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5. How to Sustainably Decrease Clientelism and Ensure Fair Political Competition in the WB? The Case for Introducing Standing Parliamentary Committees

Political clientelism is widely present in the Western Balkan countries (WB) and has a substantial effect on electoral, political and policy outcomes. It involves an array of redistributive practices, facilitated through informal channels, which appear, in various forms and to varying degrees, throughout the WB countries (Albania, Bosnia and Hercegovina, Kosovo, Macedonia, Montenegro, and Serbia). Incumbent political parties take advantage of weak institutions to obstruct the enforcement of rules designed to prevent clientelist practices. This paper aims to identify sustainable political solutions to the problem of clientelism and the uneven playing field. Since clientelist practices extend beyond election periods, they need to be tackled continuously within institutional and political processes.

Keywords: clientelism, patronage, informality, political parties, Western Balkan, policy

Introduction

Political clientelism is widely present in the Western Balkan countries (WB) and has a substantial effect on electoral, political and policy outcomes. It involves an array of redistributive practices, facilitated through informal channels, which appear, in various forms and to varying degrees, throughout the WB countries (Albania, Bosnia and Hercegovina [BiH], Kosovo, Macedonia, Montenegro, and Serbia). Incumbent political parties take advantage of weak institutions to obstruct the enforcement of rules designed to prevent clientelist practices. The lack of enforcement of such rules spurs the arbitrary allocation of public resources for clientelist goals and contributes to the par-tisation and deterioration of the public administration, thus strengthening

the incumbents and preventing credible democratic outcomes. Finally, clientelism may help incumbents take over institutions, which may ultimately lead to state capture (Grzymala-Busse, 2008).

Recent academic studies of clientelism have proposed a distinction between electoral and relational clientelism (Gans-Morse, Mazzuca and Nichter, 2014; Nichter, 2010), both of which are present in the Western Balkans region. Electoral clientelism represents ad hoc, short-lived relationships, typically involving transactions established and implemented during election campaigns and, in particular, on the election day. A very common example of electoral clientelist relationships is vote buying (a one-off exchange of money or goods for votes). Relational clientelism by contrast is based on long-term relationships, where the inducements that are distributed for the wellbeing of clients are much more substantial. Moreover, under relational clientelism, there is a wider 'catalogue' of inducements, ranging from party patronage in employment to long-term or permanent benefits, typically at the expense of public resources.

This distinction is key to understanding the varying degrees of enforcement of rules against clientelism: rules for preventing electoral clientelism, valid only before and during election cycles, are enforced to a greater extent than those that sanction practices between two elections. Rules to prevent electoral clientelism include the 'freezing' of the distribution of subsidies, procurement and employment in the public sector, as well as sanctions for biased media reporting. In addition, international election observation missions and media monitoring remain focused on manifestations of electoral clientelism. The monitoring findings filter through to EU country reports, with the result that EU conditionality focuses on only one part of the overall problem, since practices of electoral clientelism are in fact only a fraction of the full range of clientelist practices that harm political competition.

The lack of implementation of rules combating clientelism has exacerbated various political crises which threaten the political process in the WB. Ruling parties tend to abuse resources and capture the institutions that should ensure the rule of law and prevent clientelism, while opposition parties, unable to win elections in conditions of unfair competition, tend to use non-institutional measures such as boycotting of parliaments and organised protests. Such patterns of crisis have recently taken place in Macedonia (2012–2013; 2015–2016), Montenegro (2016) and Albania (2017). In all these cases, opposition parties have boycotted

the formal institutions and demanded international (EU) mediation as a route to resolve the situation. Such mediation has been conducted mainly through informal leadership meetings. One of the outcomes of these meetings has been the establishment of interim governments that supposedly increase the enforcement of rules against clientelism and corruption during elections.

However, such solutions have a temporary and unsustainable character: they only partially solve the problem of clientelism and the uneven political playing field. Clientelism prevention mechanisms, such as banning public sector employment contracts and procurement before elections, occur only during the limited pre-election periods, despite the fact that clientelism occurs continuously. Moreover, since such solutions are the product of internationally sponsored informal political agreements, they unintentionally undermine the role of national parliaments as institutions where political conflict should be addressed. International mediation, while relatively effective for resolving conflicts, is of an informal character and does not offer sustainable solutions mediated through formal institutional channels.

This chapter aims to identify sustainable political solutions to the problem of clientelism and the uneven playing field. It begins with a review of literature focused on the variations of clientelist linkages. Then it goes on to analyse the different types of clientelism in the WB by examining the findings from the research within the project 'Closing the Gap between Formal and Informal Institutions in the Balkans' (INFORM). Lastly, the chapter proposes an institutional solution for ensuring continuous tackle of clientelism through incentivising political will. Throughout the chapter we use survey data from the project INFORM, gathered during May-June 2017 (6040 face-to-face interviews with respondents from the WB countries). Empirically, we also rely on our conducted fieldwork (ethnography and semi-structured interviews with citizens and policy makers), but also on data produced by international and domestic election observation missions and media reports depicting clientelist practices in the region.

Since clientelist practices extend beyond election periods, they need to be tackled continuously within institutional and political processes. Therefore, we propose a standing committee within parliaments, which should be tasked with overseeing the measures taken by other state bodies against clientelism. This standing committee should be established in cooperation with civil society organisations. As the national parliament is

a forum where governing and opposition parties meet, incentivising oversight is an appropriate tool for overcoming the political conflicts created by clientelism or corruption. The success of such a body should be set as a condition for the further EU progress of the WB countries. This will enable a positive structure of incentives for constructive political dialogue, which should generate the much sought-after political will that is essential to facilitating the effective work of existing institutions tasked with tackling political clientelism.

Variations of Clientelist Linkages in the Literature

The policy recommendation of this chapter, which aims at sustainable solutions to the continuous appearance of clientelism (both within and outside election cycles), is based on the understanding that there are various manifestations of political clientelism. These variations should be considered when designing policies for suppressing and preventing clientelism. While there is a recognition within the social science literature that the various manifestations of clientelism require different policy treatments, this is not the case in the sphere of policy making. Across the WB societies, policies are drafted and implemented with a view to the immediate period around elections, thus ignoring the manifestations of clientelism between election cycles. Our data suggests that clientelist linkages are forged continuously, not only just before or after elections. This section will briefly present the scientific literature on the variation of clientelist linkages, so as to elaborate a theoretical framework for our recommendation to establish standing parliamentary committees.

Political clientelism is defined in the literature as a non-programmatic political relationship between citizens (clients) and political parties or office-seekers (patrons), which is personalised, instrumental, reciprocal and asymmetric in terms of distribution of power and resources (Kitschelt and Wilkinson, 2007; Piattoni, 2001: 12–13; Scott, 1972: 92; Stokes et al., 2013). Within this broad category of relationships, which can be clearly differentiated from programmatic political linkages (classified as ‘standard’ in highly developed democracies), we find an underlying diversity in the key constitutive elements of the clientelist relationship. Indeed, the American

political scientist and anthropologist James C. Scott, one of the pioneers of the study of clientelism, maintains that “one could potentially make almost limitless distinctions among patron-client relationships” (Scott, 1972: 97). Scott stresses that the resource bases of patrons and clients, which are crucial determinants of the establishment and persistence of clientelist relationships, are one source of variation. Variations may also be found in the balance between affective and instrumental ties and between voluntarism and coercion; in the durability of the relationship over time; in the homogeneity/heterogeneity of the clientelist following; and in field (contextual) variables (Scott, 1972: 97–101). In another typology (which includes not only political clientelism but also its pre-mass politics manifestations), Eisenstadt and Roniger (1984: 221) differentiate between different types of clientelism on the basis of: the organisational patterns of clientelism; the modes of patron and client role taking; the styles of instalment into the relationship (tacit agreements vs. ceremonially or contractually sanctioned agreements); the types of clientelistic exchanges; and the degree of continuity and instability in the relationships. In developing the policy recommendation presented in this paper, we differentiated between clientelist relationships according to the types and contents of exchanges, which we found to be a suitable dimension for understanding the variety of clientelism in the WB. The types of exchanges within clientelist relationships, in turn, are strongly affected by the resource bases of both patrons and clients.

Once the resource base of patrons and clients has been taken into account, a further instructive distinction becomes relevant: the distinction between electoral and relational clientelism (Gans-Morse, Mazucca and Nichter, 2014; Nichter, 2010). This distinction can effectively capture the variations that are at stake when devising policies to combat clientelism. Short-lived clientelist relationships, involving transactions established and implemented during election campaigns, especially on the election day, are classed as manifestations of electoral clientelism. Relational clientelism, by contrast, is based on long-term relationships, in which the inducements that are distributed for the wellbeing of clients are much more substantial.

The following analysis will show that the electoral vs. relational clientelism distinction can help understand political clientelism in the WB. Moreover, it should explain why substantial and long-term political engagement of key actors is needed (via parliamentary committees) to create effective conditions for combatting clientelism.

Different Types of Clientelist Linkages in the WB and the Scope of Clientelism

Although political parties do not publicly announce their redistribution strategies in their clientelist dealings, the widespread pursuit of such strategies represents a ‘public secret’ (a form of informally institutionalised behaviour) in all WB countries. Some of the more obvious clientelist practices include vote buying, spoils-based employment in public administrations, favours ensuring preferential treatment in dealing with state institutions, and particularistic redistribution of state subsidies (Table 5.1).

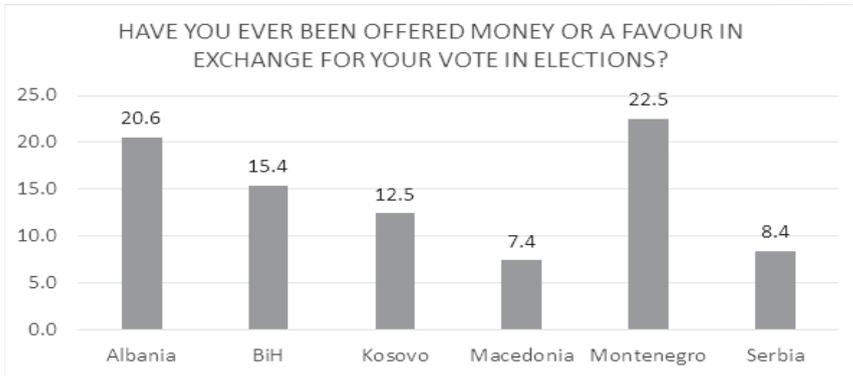
Table 5.1. Inducements and enforcement mechanisms that patrons employ across the WB

<p>Inducements:</p> <ul style="list-style-type: none"> - Handouts for vote buying (money, goods) - Party employment in public administration - Selective distribution of subsidies for farmers - Selective distribution of social benefits and similar favours - Public procurement contracts
<p>Enforcement mechanisms:</p> <ul style="list-style-type: none"> - Carousel voting - Photographing the ballot - List of ‘secured voters’ - Trading of influence, donations, protection from investigations

The variety of goods that are exchanged (and the presence of different enforcement mechanisms) in return for votes point to the existence of both electoral and relational clientelism in the WB. At present, this ‘dynamics’ of the field is not tackled effectively with relevant policy responses.

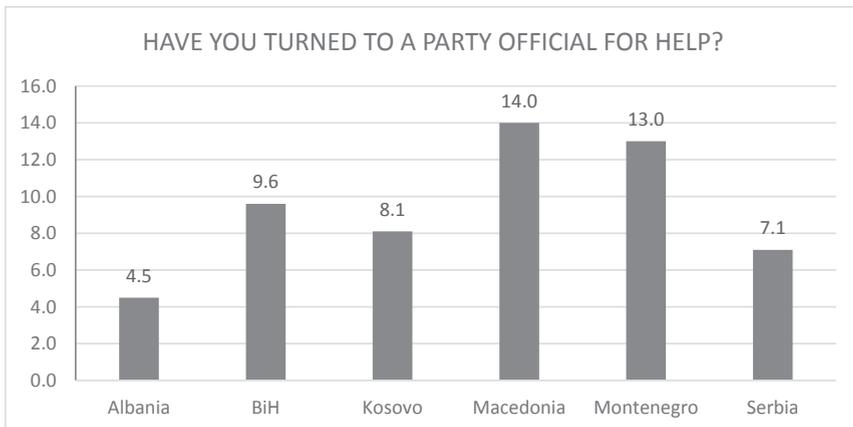
The need for continuous action against political clientelism is demonstrated by the reach and efficiency of clientelist practices in the WB6 countries. According to the INFORM survey, significant portions of the population have been offered money or favours in exchange for their vote. Notably, one in five respondents in Montenegro (23%) and Albania (21%) reported receiving an offer of money or favours in exchange for a vote, while the corresponding figures in Bosnia and Herzegovina (BiH) and Kosovo were 15% and 13% respectively. The clientelist pressure on voters is lowest in Serbia (8%) and Macedonia (7%) (Figure 5.1).

Figure 5.1. Have you ever been offered money or a favour in exchange for your vote in elections? (%)



Moreover, institutional dysfunctionality in the WB countries leaves significant space for the development of parallel informal ways of dealing with state institutions. Political parties in power have thus become the ‘middlemen’ between formal institutions (e.g. healthcare, employment, education) and citizens. People have become familiar with the ‘rules of the game’ and adapted to the situation by seeking access to services through political parties rather than the institutions.

Figure 5.2. Respondents who reported turning to party officials for help (%)



When respondents were asked whether they had ever approached a party official or activist for help, the highest proportions of affirmative responses were in Macedonia (14%) and Montenegro (13%), while the lowest was in Albania (4.5%) (Figure 5.2). The figures for the other countries lie in the middle: 10% of BiH respondents, 8% of Kosovars and 7% of Serbs reported asking help from political parties. This demonstrates the extent of ties that are less likely to have occurred only before elections, i.e. relational clientelism.

To gain a more practical understanding of the effect of clientelism on election days across the WB, we projected the figures onto the number of voters in the last general elections before our survey (Table 5.2). We compared this with the data about electoral performance in the same elections of the winning party/coalition and the party/coalition entering parliament with fewest votes. In each of the countries of interest, the number of respondents who have ever experienced a clientelist offer represents a substantial proportion of the voters, which is thus able to affect election outcomes. For example, this number makes up more than two-thirds of the votes for the election winners in Albania and Montenegro, while it exceeds the number of votes for the winners in BiH and Kosovo. Of course, our projections should not be taken as a precise indicator of the effects of clientelism on election outcomes. Nevertheless, they do provide a very rough illustration of the extent of its influence, suggesting that political parties in the WB devote significant energies to establishing clientelist linkages for the sake of political support. In short, our findings suggest that the scale of clientelism is enough to swing election results.

Table 5.2. Projection of survey responses onto the number of registered voters in the WB6 countries

	ALB 2013	BiH 2014	KOS 2014	MKD 2016	MNE 2016	SRB 2016
Registered voters*	3,271,885	3,278,908	1,799,023	1,784,416	528,817	6,739,441
% of reported pressured voters**	20.6	15.4	12.5	7.4	22.5	8.4
Projection of pressured voters	674,008	504,952	224,878	132,047	118,984	566,113
Votes: election winner (seats/total)*	993,904 (83/140)	274,057 (9/42)	222,181 (37/120)	454,577 (51/120)	158,490 (36/81)	1,823,147 (131/250)
Votes: last party entering parliament (seats/total)*	7,993 (1/140)	22,088 (1/42)	645 (1/120)	30,964 (2/120)	1,802 (1/81)	16,262 (1/250)

Sources: *National electoral commissions and **INFORM 2017 survey.

Furthermore, the analysis reveals that when citizens seek benefits, the chances of political parties seeking their loyalty is substantially higher: citizens seeking benefits have six times higher odds to experience clientelist pressure than those who do not do so. This effect is most marked in Kosovo, where benefit-seekers have 11 times the odds to participate in a clientelist transaction than non-benefit-seekers. In Albania, they have nine times the odds, in BiH seven times, in Macedonia six times, in Serbia four times and in Montenegro three times.

In addition to reported experiences of clientelism, our survey data on citizen perceptions of clientelist practices reveal the existence of shared expectations about informal rules. According to our data, for instance, citizens have shared expectations that employment is gained predominantly through informal channels such as party membership or connections. Citizens' perceptions thus act as informal, bottom-up incentives that encourage political parties to engage in clientelism, forming a sort of vicious cycle. Taken together, then, our data point to the simultaneous existence of two interconnected phenomena: a top-down process whereby political parties are actively engaged in practices of clientelist employment, which are reflected in respondents' perceptions; and a bottom-up process whereby the idea of party-sponsored employment is deeply embedded in citizens' perceptions, to the extent that clientelist employment is seen as a normal 'rule of the game'.

Designing an Incentive Structure for Continuous Fight Against Clientelism

Since long-term practices of relational clientelism ensure advantages for incumbents well before elections, they need to be tracked and prevented continuously. The data above demonstrate two main findings: that clientelism is widespread in the WB, and that it can be efficient in swinging elections by creating an uneven field for political competition. Public institutions are mainly inefficient at tackling this situation, which eventually creates political conflicts that are settled outside the political process. While analysts and policy-makers in general focus on the inefficiency of

state bodies, less attention has been paid to the interests of political parties in sustaining clientelism. We claim that a solution should be sought in the political sphere, by structuring continuous political dialogue about the presence and effects of clientelism and employing parliaments as agents of oversight. This does not mean abandoning the reform of the preventive and suppressive institutions tasked with tackling corruption and clientelism; rather, it entails fostering these institutions through generating much needed political will within parliaments.

To combat clientelism in the long run, we propose the establishment of a permanent oversight mechanism in the legislature that can monitor the institutions of the executive branch and their redistribution of public funds, public service employment and decision-making of relevance for clientelist practices. This body should also aim to prevent potential overlap between the state and the ruling parties and ensure a more level playing field between political actors from the government and the opposition. The main task of this oversight mechanism would be to ensure that existing institutions tasked with prevention, monitoring, oversight and suppression of abuse of power function properly and coordinate in order to achieve tangible results. This may be achieved by demanding reports and achievements from existing institutions and by compiling an annual assessment report.

In order to be successful, this oversight mechanism should have political weight and expert capacity from supporting staff, and should be supported by the EU as an important segment of the conditionality mechanism for the WB countries. The committee should call upon existing institutions with the authority to prevent, monitor and curb abuse in these sectors, including ministries, agencies and bureaus, as well as independent and regulatory bodies. The members should have the right to demand reports from these bodies throughout the year and should inquire into how they are tackling current issues.

Once a year, the committee should draft a report on the risks of abuses of public office for party gains. Such reports should evaluate the current state of affairs and assess any improvements or backsliding in the functioning of the relevant state institutions (e.g. the National Audit Office, anti-corruption bodies) in monitoring and preventing potential abuses for party gains (clientelist practices). These reports should be produced by the standing committee and then discussed and adopted

in a plenary parliament session. The European Commission should also make use of these reports as a valuable input in its overall assessment of the country's rule of law and democratic competition.

The committee should oversee areas where there is a high risk of abuses that may lead to an uneven playing field, overlap between the state and the party, corruption and clientelism. These areas include in particular:

- Public procurement and public finance management
- Allocation of social benefit transfers
- Agricultural subsidies
- Employment and promotion in the public sector
- Prevention and suppression of corruption
- Media oversight.

This mechanism should be based on a parliamentary oversight committee, where the opposition holds the majority of seats and the chair is selected through a consensus.

The oversight committee should make full use of the independent civil society, expert and media sectors in the WB countries. In order to structure such cooperation, we propose creating a registry of organizations and individuals that could participate in the body's public discussions. Independent experts, civil society activists and journalists should be able to raise discussions and participate in setting the agenda as associate members without voting rights. Granting such figures formal agenda-setting rights should make the committee's work much more dynamic and effective than if it remained closed to the public.

Overall, the political character of the body should serve to ensure that its decisions are not purely administrative but also carry political weight. Political will should therefore be the main driver of oversight and any proposed measures and reforms. In this way, the committee will complement institutional reforms of other state bodies and will secure the development of institutions within a system structured by the political will for improvement.

Conclusion

Political clientelism is widespread across the countries of the WB region. We have suggested that the distinction between electoral and relational clientelism, currently more frequently used in the academic literature than in policy making, is helpful when designing policies for suppressing and preventing clientelism. This suggestion is reinforced by the fact that some of the WB countries (Albania, Macedonia and Montenegro) that have launched stricter policies against clientelism have addressed the immediate periods around elections, leaving the fight against clientelism between elections weak and ineffective. In other words, the countries from the WB tend to be focused on combating short-term electoral clientelism, while disregarding its relational manifestations. Despite these policies, the extent of clientelism remains relatively substantial across the WB – at least substantial enough, as our survey findings show, to affect electoral outcomes.

The policy recommendation proposed in this article aims to create a specific type of incentive structure at the political level, which should naturally guide political actors towards suppressing clientelism, particularly those practices pursued by incumbents which tend to generate the relational form of clientelism. In order to facilitate the emergence of such an incentive structure, the permanent parliamentary committees that we envisage, tasked with overseeing the work of institutions combating clientelism, should be made up of a majority of members from opposition parties. In addition, the work of the committees should be closely monitored by the European Commission and their performance should be evaluated within the EU's conditionality mechanisms for the WB countries.

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