in 1986. The Single European Act modified the EC treaties in 1987 to facilitate the creation of the single market, introduced institutional reforms, and increased the powers of the fledgling European Parliament. At the beginning of 1993, the near completion of the single market brought about the mostly free movement of goods, people, capital, and services within the EC.

On November 1, 1993, the Treaty on European Union (also known as the Maastricht Treaty) went into effect, establishing the modern-day European Union and encompassing the EC. The Maastricht Treaty established an EU consisting of three pillars: an expanded and strengthened EC; a common foreign and security policy; and common internal security measures. The Maastricht Treaty also contained provisions that resulted in the creation of an Economic and Monetary Union (EMU), including a common European currency (the euro). The European Union was intended as a significant step on the path toward not only greater economic integration but also closer political cooperation.

On January 1, 1995, Austria, Finland, and Sweden joined the EU, bringing membership to 15 member states. In June 1997 signed Amsterdam Treaty, which took effect in 1999, enhanced the legislative powers of the European Parliament, sought to strengthen the EU's foreign policy, and aimed to further integrate internal security policies. In December 2000, EU leaders concluded the Nice Treaty to pave the way for further EU enlargement, primarily to Europe's east. Entering into force in 2003, the Nice Treaty set out internal, institutional reforms to enable the Union to

1 Kristin Archick (2012), “European Union Enlargement”, CRS Report for Congress, RS21344 Congressional Research Service (April 4)7-5700 www.crs.gov, s: 1

accept new members and still be able to operate effectively. In particular, it extended the majority voting system in the EU's Council of Ministers (representing the member states) to a number of additional policy areas that had previously required unanimity, and restructured the European Commission (the EU's executive).

In March 1998, the EU began accession negotiations with Cyprus, the Czech Republic, Estonia, Hungary, Poland, and Slovenia². In December 1999, the EU decided to open negotiations with six others: Bulgaria, Latvia, Lithuania, Malta, Romania, and Slovakia. In December 2001, the EU announced that 10 of these countries—Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia—would likely be able to conclude accession talks by the end of 2002³. A deal was finally reached, however, and the EU concluded accession talks with all 10 at its December 2002 summit. The accession treaty was signed with the 10 countries on April 16, 2003, and they acceded to the EU on May 1, 2004. In December 2004, the EU completed accession negotiations with Bulgaria and Romania, despite some continued EU concerns about the status of judicial reforms and anti-corruption efforts in both countries. Bulgaria and Romania formally joined the EU on January 1, 2007, bringing the Union to 27 member states. With the addition of these last two countries, the Union's borders now stretch from the Baltics to the Black Sea and the EU has a total population of almost 500 million⁴.

Although the Nice Treaty had sought to introduce institutional reforms to allow an enlarged Union to function better and more effectively, critics asserted that the treaty established an even more complex and less efficient decision-making process. Certain provisions in the Nice Treaty also effectively (although not explicitly) limited the size of the EU to 27 member states. In light of the criticisms of the Nice Treaty and with a view to potential enlargement beyond 27 members, the EU embarked on a new institutional reform effort in 2002. This process culminated on December 1, 2009, when the Lisbon Treaty came into force. The Lisbon Treaty evolved from the proposed EU constitutional treaty. The Lisbon Treaty aims to further streamline the EU's governing institutions and decision-making processes, and in doing so eliminates the technical hurdle to enlarging the EU beyond 27 member states. The new treaty also seeks to give the EU a stronger and more coherent voice and identity on the world stage, and attempts to increase democracy and transparency within the EU, in part by granting more powers to the European Parliament⁵.

2 Ibid s: 2

3 http://en.wikipedia.org/wiki/Member_state_of_the_European_Union (18.08.2012)

4 Archick, Op.cit, s:2-3

5 Kristin Archick and Derek E. Mix (2009), "The European Union's Reform Process: The Lisbon Treaty", CRS Report for Congress, RS21618, Congressional Research Service (November 9), 7-5700 www.crs.gov, s: 2

Major changes under the Lisbon Treaty aim to achieve three broad goals⁶:

1. *A stronger and more coherent EU voice,*
2. *More streamlined decision-making,*
3. *Increased transparency and democratic accountability.*

According to the Maastricht Treaty, any European country may apply for EU membership if it meets a set of core political and economic criteria, known as the “Copenhagen criteria”. These criteria for EU membership require candidates to achieve “stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; a functioning market economy, as well as the capacity to cope with competitive pressure and market forces within the Union; the ability to take on the obligations of membership, including adherence to the aims of political, economic, and monetary union⁷.”

In addition, the EU must be able to absorb new members, so the EU can decide when it is ready to accept a new member. When a country submits an application to join the EU, it triggers a complex technical process and a sequence of evaluation procedures. At the same time, EU enlargement is very much a political process; most all steps on the path to accession require the unanimous agreement of the existing member states. As such, a prospective EU candidate’s relationship or conflicts with individual member states may significantly influence a country’s EU accession prospects and timeline. Following the submission of a given country’s application, the European Commission first issues a formal opinion on the aspirant country, after which the Council of Ministers decides whether to accept the application. Following a positive unanimous decision by all 27 member states in the Council of Ministers to accept a given country’s application, that country becomes an official EU candidate. Accession negotiations, a long and complex process in which the candidate country must adopt and implement a massive body of EU treaties, laws, and regulations, may then begin. The Commission and the Council of Ministers (acting unanimously) must also approve the actual opening of accession negotiations and a negotiating framework, which establishes the general guidelines for the enlargement talks⁸.

The EU’s 80,000 pages of rules and regulations are known as the *acquis communautaire*. The *Acquis Communautaire* is the accumulated body of European Union (EU) law and obligations from 1958 to the present day. It comprises all the EU’s treaties and laws (directives, regulations, decisions), declarations and resolutions, international agreements and the judgments of the Court of Justice. It also includes action that EU governments take together in the Area of Freedom,

6 Ibid, s:2-3

7 European Council Conclusions, Copenhagen, Denmark, June 1993.

8 Archick, Op.cit, s:4-5

Security and Justice and under the Common Foreign and Security Policy⁹. The *acquis* is divided into 35 subject-related chapters that range from good governance to food standards.

Accession negotiations on each chapter begin with a screening process to see to what extent the applicant meets the requirements of each chapter; detailed negotiations take place at the ministerial level to establish the terms under which applicants will adopt and implement the rules in each chapter. The European Commission proposes common negotiating positions for the EU on each chapter, and conducts the negotiations on behalf of the EU. Enlargement policy and accession negotiations are directed and led by the EU Commissioner for Enlargement and European Neighborhood Policy, currently Stefan Füle. In all areas of the *acquis*, the candidate country must bring its institutions, management capacity, and administrative and judicial systems up to EU standards, both at national and regional levels. During negotiations, applicants may request transition periods for complying with certain EU rules. All candidate countries receive financial assistance from the EU, mainly to aid in the accession process. Chapters of the *acquis* can only be opened and closed with the unanimous approval of all 27 existing EU member states acting in the Council of Ministers. Periodically, the Commission issues “progress” reports to the Council of Ministers and the European Parliament assessing the achievements in the candidate countries. Once the Commission concludes negotiations on all 35 chapters with an applicant state, the agreements reached are incorporated into a draft accession treaty, which must be approved by the Council of Ministers and the European Parliament. After the accession treaty is signed by the EU and the candidate country; this process can take up to two years.

The Basic Principles of the EU Criteria for Administrative Reforms

In the EU accession process Public Administration Reform is part of the Copenhagen political criteria that emphasise the candidate countries need for institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, as well as the ability to take on the obligations of membership and the administrative capacity to effectively apply and implement the *acquis communautaire*¹. At the same time, since the 1995 Madrid European Council¹⁰, the “*adjustment of administrative structures*” in candidate countries has been identified as a pre-condition for an effective implementation of the *acquis communautaire*¹¹.

9 Heather Grabbe (2002), “European Union Conditionality and the “Acquis Communautaire” International Political Science Review, Vol. 23, No. 3, July, (249-268), 249-251 and also http://en.wikipedia.org/wiki/Community_acquis (18.08.2012)

10 http://www.europarl.europa.eu/summits/mad1_en.htm (20.08.2012)

11 <http://www.ips-institute.si/data/uploads/PAR> (20.08.2012)

Moreover, the pending Lisbon Treaty strengthens the role of administrative cooperation between EU Member States: “*The Union may support the efforts of MS to improve their administrative capacity to implement Union law. Such action may include facilitating the exchange of information and of civil servants as well as supporting training schemes*¹²”.

Consideration related to PAR have been developed in several Commission papers, such as the White Paper on European Governance from 2001 and the Communication on a Comprehensive Policy against Corruption from 2003. These documents, together with SIGMA and World Bank reports, constitute the main sources of reference of the present list. However, the Public Administration Reform is not explicitly regulated as a separate chapter of the *acquis communautaire*.

Than those mentioned above, EU have a different program about administrative reforms. This program is known as SIGMA. SIGMA — Support for Improvement in Governance and Management in Central and Eastern European Countries — is a joint initiative of the OECD and the European Union. The initiative supports public administration reform efforts in thirteen countries in transition, and is principally financed by the European Union’s Phare Programme. The Organisation for Economic Co-operation and Development is an intergovernmental organisation of 29 democracies with advanced market economies. Its Centre for Co-operation with Non-Members channels the Organisation’s advice and assistance over a wide range of economic issues to reforming countries in Central and Eastern Europe and the former Soviet Union. Phare provides grant financing to support its partner countries in Central and Eastern Europe to the stage where they are ready to assume the obligations of membership of the European Union¹³. Firstly The SIGMA program targeted to adopt Administrative Law Principles of candidate countries. The administrative law principles, setting standards and inspiring the behaviour of civil servants, usually appear scattered among different pieces of legislation ranking from the constitution to several acts of Parliament, and specific pieces of delegated legislation as well as case law of the courts dealing with litigation concerning public administration¹⁴. In the field of European Community Law, the European Court of Justice has defined a large number of administrative law principles by making reference to the general legal principles of administrative law common to the Member States, in an ongoing process. If we attempt to systematise the main administrative law principles common to western European countries, we could distinguish the following groups: 1)reliability and predictability (legal certainty); 2)openness and transparency; 3)accountability and 4)efficiency and effectiveness¹⁵.

12 Lisbon Treaty Art.176 http://europa.eu/lisbon_treaty/glance/index_en.htm (20.08.2012)

13 CCNM/SIGMA/PUMA (1999), European Principles For Public Administration SIGMA Papers: No. 27, s: 3

14 Ibid. s: 8

15 OECD-SIGMA Program Information Sheet, http://www.abgs.gov.tr/files/SIGMA/sigma_programi_hakkinda_bilgi_notu.doc (22.08.2012)

Secondly, to include the candidate countries in the European Administrative Space (EAS). The EAS has been describe as European system of administrative justice, and shared basic public administration values and principles, have led to some convergence amongst national administrations. The notion of a European administrative space is taken from the more common notions of European economic and social spaces, widely debated upon in EU constitutional negotiations. It also relates to an EU-wide system of judicial co-operation, which includes mutual assistance in law enforcement and some approximation in the relevant field of law¹⁶. However, no common agreement yet exists for EU administrative spaces.

As already mentioned, it is the European Court of Justice which has elaborated most of the administrative law principles governing what could be termed as common European administrative law¹⁷.

SIGMA activities six technical areas:

- Develop and implement reform programs,
- Management, including regulatory, policy-making and coordination capacity
- Legal framework, public services and justice,
- External audit and financial control,
- Public expenditure management,
- Public procurement.

In October of 1999, "Control and Management Systems for EU membership Outlines" who work under the name SIGMA, six important in the field of public administration has revealed the outlines. These areas are: Public Services, Public Sector External Audit, the Public Financial Control, Public Expenditure Management System, Policy Making and Coordination Tools and Public Procurement Management System. Developed by SIGMA six separate areas and these are summarized in the outlines good practices, both formal (legal basis, institutional framework) and dynamic (application performance in the future, the necessary capacity to improve performance), the size of the cover. Therefore these six areas, which outlines minimum standards for determining the candidate countries have been involved in the process.

Administrative capacity for the evaluation of horizontal outline of SIGMA briefly as follows:

- Policy Making and Coordination
- Public Services,
- Public Expenditure Management System,
- Public procurement
- Public Financial Control
- Public Sector External Audit.

16 SIGMA Report 27, Op. cit. s:15

17 SIGMA Report 27, Op. Cit s:16

SIGMA's working methods and priorities of each country to adapt to the specific needs identified. Therefore SIGMA's methods are very flexible. This flexible, taking into account the different needs and priorities of each country to respond as soon as possible SIGMA of the working methods of the EU, the candidate countries' administrative capacity in horizontal the most important tool developed to support reconstruction efforts¹⁸.

Albania's Membership Process and Administrative Reforms

It would not be wrong to say that, with the beginning of the reforms carried out in Albania, the emergence of the integration process. The parliamentary democratic system was established in 1991 after 47 years of communist regime. The second phase of the democratization of Albania, was begun 22 March 1992 - is between May 26, 1996. During this period Democratic Party has came the power. After this elections, the new government has direct relations with the EU for the first time. Thus, the Trade and Cooperation Agreement was signed in May 11, 1992. And also in this period the new government abolished monopoly on trade and has a free market economy. However, the period marked by the economic and political reforms have led to serious problems. Rising unemployment, deteriorating economic and political crisis has shown itself as soon as possible¹⁹.

The third stage of the democratization of Albania May 26, 1996 - June 29, 1997. In this period, the country has had to deal with major crises. During this period the economy has been destroyed, government agencies ignored the central government lost control of many of the province with a civil war between Tosk-Ghegs (south-north) reached, which will be expressed in hundreds or even dozens of deaths occurred, a large part of the military weapons in the hands of civilians, the country is a serious is on the verge of separation²⁰.

The fourth phase of the democratization process in Albania July 1997-3 June 29, 2005. However, this period until 2001, the process also needs to be addressed. In the 1997-2001 semi-period passed that, efforts to socio-economic stability and regional crises. Serbs of Kosovo Albanians ethnic cleansing policies of occupation, and then to establish close relations with the EU have led Albania. Furthermore, another problem for Albania, initiated by ethnic cleaning of the Macedonian's Albanians.

After 2001, the process of EU enlargement to include the Balkans is raised. Since then, a growing image of Albania has entered into relations with the EU. After this stage Albanian's government have started very quickly and effective reform process for EU. The Commission recommends the undertaking of

18 OECD-SIGMA Program Information Sheet Op.cit.

19 Sokol Brahaj (2012), "Anavutluk'un Demokratikleşmesi (1990-1992) (3)", <http://balkangunlugu.com>, (22.08.2012)

20 http://en.wikipedia.org/wiki/1997_rebellion_in_Albania (23.08.2012)

negotiations on a *Stabilisation and Association Agreement* (SAA) with Albania. The Göteborg European Council (June 2001) invites the Commission to present draft negotiating directives for the negotiation of a SAA. Negotiating Directives for the negotiation of a SAA with Albania are adopted in October 2002. On January, 31, 2003, Commission President Prodi officially launches the negotiations for a SAA between the EU and Albania. As a “potential candidate countries” Albania was considered to be started in 2003 and the Stabilisation and Association Process. In 2003 at Thessaloniki Summit (June), the SAP is confirmed as the EU policy for the Western Balkans. The EU perspective for these countries is confirmed (countries participating in the SAP are eligible for EU accession and may join the EU once they are ready). Council decision on the principles of a revised European Partnership for Albania in December 2005. In June 12, 2006 the SAA was signed at the General Affairs and External Relations Council in Luxembourg. The European Commission decided to start visa facilitation negotiations with Albania in November, 2006. This process ended June 2, 2006, and completed an important step for Albania's EU membership and on April 28, 2009 Albania's government has applied to become a member of the European Union. The Council of the EU asked the European Commission to prepare an assessment on Albania's readiness to start accession negotiations. December, 16, The European Commission submitted the Questionnaire on accession preparation to the Albanian government. Following its application for EU membership, the Council of the European Union asked the European Commission on 16 November 2009 to prepare an assessment on the readiness of Albania to start accession negotiations, a step in the accession process that usually takes about a year. On December 16, 2009 the European Commission submitted the Questionnaire on accession preparation to the Albanian government. Albania returned answers to them on April 14, 2010. Candidacy status was not recognized by the EU along with Montenegro in December 2010, due to the long-lasting political row in the country. The parliament did in August 2012 reject a proposal to abolish immunity for parliament members, ministers and people in some other official positions. The EU required this to be abolished, so candidacy is delayed²¹.

Albania's integration process started in 2005 after the political, legal and economic reforms launched in the field of many. The ultimate aim of these reforms is determined as full EU membership. Legal reforms are focus on amendment the Constitution, human rights, pluralist democratic system and the rule of law becomes permanent. Especially in the field of human rights and regulations of public administration is striking. Economic reforms aims to the opening of global markets and Albania's transition to a liberal economic system. The issue of economic reforms are privatization activities, encouragement of foreign investment, taxation and the fight against corruption. And also the issue of political reforms are pluralism, strengthening civil society, freedom of expression and minorities²².

21 http://en.wikipedia.org/wiki/Accession_of_Albania_to_the_European_Union (23.08.2012)

22 Nikolin Agallija (2009), “AB İle Değişen Arnavutluk”, Yayınlanmamış Yüksek Lisans Tezi, Selçuk Üniversitesi, SBE, Konya, s: 70-75

Draws attention to the reforms of public administration management reforms in Albania. Because all of the arrangements made in the field of administrative reform is the common point. The current administrative system in Albania is based on the Council of Europe's Charter on local self-government (art. 108) and arises out of the 1998 Democratic Constitution and both subsequent and previous legislation, in the latter case only if such legislation has not explicitly been repealed²³. At the programming level, Albania's system is rather straightforward, and has three levels: central, local (or territorial), and peripheral. The central Public Administration is made up of 16 Ministers, each in charge of their respective sectors²⁴. The newly created Department of Public Administration (PAD), a department of the Prime Minister's Office, co-operates closely with the Ministries and with other central level institutions in order to help them achieve their goals.

The organisation and functioning of local governments are based on the principles of independence, local autonomy, and decentralisation. Key sources include:

- The 1998 Constitution (art. 108- 115)
- The decentralisation law (n.8652 of 31.07.2000).

The latter is a law that sets out principles, and has only partially been implemented. The local government model, at least on paper, is described below: At the local level, the basic government unit is the *Bashkia* (Municipality). Traditionally, only relatively large urban agglomerations are considered *Bashkia*. Smaller towns and villages are classified as communes; these are the smallest local government entities. Within both Communes and Municipalities smaller administrative units can be created to serve parts of the territory. Prior to the decentralisation law, Communes and *Bashkie* (Municipalities) were parts of the Districts, which numbered 36 and were in turn parts of the Regions. The new model, outlined by the 1998 Constitutional Charter, eliminates Districts, and the Communes and Municipalities become the basic administrative units within the Regions. A Region is made up of various local government units linked by traditional economic ties and common interests. Currently²⁵, there are 309 Communes, 65 Municipalities, and 12 Regions in Albania²⁵.

The professionalisation of PA personnel is another cornerstone of the Albanian reform process. The planned administrative apparatus is based on three fundamental principles²⁶:

- Information

23 CAIMED (2011), Administrative Reform In The Mediterranean Region, www.caimed.org (24.08.2012), s: 6

24 Blerta Selenica (2007), "Aspects of Reforming Public Administration in Albania", Public Administration: Protection and Quality of Public Services - International Trends, The International Conference organized by Koinoniko Polykentro, the Scientific Center of the Confederation of Public Employees in Greece, (185-192), Greece, s:185

25 Ibid, s: 7

26 Selenica Op.cit. s: 186

- Publicity
- Transparency

The new administrative procedure code (all.2) – L. n.8485 of 12.05.1999 – is a key law. It is rather generic in some aspects and therefore will be integrated with future legislation. To some extent, this has already happened with regards to the professionalisation of public sector employees, with law n. 8549 of 11.11.1999, which will be further integrated in light of the principles included in the framework law on ethics that is still being discussed in the Parliament.

The European Union is the most important foreign body supporting the evolution of the Albanian administrative system, within the framework of a broader economic stabilisation process and with an eye towards association. The European Commission's support will have two main guidelines:

- development and improvement of Albania's administrative system, through strengthening the key institutions of the Albanian Public Administration (such as the Civil Service Commission, the General Secretariat for Public Administration, the Department of Public Administration and the School of Public Administration). This is the goal of the latest PHARE programme for 2002-2003.
- The emission of CARDS for priority areas in order to bring Albania closer to EU standards and to give the Stabilisation and Association agreement adequate momentum.

These areas include:

- Public finance (including conventions, tax burdens, fiscal controls) in order to raise revenue and fight corruption and fraud.
- Standards for public acquisitions, in accordance with the clauses of any future stabilisation and association agreement;
- State supports and free competition;
- Bringing statistics and data analysis in line with European standards.

Administrative reform in Albania includes many actors in addition to the so-called institutional ones, and many organisms have developed programmes and strategies to assist this reform. Among these actors, the United Nation Development Programme (UNDP), IDRA (Institute for Development Research Alternatives), World Bank and The Open Society Foundation for Albania (OSFA) have played a particularly important role.

Turkey's Membership Process and Administrative Reforms

On September 12, 1963 the Ankara Agreement created a Turkey-EEC Association, which came into being on December 1, 1964. The Agreement was directed towards full integration with the EEC, starting with the creation of a Customs Union. The Ankara Agreement called for the free exchange of goods, people, and capital, but excluded Turkey from European decision-making processes and from the possibility

of appealing to the ECJ for solving controversies²⁷. Furthermore, it called for collaboration on commercial matters, and the EEC committed itself to furnishing economic aid to Turkey²⁸. On November 13, 1970, the Additional Protocol cleared up the modalities for the creation of the Customs Union. It established that the EEC and Turkey would abolish quantitative and tariff barriers for its imports from Turkey (with a few exceptions such as manufacturing goods) once the Protocol came into being, and that Turkey would proceed to harmonise its legislation with EU legislation on economic matters. Furthermore, the Protocol calls for the free circulation of people between the EU and Turkey for the next 12 years.

On 14 April 1987, Turkey submitted its application for formal membership into the European Community. The European Commission responded in December 1989 by confirming Ankara's eventual membership but also by deferring the matter to more favorable times, citing Turkey's economic and political situation, as well its poor relations with Greece and the conflict with Cyprus as creating an unfavorable environment with which to begin negotiations. This position was confirmed again in the Luxembourg European Council of 1997 in which accession talks were started with central and eastern European states and Cyprus, but not Turkey. During the 1990s, Turkey proceeded with a closer integration with the European Union by agreeing to a customs union in 1995. Moreover, the Helsinki European Council of 1999 proved a milestone as the EU recognised Turkey as a candidate on equal footing with other potential candidates²⁹.

The next significant step in Turkey–EU relations came with the December 2002 Copenhagen European Council. The European Commission recommended that the negotiations should begin in 2005, but also added various precautionary measures. The EU leaders agreed on 16 December 2004 to start accession negotiations with Turkey from 3 October 2005. Both Austria and France have said they would hold a referendum on Turkey's accession. In the case of France, a change in its Constitution was made to impose such a referendum, but later another constitution change has enabled the parliament (if a large majority of its members agrees) to prevent such a referendum. The issue of Cyprus continues to be a major obstacle to negotiations. European officials have commented on the slowdown in Turkish reforms which, combined with the Cyprus problem, led the EU's Enlargement Commissioner Olli Rehn in March 2007 to warn of an impending 'train crash' in the negotiations. Due to these setbacks, negotiations again came to a halt in December 2006, with the EU freezing talks in 8 of the 35 key areas under negotiation³⁰.

Administrative reforms in Turkey is based on very old. Since the 18th century, the process of administrative reform is an issue constantly raised. General

27 The Ankara Agreement is still the legal basis for the Association between Turkey and the EU.

28 CAIMED (2011) Op.cit. s: 98

29 Vincent Morelli (2011), "European Union Enlargement: A Status Report on Turkey's Accession Negotiations" CRS Report for Congress, 7-5700, RS22517, www.crs.gov, s:2-3

30 http://en.wikipedia.org/wiki/Accession_of_Turkey_to_the_European_Union (24.08.2012)

characteristics of the reforms to make government more efficient and focused on work. For this purpose, we can say about 187 administrative reform in the 18th century to the present day. However, the process of administrative reform makes sense for EU membership, and undertook a different function.

When we look at the content of recent administrative reforms, it is reasonable to classify them into two main categories. The first set of reforms might be named as “managerial reforms”, the second type of that as “governance reforms”. While managerial reforms aimed at improving economy, efficiency and effectiveness of public sector, good governance reforms focused on transparency, accountability, responsiveness and participation in public administration³¹. Managerial reforms are associated with the “New Public Management” (NPM) which became a worldwide phenomenon during the 1980s and 1990s. The main tenets of NPM can be classified into three broad categories: the use of market-type mechanisms, organizational restructuring, and a focus on performance. In line with the global trend Turkey has carried out a wide-range of managerial reforms. Privatization policies have been one essential component of managerial reforms in Turkey. Indeed, Turkey has initiated privatization programs in the middle of the 1980s and accelerated her efforts in the 2000s. Another logical consequence of privatization and liberalization policies has been the establishment of autonomous regulatory agencies in order to regulate the relevant market. Today, in Turkey, there are nine autonomous regulatory bodies. In addition to major privatization policies, in recent years, Turkish public organizations have been also increasingly outsourcing functions such as cleaning, waste collection, personnel transport, catering, security and IT services.

Decentralization is also a central aspect of the NPM-type managerial reform agenda. In this context, the former laws regulating local governments were totally changed and the duties, responsibilities and powers of local governments were expanded with the Law (No. 5302) on Provincial Special Administration, and the Law (No. 5393) on Municipalities, Law (No. 5216) on Greater City Municipalities and the Law (No. 5355) on Local Government Unions. The new laws, approved in the middle of 2000s, narrowed the administrative tutelage control of the central government on local governments. Besides, local government bodies are also granted the legal authority for outsourcing almost every service in their spectrum of tasks³².

In line with recent democratization policies in Turkey, the introduction of good governance reforms has been another essential component of administrative reforms. Governance reforms aimed at improving transparency, accountability and participation within public administration. With regard to transparency and accountability one important legal regulation has been the introduction of the Law on the Right to Information (*Bilgi Edinme Hakkı Kanunu*, BEHK) into the Turkish

31 Süleyman Sözen (2012), “Recent Administrative Reforms in Turkey: A Preliminary Assessment”, *International Journal of Business and Social Science* Vol. 3 No. 9; May, (168-173), s: 168

32 Sözen (2012), *Ibid.* s: 170

legal system. The Law was (Law No. 4982) came into force on 24.04.2004³³. Furthermore, the establishment of the Ethics Committee for Civil Servants in 2004 with the Law (No. 5176) on the Establishment of the Ethics Committee for Civil Servants and Amendment of Some Laws has been another notable development for public administration.

In the 2008 Program of the Government, under the section “Increasing Quality and Effectiveness in Public Services”, it was stated that the work on the Draft Law on General Administrative Procedures will be concluded by the end of the year. Similarly, the 2010 Program of the Government indicated that the work on the Draft Law on General Administrative Procedures will be completed and will be sent to the Parliament by the end of December 2010 (SPO, 2010:242). The 2008 version of the Draft Law contains significant provisions oriented to ensure transparency of the administration. There is no doubt that when the Draft Law becomes as a statutory law, there will be substantial implications for public administration. The Law will reinforce transparency in public administration and foster the transition from secrecy to transparency in the relations between the administration and the individual.

Conclusion

The Albanian and Turkey the two countries that broke away centuries ago. Experience of the state of the two countries followed different processes. Today, both countries have a common point. This common point is the EU membership. Turkey's EU membership adventure older than Albanian's. Naturally, Turkish administrative reform experience is much more advanced. Albania. However, the administrative reform process in Turkey, walked heavily and often interrupted. There are many reasons to delay Turkey's administrative reforms. Historical fractures and cultural differences one of the main reasons for this delay. However, Albania is a different country from Turkey for the historical and cultural character. Culturally Albania is a part of Europe and historically, belongs to Europe. Therefore, for Albania's full compliance with the EU criteria and EU membership include different meanings. Following the collapse of the communist regime in Albania's EU membership compulsory destination is determined as a sense of progress. For this reason, Albania's EU membership is likely can be faster than Turkey.

References

Agallija Nikolin (2009), “AB İle Değişen Arnavutluk”, Yayınlanmamış Yüksek Lisans Tezi, Selçuk Üniversitesi, SBE, Konya

Archick Kristin (2012), “European Union Enlargement”, CRS Report for Congress, RS21344, Congressional Research Service (April 4)7-5700 www.crs.gov

33 Sözen Op.cit. s: 170

Archick Kristin and Mix Derek E. (2009), "The European Union's Reform Process: The Lisbon Treaty", Brahaj Sokol (2012), "Anavutluk'un Demokratikleşmesi (1990-1992) (3)", <http://balkangunlugu.com>, (22.08.2012)

CAIMED (2011), Administrative Reform In The Mediterranean Region, www.caimed.org (24.08.2012)

CCNM/SIGMA/PUMA (1999), European Principles For Public Administration SIGMA Papers: No. 27 CRS Report for Congress, RS21618, Congressional Research Service (November 9), 7-5700 www.crs.gov, s

European Council Conclusions, Copenhagen, Denmark, June 1993.

Grabbe Heather (2002), "European Union Conditionality and the "Acquis Communautaire" *International Political Science Review*, Vol. 23, No. 3, July, (249-268), 249-251

Lisbon Treaty Art.176 http://europa.eu/lisbon_treaty/glance/index_en.htm (20.08.2012)

Morelli Vincent (2011), "European Union Enlargement: A Status Report on Turkey's Accession Negotiations" CRS Report for Congress, 7-5700, RS22517, www.crs.gov

OECD-SIGMA Program Information Sheet

Selenica Blerta (2007), "Aspects of Reforming Public Administration in Albania", Public Administration: Protection and Quality of Public Services - International Trends, The International Conference organized by *Koinoniko Polykentro*, the Scientific Center of the Confederation of Public Employees in Greece, (185-192), Greece

Sözen Süleyman (2012), "Recent Administrative Reforms in Turkey: A Preliminary Assessment", *International Journal of Business and Social Science* Vol. 3 No. 9; May, (168-173)

http://www.abgs.gov.tr/files/SIGMA/sigma_programi_hakkinda_bilgi_notu.doc (22.08.2012)

http://en.wikipedia.org/wiki/Accession_of_Turkey_to_the_European_Union (24.08.2012)

http://en.wikipedia.org/wiki/1997_rebellion_in_Albania (23.08.2012)

http://en.wikipedia.org/wiki/Accession_of_Albania_to_the_European_Union

http://en.wikipedia.org/wiki/Member_state_of_the_European_Union (18.08.2012)

http://en.wikipedia.org/wiki/Community_acquis (18.08.2012)

http://www.europarl.europa.eu/summits/mad1_en.htm (20.08.2012)

<http://www.ips-institute.si/data/uploads/PAR> (20.08.2012)