



The Role of Experts in Governance: The Case of Albania in the Context of European Integration

Blerina Sadiku

Dr., Departamenti Administrim Publik,
Universiteti "Aleksandër Moisiu",
Durrës

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Abstract

The role of experts in governance might strengthen democratic principles as it might risk them as well. However, in the complexity of the nowadays world, taking the right decisions has become complicated. Therefore, there is the need for experts to take decisions in different fields of decision-making. In the context of governance in the public sphere, apart from the experts' decision-making, it is imperative to uphold democratic principles that ensure a fair representation of the minorities, to safeguard against any adverse impact resulting from experts' advice or decisions on certain issues. The most developed countries or other supranational entities like the European Union undertake evaluations on the impact that policies have on certain contexts, while developing countries might encounter difficulties despite the achievements in this context. While Albania has made legislative advancements in recent years, further enhancements are expected in the future to improve instruments and mechanisms which will contribute to a smoother implementation of these legislative initiatives. In contrast, the European Union has shown a notable reliance on experts in public sector governance and decision-making processes. Although experts in Albania contribute to governance, ongoing debates persist on certain issues. Hence, this article seeks to analyze the role of experts in the Albanian governance, particularly considering the country's aspirations toward the European Union integration. By examining the implications for democratic principles and effective decision-making processes in the context of experts' involvement, this study seeks to provide insights for enhancing governance practices in the country's context of policy making process.

Keywords: governance, experts, Albania, European Union

1. Introduction

Decisions in the public sector influence and shape the present and future of a society. The challenges that the public authorities face have become more complex. Thus, to guarantee good governance for the governed, the right decisions should be taken by the public authorities. In this context, while the role of experts may be subject to debate, particularly within discussions of technocracy, its importance has undoubtedly risen for developed countries and entities. Countries undergoing democratization, such as Albania, are endeavoring to establish the right mechanisms to facilitate informed decision-making within the public sector of governance.

Governance, as a concept, expresses the complex network of procedures, practices, and structures through which decisions are deliberated, policies crafted, and resources allocated within institutions, organizations, and societies. At its essence, governance serves as the foundation of effective institutional functioning, highlighting the rule of law, promoting accountability, and fostering inclusive decision-making processes. While governance transcends the confines of the public sector, our focus in this article is dedicated to exploring its significance within the space of state governance.

Within this domain, governance sets the way public institutions handle authority, navigate societal complexities, and deal with public affairs. Governance permeates every side of public life, shaping economic development, social welfare, environmental issues, and public safety among other issues.

The aim of this article is to examine the role of experts in decision-making and policy formulation within the context of Albania's European Union Integration process. Additionally, it seeks to explore the implications of expert involvement for governance practices, particularly in relation to democratic principles and effective policymaking. To achieve this, we will make an analysis of the influence and role of experts in shaping decision-making processes during Albania's European Integration journey. In addition, it is important to assess the governance mechanisms in place within Albania's legislative framework for the inclusion of experts in policy formulation and implementation and explore challenges and debates surrounding the inclusion of experts in governance, particularly regarding the balance between technocratic efficiency and democratic values. In the end, this paper seeks to contribute to the broader discourse on the integration of expert knowledge in governance in Albania, drawing lessons from the European Union's approach, and to stimulate further research and discussion on the evolving role of experts in governance and its implications for democratic governance principles.

However, the inclusion of experts in governance inevitably sparks debates, particularly surrounding the notion of technocracy. Critics raise concerns about the potential erosion of democratic principles and the concentration of decision-making authority within a cadre of experts. Supporters argue that technocracy offers a pathway to enhanced governance efficiency, leveraging expert knowledge to navigate the complexities of modern challenges. Amidst the debates, the European Union stands as a testament to the integration of expert knowledge into the policy making process. Through expert advisory committees, consultations, and working groups, the EU binds the collective wisdom of diverse stakeholders to inform its legislative initiatives. The EU's approach highlights the delicate balance between technocratic efficiency and democratic values, emphasizing the importance of diverse representation and stakeholder engagement. On the other side, Albania grapples with its own governance challenges, as it navigates the complexities of post-communist transition and European integration. Experts play a crucial role in advising government officials, shaping policy frameworks, and facilitating institutional reforms. But debates persist over the impartiality of experts and the extent of their influence in governance' structures. As we go through the complexity of governance and expert involvement, it becomes evident that the integration of expert knowledge represents a double-edged sword in this point of view.

In conclusion, the involvement of experts in governance signifies an essential phase in the evolution of modern democracy. By embracing expert advice, nations can overcome the complexities of governance, raise transparency, and uphold accountability. These principles are particularly pertinent to Albania's current governance landscape, as it endeavors to align with European Union standards while upholding democratic ideals within its governmental structures. Gilley writes that there is a need-to-know which mechanism to employ [between democracy and technocracy] in each instance. He adds that "*technocracy needs to be confined to its appropriate sphere*". (Gilley, 2016)

2. Importance of Governance Experts

Governance plays a crucial role in shaping the functioning of societies and organizations, influencing their ability to address challenges, promote development, and uphold democratic principles. By establishing transparent, accountable, and participatory governance systems, societies can enhance trust, raise social cohesion, and achieve sustainable progress. In the public sector, governance is generally used as a term to convey the proper functioning of institutions of a state. It relates to the rules of the political system which are adopted and implemented to solve conflicts and to make decisions. On the other side, good governance is often related to the rule of law. It involves assessing how governmental bodies handle public matters, oversee public resources, and ensure the protection of human rights, all while minimizing the risk of misconduct and corruption and upholding the principles of the rule of law. If a country is governed by the rule of law, it is expected to have higher democracy and higher responsibility towards the governed. Therefore, to guarantee this degree of responsibility it is crucial to include experts in the governance, since a governance expert is an individual who leads and offers guidance on implementing best practices, adhering to standards, managing risks, staying informed about legal and regulatory changes, handling financial and strategic reporting, and conducting environmental impact assessments and reporting. The inclusion of experts in governance leads to technocracy, but there is debate also for technocracy. Nevertheless, the experts' advice is increasingly crucial to the nowadays complexity of issues arising from every part of the globe because politicians might not always have the adequate knowledge to solve complex issues as it occurred during the last pandemic for example. Indeed, technocrats might not consider the democratic principles, ethical, social, and cultural concerns, but their expertise might solve complex issues through the use of specialized knowledge,

aiming at effective solutions. Proponents of technocracy advocate its ability to enhance governance efficiency through the utilization of expert knowledge.

Technocrats possess the specialized skills required to navigate the complexities of modern challenges, enabling precise and effective policy solutions. In a rapidly evolving world where complicated issues demand sophisticated response, the argument is made that technocracy provides an efficient mechanism for policy formulation and implementation. The democratic critique of technocracy revolves around questions of representation and accountability. In a technocratic system, decision making authority is concentrated within a limited number of experts. Churchill, based on his father's ideas, wrote in the 1960s that political decision-making should not rely exclusively on expert advice. It should be however controlled by the other man like politicians. (p. 140) If technocracy is not managed carefully, it could lead to a democratic deficit where decision making becomes detached from the needs and aspirations of the people.

3. European Union and the Involvement of Experts in the Policy Making Process

The European Union has a consolidated tradition in the involvement of the experts within the context of the decision-making process. The legislative power is divided between the Parliament, the Council, and the European Commission, therefore, before the proposal of new legal initiatives by the EU Commission; the latter assesses the impact that these initiatives have for the stakeholders and the environment. The EU does so by preparing a report on the assessment of this impact through focusing on the advantages and disadvantages of the proposed initiative. In this report various interest groups are engaged to come to a specific conclusion. Experts are part of these groups, who give advice on specific issues.

The impact assessment report includes a description of the environmental, social, and economic impacts. They are published with the proposals or with acts adopted by the Commission. There are several expert groups operating in the European Union. Experts are included in the decision-making processes of the EU through various instruments and mechanisms. They can participate through experts' advisory committees, expert groups and other working groups, consultations and public hearings which give voice to every party in EU, agencies and bodies, partnerships, and network, which are often connected to universities as well.

Expert groups play a vital role in the policy making process in the European Commission by providing specialized knowledge and advice on specific areas of policy or legislative proposals. Experts are chosen through a transparent selection process, which may involve nominations from EU member states, industry associations, civil society organizations, or academic institutions. The commission aims to ensure a diverse and balanced composition of the expert group that represents different viewpoints and interests. (Register of Commission Expert Groups and Other Similar Entities)

The composition of an expert group may include individuals appointed either for their personal capacity, expressing their own views or those appointed to represent common interests, as well as organizations, authorities from the member states, and other public entities. The selection process involves public calls for applications, although exceptions exist for public authorities, such as member states and other public entities, where the Commission may opt for direct selection in cases of priority or emergency. However, in these cases, selection criteria must be objectively verifiable and published in the Register of Commission Expert Groups. Expert groups can be either permanent or temporary and are overseen by a Commission representative or an elected chairperson. In addition, subgroups might also be established in this context. (Register of Commission Expert Groups and Other Similar Entities)

Expert groups are also created in other EU institutions and Committees and agencies like the European Parliament, Council of the European Union, European External Action Service, European Economic and Social Committee, and the European Committee of the Regions, European Central Bank, European Investment Bank.

In the European Parliament, expert groups may take the form of committees, working groups, or panels. These groups consist of Members of the European Parliament and external experts. They play a crucial role in scrutinizing legislative proposals, evaluating their potential impacts, and ensuring alignment with EU principles and objectives. The council of the European Union establishes expert groups on various issues. The expertise is mainly offered by the nations to the respective ministers or other interested parties. Meanwhile, in the European External action service, the diplomats are one of the most prominent representatives for these expert groups engaged in foreign policy issues. The two committees, as established par the Treaty of Lisbon, have many stakeholders which participate in the decision-making process. They deal with matters that regard the economic, social, or regional and other local governance issues. While, in the European Central Bank and the European Investment Bank, the respective experts of the financial and economic field are engaged in the respective issues that regard the supranational and national level.

In conclusion, the European Union institutions engage a considerable number of stakeholders in the decision-making process, while giving a notable space to experts. The European Unions safeguards the balance between technocracy and democracy, nevertheless debate is always present between the various stakeholders.

4. The Influence of European Integration: Albania and the Role of Experts in Governance

A robust policy-making framework is essential for Albania's progression toward European accession, requiring persistent commitment to fundamental reforms, notably public administration reform. All the actual achievements have not come without the support from the European Union and other international entities. On its side, the Albanian government has dedicated considerable effort to establishing institutional mechanisms and frameworks to facilitate policy development and coordination, exemplified by the Integrated Planning System (IPS)¹ and the Integrated Policy Management Groups. (National study on policy coordination processes in Albania, p. 12)

Albania has crossed a challenging path in its lawmaking process. Nearly 30 years after the fall of the communist regime, the country embarked on a comprehensive justice reform starting in 2016. However, this reform has yet to be fully realized following the second amendment of the constitution in the context of this reform. In a democratic society, the lawmaking process is inherently complex, requiring the involvement of various stakeholders to uphold democratic principles.

However, Albania was under the communist regime up the 1990, and people felt suppressed and hardly could disobey the political regime. On the other hand, information about the creation of political culture was difficult because people held many other economic and societal problems. Massive emigration took place. On the other hand, the state university established an academic program on political science ten years after. Within a few years, private universities started to offer academic programs in political science as well. (Xhindi, Bino, 2022, p.69)

Albania has not a well-developed system on policy making process. Nevertheless, several efforts have been made. One of the main mechanisms for national decision-making in policy formulation and strategic planning is known as the Integrated Planning System. This system offers a framework for planning, ensuring that all governmental policies and financial plans operate in a cohesive and efficient manner. This system is supplemented by the Integrated Policy Management Groups, tasked with the responsibility to support, and supervise sectorial reforms in Albania. According to Xhindi et al. , these instruments and mechanisms serve as the principal platform for policy discussions among government officials, development partners, and civil society stakeholders within the nation. (Xhindi, Bino, 2022, p. 71)

Albania incorporates experts into its governance structures through various means, aiming to leverage their knowledge and experience to inform policy making and improve decision making processes. Experts play a crucial role in the Albanian governance, although debate exists on their partiality. Xhindi et al. writes that the state uses non-governmental organizations and other apolitical entities to give impression to the public opinion of a participatory decision-making process. (2022, p.73) In the country, there operate various advisory bodies tasked with providing advice and recommendations to government officials on specific policy areas. Their bodies often consist of academics, professionals, and specialists with relevant expertise. For example, the Albanian government may establish advisory councils on economic policy, healthcare, education, environmental protection, or infrastructure development. However, all these infrastructures are not working effectively to guarantee impartial expertise. (Xhindi, Wloch, 2018, p.147)

In the Albanian law-making process, there are two main consultative processes: internal and external consultation. The experts' role is generally focused on the external consultation process, which might risk putting limits on their full potential of contribution. Furthermore, considering the fragility of the Albanian state structures, the country operated closely with international organizations and donors which aim at providing technical assistance, capacity building support, and expertise in various governance areas. In the state apparatus, there also exist various advisory positions which can be filled with experts of the required fields of governance. Their role is focused on the advice for the policy development program implementation, institutional reforms which are ongoing notably in the latest governance processes of the country, and other technical projects like in the infrastructure for example. Civil society and academia are invited to

¹ The Integrated Planning System (IPS) in Albania encompasses a set of principles, rules, and procedures designed to ensure the integration of policy and strategic planning with public financing. It is a results of reforms since the 2000s, focusing on enhancing public finance management, strategic planning, and policy formulation as central functions within the Albanian government. It is primarily managed within the Prime Minister's Office, responsible for coordinating with the Ministry of Finance and the Ministry of European Union Integration, along with all line ministries. The IPS aims to establish a comprehensive planning and monitoring framework that enables all major government planning and financial policies to operate cohesively, efficiently, and in an integrated manner. (see more <https://www.ips.gov.al/en/>)

participate in the governance issues, but there is debate on this context due to the notable political influence that might exist in the country's democratic pillars. (Council of Europe, 2018) According to some authors, the latter are often not given acceptable time to give their expertise. (Xhindi, Bino, 2022, p.73)

In its road towards European Union integration, Albania has several initiatives to democratize its state's apparatus procedures. Nowadays, in the law-making process of the country are involved various stakeholders, in which the experts have a primary role. Laws are made for people and to serve them. To achieve this, laws should be transparent and comprehensive. In the lawmaking process, workgroups are created. Various perspectives should be thoroughly discussed and established, with working group members drawn from public authorities, as well as politicians and experts, including international ones from different backgrounds such as universities, the judiciary, or private organizations. Members should be selected based on their expertise, ensuring equal representation and a multidisciplinary approach. Working groups may also consult with experts or individuals affected by proposed laws, submitting reports directly to the ministry or council of ministers. In situations where time is limited, alternative methods such as drafting papers within ministries or forming consultative non-formal groups are utilized. (Manuali i Ligjeve, p.57)

Apart from the internal consultation, the external one involves the inclusion of actors who are not directly connected to the public institutions of the country. These actors include external experts, interest groups, nongovernmental organizations, civil society, and the public that might be directly concerned by a specific legislative initiative. External consultation increases the possibility of having a larger number of legal initiatives and a more democratic legislative process. In any case, if there is a time constraint on the legislative initiative, effective consultation cannot be achieved. However, this is a normal procedure also for the European Union context.

In the Law no. 7491/1991 "Për Dispozitat Kryesore Kushtetuese" [On the Main Constitutional Dispositions], article 1 [one] recognized Albania as a parliamentary republic, whose sovereignty derived from the people and belonged to them. This is a general principle for constitutions, while in Albania there existed many problems during that time. Nevertheless, nowadays in the lawmaking process many stakeholders can participate. In this milieu, the role of experts is deemed necessary for various fields as it was in the health issues during the pandemic, for the whole world under the recommendations of World Health Organization, or in the context of the public infrastructure which causes debates time after time in the country due to the inappropriate implementation of infrastructure projects like roads, or other issues regarding the resources' allocation and administration.

Albania has made progress in the last years in the context of integrating more stakeholders, individuals, and experts, in the decision-making process with the adoption of law "On the right to information", and the law "On the public consultation". But the effectiveness of these laws is still debatable and subject for further research. However, the existing legal framework tries to establish certain mechanisms and instruments in order to ameliorate the policy making process.

Despite recent advancements, significant challenges persist, including the risk of process fragmentation, a lack of transparency, insufficient consultation with stakeholders, and the absence of evidence-based decision-making practices. (Dauti & Bejko, 2015; see more: National study on policy coordination processes in Albania) The policy making process in Albania does not yet effectively support evidence-based policy making. Furthermore, the political agenda often takes precedence over evidence when policymakers are presented with it. (Dauti, Bejko, 2015) Political partiality is still present even in the expertise context within the policy making processes of the public authorities. Although, there is a growing interest in evidence-based policy making, in practice, there remains a limited incorporation of research into the policy development process in Albania. (Dauti, Bejko, 2015) In the study conducted by two Albanian authors Dauti and Bejko, the results show that in the policy making process the evidence refers to the number of beneficiaries and incurred expenses, despite the problems concerning the financial transparency rather than the policy impact on the individuals or communities. (Dauti, Bejko, 2015) Therefore, in Albania the instruments of the European Union like the Assessment Report before implementing a public policy are almost inexistent, and further advancements should be made in order to guarantee the democratic principles.

In Albania, the role of experts isn't centered around the technocracy debate, instead it is in the discourse on democracy. This is because the country's policy-making process currently falls short of fulfilling its democratic ideals.

5. Conclusion

In conclusion, the crossroads of governance and expertise represents a crucial point in the ongoing evolution of modern democracy, as evident in both the European Union and countries like Albania, despite the respective stages of political systems. While the contribution of specialists is undeniable in enriching policy development, fostering transparency, and enhancing accountability, the integration of expert knowledge is not without challenges. The ongoing debates surrounding

technocracy highlight the delicate balance required between specialized knowledge and democratic principles.

Critics rightly focus on the potential concentration of decision-making power in the hands of a selected few emphasizing the dominant importance of diverse representation and the conservation of democratic values. Nevertheless, an approach that encourages continuous dialogue, ethical scrutiny, and robust inclusivity mechanisms can enable nations to leverage the expertise of specialists without compromising their democratic ideals. In exploring this landscape, societies, particularly in countries like Albania, must walk cautiously in their democratization efforts.

Learning from the procedures followed by institutions of the European Union in expert inclusion can serve as a guide for implementing similar practices in the country. Through a thoughtful and cautious approach, nations like Albania can establish a path toward robust governance frameworks that not only address societal needs but also uphold democratic principles. Embracing the association of expertise and democratic values, countries can chart a course towards progress, inclusivity, and the overall advancement of society. Even though the role of experts in governance is often around the debate between technocracy and democracy, their position in Albania is still vague, and before discussing it in the context of technocracy, democratic principles should be taken into account.

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