

Julia Wanninger/Knut Fleckenstein

Albania Poised for a European Future

Introduction

In its recent history, Albania has never been as open to its close neighbours, and to the rest of the world, as in 2018. While the country had been isolated internationally since 1978 when the communist regime of Enver Hoxha broke off its privileged ties to China, today's Albania is an active member of numerous European and international organizations and alliances such as the Organization for Security and Co-operation in Europe (OSCE), the Council of Europe (CoE), and the North Atlantic Treaty Organization (NATO), as well as several regional organizations and initiatives in the Western Balkans. Freedom of travel, numerous bilateral agreements, and a 2010 visa liberalization agreement with the European Union (EU), make it easier for Albanian citizens to travel abroad for holidays and business. Albanian students study in EU countries thanks to the EU's Erasmus+ Programme, and many of them bring new ideas back home. The diaspora in Germany, Switzerland, Italy, and Greece takes a strong interest in domestic developments and hopes for a European future for their country.

The expectations, hopes and aspirations of many Albanian citizens rest on their political leaders' promises to take Albania into the EU. For the younger generation in particular, the EU represents much more than just the Single Market or a political community of 28 member states. It embodies nothing less than the future of the country. To them, EU accession means a higher standard of living, credible prospects for a better future, functioning democratic institutions, a reliable rule of law, and guaranteed economic and personal freedoms.

On its way to EU membership, Albania's politics and administration, economy, and society are facing numerous challenges that will be neither quick nor easy to overcome. These include political reforms such as the reform of the judiciary and public administration, the fight against corruption and organized crime, strengthening fundamental freedoms and the rights of minorities, as well as the long overdue electoral reform. The OSCE, the CoE, and the EU assist Albania with political support, legal expertise, and technical and financial assistance with the implementation of these reforms.

The high expectations of Albanian citizens for a better future place constant pressure to reform on their political leaders. Polls repeatedly indicate that, according to the population, reform progress is too slow. These expectations also affect the work of the international organizations present in Albania. For example, since many citizens believe their country is ready to join the EU, they quickly perceive any delay in the accession process as a harsh rejection of Albania by the EU. In the first half of 2018, the Albanian government therefore

made a particular effort to convince EU member states that, four years after Albania had received the status of an accession candidate, the European Council of June 2018 would be the right moment to finally decide to open accession negotiations with Albania. Instead, the EU accomplished the rare feat of neither overruling its reluctant members nor offending the Albanian government. Two days before the European Council, the Council of Ministers of the EU decided to “set out the path towards opening the accession negotiations” the following year.¹ This contribution will therefore examine the most significant expectations of the Albanian population currently, and the challenges these create for the country’s reform policies and for the work of the aforementioned European and international organizations, in particular the EU and the OSCE.

Strengthening State Institutions through Administrative and Judicial Reforms

Since 2013, Albania has been governed by the Socialist Party (*Partia Socialiste*, PS) under the leadership of Prime Minister Edi Rama, who became known as a reformer during his time as mayor of the capital Tirana from 2000 until 2011. Until 2017, the PS was in a coalition with the Socialist Movement for Integration (*Lëvizja Socialiste për Integrim*, LSI) under Ilir Meta, who is the current president. Since winning a majority of 48.5 per cent in the June 2017 parliamentary elections, the PS has been able to govern without a coalition partner – a first in post-communist Albania. The PS, led by Edi Rama since October 2005, ran for election with the firm intention of obtaining an unassailable mandate to carry out the reforms required for Albania’s EU accession. Taking into account past quarrels within the PS-LSI government coalition, including the disagreement over the role of the International Monitoring Operation (IMO) for the vetting of the judiciary in February 2017, the PS’s absolute majority has certain advantages for the ongoing reform process. On the other hand, it remains essential for the success of the reforms to maintain the broadest possible support from all parties.

The focus of the outstanding accession-related reforms is on strengthening the democratic state institutions and fundamental freedoms. In its 2010 Opinion on the Albanian application for EU membership, the European Commission listed twelve reforms (the so-called key priorities), the fulfilment of which would be a condition for a positive Commission recommendation to open accession negotiations.² Since the government majority and opposition agreed on the adoption of key legislation in 2015, the European Commission,

1 General Affairs Council, Council Conclusions on Enlargement and Stabilisation and Association Process, p. 19, para. 54, 26 June 2018, at: <https://www.consilium.europa.eu/media/35863/st10555-en18.pdf/>.

2 Cf. European Commission, Opinion on Albania’s application for membership of the European Union, 9 November 2010, pp. 11-12, at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/al_opinion_2010_en.pdf?

in its annual country reports, has been focusing on the following five key priorities: the reform of public administration; adoption and implementation of a reform strategy for the judiciary; implementation of the anti-corruption strategy; the fight against organized crime; and the protection of fundamental freedoms and minority rights, including the implementation of anti-discrimination policies.

The reform of public administration directly reflects the objective of strengthening the state institutions. Albania is aiming to depoliticize, as well as increase the professionalism, efficiency, transparency, and public accessibility of its administration. The European Commission's April 2018 country report on Albania³ identifies public administration as the area where the reforms are most advanced compared to the other four key priorities. In the coming years and following the territorial reform, the challenge will be to replicate at a communal level the success achieved at the national level, following the approval of the territorial reforms. In the long term, it will be crucial to not only adapt to new organisational structures, recruitment procedures, and working processes, but to bring about transparency and public accessibility in daily administrative practice.

Prime Minister Edi Rama gave his second government, formed in September 2017, a fresh, modern face in two additional respects: The majority of the previous PS ministers were replaced, except, however, the key ministers for home affairs, finance, and foreign affairs. Minister of Foreign Affairs Dirmir Bushati, who retained his position, also assumed the responsibilities of the Ministry of European Affairs previously held by former coalition partner LSI. In addition, the government attempted to distinguish itself by introducing a women's quota of 50 per cent. For Albanian society, grappling with its patriarchal heritage, this has a signalling effect. Critical observers, however, will not fail to notice that numerical equality does not necessarily bring about equal opportunity to exert genuine influence. The preceding PS-LSI government coalition from 2013 to 2017 had already excelled by setting two records: It was the youngest Albanian government ever, with an average age of 43, and had the largest number of female members (six out of nineteen ministers).

Establishing Parliament as a Place of Political Debate

In the Albanian Parliament, or Kuvendi, the new face of Prime Minister Edi Rama's second government is not quite as clear. Out of 140 members of parliament (MPs), 74 belong to the current government majority. It is primarily the opposition seats of the Democratic Party (*Partia Demokratike*, PD) which are occupied by hitherto unknown faces. This, however, earned party leader Lulzim Basha strong criticism, as he had no longer wanted to nominate a number

3 European Commission, Albania 2018 Report, 17 April 2018, available at: https://ec.europa.eu/headquarters/headquarters-homepage/43230/albania-2018-report_en.

of prominent party members and MPs, including former Speaker of Parliament, Jozefina Topalli (2005-2013), or Majlinda Bregu, former Minister of European Integration (2007-2013), later Chair of the Parliament's European Affairs Committee, and Chair of the National Council for European Integration (2013-2017). Speaker of Parliament, Gramoz Ruçi, is not a newcomer: he had already been Secretary General of the PS in the 1990s, has been an MP since 1997 and has been the party whip twice, from 1998-1999 and 2010-2017. Upon taking up his mandate, he appeared intent on using his position as Speaker to prove that the majority group in parliament does not only serve as the mouthpiece of the government. The agreement reached between the government majority and the opposition in December 2015 regarding so-called "decriminalization" remains a challenge. At the same time, the parties committed themselves to banning candidates with a criminal record in Albania or abroad from their lists of candidates, thereby preventing them from seeking political mandates or public office.

It remains a task for Albania to consolidate the role of parliament in the democratic process and as a place of controversial political debate. Albania has a record of parliamentary boycotts, which often held the country back in its reform process. During the last legislative term from 2013 to 2017 alone, the PD, as the biggest opposition party, boycotted parliamentary work on two occasions. To start with, PD MPs assumed their mandates almost 18 months after the parliamentary elections, and then only following mediation by two Members of the European Parliament – Eduard Kukan (European People's Party, EEP, Slovakia) and Knut Fleckenstein (Socialists & Democrats, S&D, Germany) – who represented the two European party families to which the PS and the PD belong. In spring 2017, the PD boycotted parliament in spring 2017 again, threatened to also boycott the parliamentary elections of June 2017, and was only persuaded to abandon its obstructive approach after reaching an agreement that had initially been mediated by the EU and the US. In April 2017, EU representatives therefore issued an unusually strong warning that the democratic process in Albania was not to be hindered with boycotts and protests and that, on the contrary, parliament was to be used as a place for settling political disputes.⁴

One of the greatest moments in the history of the Albanian Parliament is without a doubt the July 2016 vote in favour of carrying out constitutional amendments necessary to implement the judicial reform. This reform provides the essential foundation to strengthen Albania's state institutions and is unique

4 Cf. Statement by High Representative/Vice-President Federica Mogherini and Commissioner Johannes Hahn on the latest developments in Albania, 12 April 2017, at: https://eeas.europa.eu/headquarters/headquarters-homepage/24651/statement-federica-mogherini-and-johannes-hahn-latest-developments-albania_en; Statement of Commissioner Hahn to the citizens of Albania, 11 May 2017, at: https://ec.europa.eu/commission/commissioners/2014-2019/hahn/announcements/statement-commissioner-hahn-citizens-albania_en.

in its scope and depth, at least in the Western Balkans. Despite deep controversies, the plenary of the Albanian Parliament on 22 July 2016 voted unanimously in favour of the constitutional amendments. The then Speaker of Parliament Ilir Meta's insistence played a significant role in bringing about this unanimous vote. When he refused to summon a meeting for the vote until there was a consensus on the amendments, he was initially criticized for attempting to block the judicial reform. The fact that he finally succeeded in uniting all parliamentarians, and therefore all parties, in taking responsibility for the constitutional amendments, meant that he cleared the way for the judicial reform. It was against this backdrop that, in November 2016, the European Commission for the first time issued its – albeit conditional – recommendation to open accession negotiations with Albania. The recommendation was only conditional, insofar as it formalized the requirement that Albania make “credible and tangible progress in the implementation of the justice reform in particular the re-evaluation of judges and prosecutors (*vetting*)”.⁵

Judicial Reform as a Test Case for the Credibility and Effectiveness of the Overall Approach to Reform

Albania's judicial reform is unique in the breadth of its implications. At stake is nothing less than the restoration of public trust in the country's rule of law, its public institutions and its political representatives. It also meets one of the central demands made by Albanian citizens and the electorate of their political decision makers. Polls show that 90 per cent of Albanians deem judicial reform necessary and unavoidable. At present, judicial proceedings are often protracted and inefficient; many representatives of the judicial system are accused of being corrupt and not immune to political influence. Public interest in a comprehensive judiciary reform is also huge because corruption is widespread in many areas that directly affect the daily lives of Albanian citizens, for example, in the education and health sectors. In addition, only a reformed judiciary will provide a solution for the issue of property rights in Albania, encompassing property registration, restoration, and compensation. Ultimately, the credibility and effectiveness of the fight against organized crime depend significantly on the success of the judicial reform. In this regard, the Albanian police have been collaborating closely with EU member states on monitoring and operations for several years, especially with the Italian financial police (*Guardia di Finanza*). While the number of investigations and prosecutions has risen, EU institutions continue to criticise the relatively low conviction rate. There is, however a sense of nervousness, which is most likely based on

5 European Commission, 2016 Communication on EU Enlargement Policy, 9 November 2016, p. 12, at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20161109_strategy_paper_en.pdf.

the increasing awareness that state institutions are determined to take action against corruption and organized crime, including at the highest level.

In the context of the judicial reform, Albania has also launched the aforementioned vetting process of judges and prosecutors. This process includes assessing the professional competence, personal integrity, and all assets, not only of the candidates themselves, but also of their close family members. Introduced at the beginning of 2017, the vetting process is already producing its first results: Up to June 2018, thirteen judges and public prosecutors came under scrutiny, five of whom were dismissed as a result. Nineteen judges and prosecutors announced they were stepping down from their positions before the start of their vetting process.⁶

Building Trust in Democratic Processes and in a Pluralist Society

Albania's politics and media landscape are characterized by a high degree of polarization. Politics is dominated by the perception that pursuing the interests of one side must necessarily contradict the interests of the other side. There is hardly a media outlet that does not clearly position itself in support of either the government or the opposition. The danger of such polarized political competition lies in the resulting mistrust of citizens in the ability of the political class to represent more than the interests of a certain group. This has led some to describe Albanian politics as a "comedy of general interest".⁷

In its annual resolutions on Albania's reform progress, the European Parliament has repeatedly been calling for "constructive dialogue" between political forces, as this is essential for further progress in the EU accession process. Unfortunately, the need for constructive political debate is often expressed as a demand for "political consensus". This reflects the desire, in particular on the part of the European People's Party (EPP), to give a more important role to its Albanian sister party, the PD, which has been in opposition since 2013. Rather than calling for *consensus* between the government majority and opposition, it would be more appropriate to call for *compromise* on both sides. A stronger emphasis on the need to forge political compromises would have the advantage of strengthening the role of the Albanian Parliament as a place to thrash out controversial political debates and forge compromises. The relevant European party families should assume more responsibility in this respect.

Albania's long overdue electoral reform would contribute to strengthening public trust in the electoral process. Above all, this concerns electoral administration, campaign financing, voter registration, the use of new voting

6 The current figures are taken from an information leaflet produced by the Albanian government on the judicial reform, as of 14 June 2018.

7 Sébastien Colson, *Albanie. Forteresse malgré elle*, Brussels 2018, p. 30 (author's translation).

technology, and the participation of citizens living abroad. The OSCE has repeatedly made recommendations for reform in relation to many of these aspects.⁸ Looking ahead to the local elections due in June 2019, the Parliamentary Ad-hoc Committee on Electoral Reform, chaired jointly by two representatives, one of the PS and one of the PD, initially set the target of submitting the relevant reform proposals by autumn 2018. This time horizon would have respected the OSCE principle, which states that, in order to be legitimate, electoral legislation may not be amended in the twelve months before an election. Unfortunately, by December 2018, the Parliamentary Ad-hoc Committee on Electoral Reform had not yet agreed on its reform proposals.

While both the OSCE and the EU continue to find cause for concern regarding freedom of the press and freedom of speech in other Western Balkan countries, Albania's media landscape is characterized by considerable plurality. Issues that still spark criticism include the precarious working conditions of journalists, poor quality reporting, self-censorship, and the widespread uncritical use of media material pre-fabricated by the political parties, particularly at election times. The challenges therefore lie in ensuring genuine plurality and reducing political and economic interference with individual media outlets or regulatory bodies, strengthening media authorities, and improving the labour rights of journalists. Both the OSCE and the European Broadcasting Union (EBU) have also been advising Albania since 2015 on the reform of its public broadcaster (*Radio Televizioni Shqiptar*, RTSH), aiming to achieve greater independence from political decision-makers, higher-quality reporting, and an increase in market share.

The protection of minority rights is an additional aspect that will contribute to developing a pluralist society in Albania. Although the relevant legislation was significantly revised as part of the accession-related reforms, Albania must continue improving the living conditions, educational opportunities, and employment rate of Roma and other ethnic minorities. It should also be noted that the large religious communities in Albania positively influence religious and societal tolerance.

8 Cf. OSCE ODIHR/Venice Commission/Council of Europe, European Commission for Democracy through Law (Venice Commission) and OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), Joint Opinion on the Electoral Law and the Electoral Practice of Albania, Strasbourg, 19 December 2011, Opinion No. 641/2011, available at: [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2011\)042-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2011)042-e); OSCE Office for Democratic Institutions and Human Rights, Republic of Albania, Parliamentary Elections, 25 June 2017, OSCE/ODIHR Election Observation Mission, Final Report, Warsaw, 28 September 2017, at: <https://www.osce.org/odihr/elections/Albania/346761>.

A “European Perspective” as a Yardstick for the Successful Approach to Reform

Alongside Kosovo, Albania is one of two Western Balkan countries with an overwhelming majority of citizens who support EU accession. Eighty-one per cent of the Albanian population are positive about their country’s planned EU membership. For the sake of comparison, in Kosovo the proportion is 90 per cent, in Serbia, 26 per cent.⁹ In addition, the Albanian population is rather optimistic about when to expect EU accession: In 2017, a majority expected accession by 2020 or 2025. For most Albanians, EU membership primarily represents the freedom to study or work in other EU countries, and economic prosperity.

For years, the EU has been acknowledging Albania’s “steady progress” in fulfilling the accession criteria. While the European Commission had already issued a conditional recommendation for opening accession negotiations in November 2016, it was in April 2018 that, for the first time, the Commission issued an unconditional recommendation. It explicitly stressed that the country had made good progress towards fulfilling the remaining five key priorities for reform. In addition, the European Commission recognized that, with the implementation of its comprehensive judicial reform and vetting process for judges and prosecutors, Albania had even exceeded the original prerequisites for the Commission to recommend the opening of accession negotiations. Indeed, in its opinion on Albania’s application for EU membership, the European Commission, in November 2019, had recommended the adoption and implementation of a reform strategy that guaranteed the independence, efficiency, and accountability of the justice system in order to strengthen the rule of law.¹⁰

The European Parliament (EP) traditionally positions itself as the advocate of accession candidates, and, in the case of Albania, it had already spoken out in favour of opening accession negotiations in spring 2017. The latest report by the EP’s Committee on Foreign Affairs therefore confirms this year’s recommendation by the European Commission to open accession negotiations, on the grounds that this would set further incentives for the reform process.

The clear reform focus on EU accession puts the Albanian government under pressure to deliver, not only regarding the reforms, but also regarding the EU accession process itself. While the fight against corruption and organized crime is met with resistance in certain quarters, the socio-economic reforms at times require processes of adjustment, which may be painful for the whole population. Such difficult reforms are obviously easier to sell to voters when their social consequences can be balanced out by achievements in other

9 Cf. Regional Cooperation Council, Balkan Barometer 2017: Public Opinion Survey, pp. 55-57, at: https://www.rcc.int/seeds/files/RCC_BalkanBarometer_PublicOpinion_2017.pdf.

10 Cf. European Commission, Opinion on Albania’s application for membership of the European Union, cited above (Note 2), p. 6.

areas. During election season, as well as in decisive moments for the country's EU accession process, Albania's political leaders therefore occasionally play the card of 'concerns about the stability of the Western Balkans' for political gains, including by stressing Albania's contribution to stability in the region, or by reverting to nationalist rhetoric about "Greater Albania".¹¹ In 2017, Prime Minister Edi Rama conjured a union between Albania and Kosovo, either inside the EU or, if not admitted, outside of it.¹² In 2018, Foreign Minister Ditmir Bushati developed an argument that currently appeals better to Brussels: With Brexit on the horizon, admitting new members such as Albania and Macedonia could give the EU new impetus.¹³

Conclusion and Outlook

Albania's political class has reached a decisive moment: Can it convince both its own population and its European partners, especially the EU member state governments, that the reforms it has begun and announced will genuinely transform Albania into a modern European state? A state whose democratic institutions reliably represent the interests of its citizens (and not the economic interests of specific individuals or groups), whose rule of law can be relied upon? A state that guarantees the protection of personal and economic freedoms, offering the prospect of prosperity and security?

Albania's current political and economic leaders are part of a transitional generation. Many of today's decision-makers started their political careers towards the end of the Hoxha regime, were members of the Party of Labour at the time (i.e. the predecessor of today's Socialist Party), or belonged to the protest movement from which the present Democratic Party emerged in the early 1990s. Others are too young to be rooted in the old networks, have often received their education abroad, and already perceive their country as a modern, European state whose future decidedly lies in the EU. For the younger generation preparing to take on positions of leadership in the political, economic and social spheres, access to a professional or political career is often difficult if they have no contacts within existing political or business networks. They are therefore frequently disillusioned with politics or in despair over the job market.

A large proportion of young Albanians today believe in a future in their own country only if Albania actually joins the EU soon. This is mainly due to

11 For a more in-depth analysis of the topic, cf. also Jenny Nordman, Nationalism, EU Integration, and Stability in the Western Balkans, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), OSCE Yearbook 2015, Baden-Baden 2016, pp. 151-163.

12 Cf. Andrew MacDowall, Albanian prime minister: EU faces "nightmare" if EU hopes fade, Politico, 18 April 2017, at: <https://www.politico.eu/article/albania-prime-minister-edi-rama-eu-faces-nightmare-if-balkans-denied/>.

13 Cf. Ditmir Bushati, The Western Balkan challenge, Euractiv, 6 July 2018, at: <https://www.euractiv.com/section/enlargement/opinion/the-western-balkan-challenge/>.

high youth unemployment. The drastic rise in unfounded asylum requests by Albanian citizens in recent years – in Germany and France in particular, but also in other EU member states – is another symptom of Albanians' increasing impatience with protracted reforms and their diminishing trust in the prospect of EU accession, which seems ever more distant.

The outstanding EU accession-related reforms focus on strengthening the democratic state institutions and fundamental freedoms. Such reforms cannot be achieved overnight by merely adopting new legislation, but require long-term reform processes in order to be anchored in politics, administration, and society: the EU accession process and its reforms are not a simple "box ticking exercise".

Albania's still ongoing transformation process is not an obstacle to EU accession in the near future. While the European Council on 28 and 29 June 2018 did not decide to open accession negotiations with Albania, it nevertheless tasked the European Commission with starting preparations by carrying out the so-called screening process. Albania's current task is therefore to consolidate the reforms achieved and to anchor them in its politics, administration, economy, and society, as well as to continue swiftly with the reforms still underway.

In their future co-operation with Albania, the EU, the Council of Europe, and the OSCE should focus on providing continuous support to the country in order to ensure that the reforms, which were initiated with a view to securing accession to the EU, genuinely serve to strengthen the democratic institutions and bring the political culture closer to that of a pluralistic democracy. To make this happen, the OSCE, the CoE, and the EU must continue to closely coordinate their work on and in Albania.