

This book contains collection of articles which provide policy implications related to the problem of achieving substantive reform on the basis of harmonising legislation in Western Balkan (WB) countries with the standards of the European Union (EU). While WB states have generally been successful in adopting legal reforms that make up a part of EU conditionality, many laws remain unenforced, amounting to “empty shells.” In the space between law, as it is written, and practices as they are engaged in everyday life, exists a gap, characterized by informality, clientelism, and exchange often based on strong tie relationships. Some instances of informality undermine the goal of establishing rule law and contribute to corruption. Others offer valuable solutions to persistent social problems or represent traditional vehicles of social cohesion that should be promoted. The recommendations in this book seek to address both, constructive and damaging instances of informality, and to identify policy measures that can help to harmonise not only legislation, but existing informal practices on the ground.

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MEANINGFUL REFORM IN THE WESTERN BALKANS

BETWEEN FORMAL INSTITUTIONS AND INFORMAL PRACTICES

MEANINGFUL REFORM IN THE WESTERN BALKANS

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Eric Gordy and Adnan Efendic

1. Engaging Policy to Address Gaps Between Formality and Informality in the Western Balkans

This introductory chapter considers the interaction between formal and informal institutions, discussing an updated theoretical approach to this complex relationship but also touching related empirical evidence from the Western Balkans (WB) states. The approach adopted in this study is that informality cannot be *a priori* considered as a negative phenomenon, nor linked to the WB region, its cultures, traditions, religions or mentality of people living in this European space. This chapter and following contributions draw policy makers' attention to the fact that legal reforms in this region, including the institutionalisation of the EU rules, need to be sensitive to context, reducing informality where it is necessary by addressing the formal deficiencies that people resolve through informal practices operating on the ground, while integrating and formalising the positive contributions that are available sometimes exclusively through informality.

Keywords: formal institutions, informal institutions, informality, Western Balkan, policy

Introduction

The texts in this book are products of the Horizon 2020 research project INFORM, „Closing the gap between formal and informal institutions in the Balkans“.¹ The project was carried out by a consortium of over forty researchers at nine institutions in nine countries, including the six Western

1 INFORM is a project that brings together teams from nine European countries – Albania, Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro, Serbia and Slovenia – to conduct multidisciplinary social science research on formal and informal institutions in the Balkans. The three-year research project, launched in March 2016, is carried out in the framework of the European Union's Horizon 2020 research and innovation programme under grant agreement No. 693537. This book is one of the outcomes of INFORM project, in which the authors provide empirical evidence and related policy implications from the interactions of formal and informal institutions in the process of Europeanisation of the Western Balkan states, including the spheres of politics, economy and everyday life.