

# **Why did European Union Grant Candidate Status to Albania?**

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## **ABSTRACT**

Albania started its negotiation with the European Union with the initiation of the cooperation of the PHARE programme during early 1990s, right after the decline of the communist regime. The cooperation between Albania and the Union progressed gradually throughout the past two decades. Albanian's first official application for candidate status was noted back in 2009, but was rejected. The request for candidate status of the country got rejected three times in a row for distinct reasons, to get finally granted in summer of 2014. This study tries to analyse the reasons why the European Union granted candidate status to Albania in June 2014.

This thesis evaluates different scholarly articles from different authors, commonly called content analysis. In the literature review of the study, the constructivist perspective emphasizes the security reasons that led the European Union grant candidate status to Albania and Europeanization perspective that points out the progress that Albania has already made in fulfilling the criteria.

**Keywords:** European Union, security, conditionality, criteria, constructivism, Europeanization.

## ÖZ

Arnavutluk, Komünist rejimin çöküşünü izleyen 1990lı yıllarda, PHARE programı işbirliği girişimiyle Avrupa Birliği müzakerelerine başladı. Arnavutluk ve Birlik arasındaki işbirliği, son yirmi yıl boyunca kademeli olarak ilerledi. Arnavutluk'un adaylık statüsü için yaptığı ilk resmi başvuru 2009 yılına denk gelir, ancak reddedilir. Ülkenin adaylık statüsü talebi farklı nedenlerden ötürü, ancak üç kez üst üste reddedildikten sonra, nihayet 2014 yazında verilir. Bu tez, 2014 Haziran'ında Arnavutluk'a aday statüsü verilme nedenlerini analiz etme çabası güder.

Bu tez, çeşitli yazarların farklı bilimsel makalelerini, yaygın olarak tanımlanan adıyla, içerik analizine tabi tutarak analiz eder. Bu çalışmanın literatür taramasındaki konstrüktivist bakış açısı, Avrupa Birliği'nin Arnavutluk'a aday statüsü vermesine yol açan güvenlik nedenleri vurgularken, Avrupalılaşıma perspektifi Arnavutluk'un bu kriterleri yerine getirirken halihazırda kaydettiği ilerlemeye işaret eder.

**Anahtar Kelimeler:** Avrupa Birliği, Güvenlik, Koşulsallık, Kriterler, Konstrüktivizm, Avrupalılaşıma.

To My Family

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# TABLE OF CONTENTS

ABSTRACT.....	iii
ÖZ.....	iv
DEDICATION.....	v
ACKNOWLEDGEMENT.....	vi
LIST OF ABBREVIATIONS.....	vii
1 INTRODUCTION.....	1
1.1 Significance of the study.....	4
1.2 Methodology.....	5
1.3 Structure of thesis.....	8
2 LITTERATURE REVIEW.....	10
2.1 Introduction.....	10
2.2 Constructivism Perspective.....	10
2.3 Europeanization Perspective.....	17
2.4 Conclusion.....	21
3 INSTITUTIONAL RELATIONS WITH THE EU.....	23
3.1 History.....	23
3.2 Evolution of EU- Albania relations.....	24
3.2.1 PHARE- Trade and Cooperation Agreement.....	24
3.2.2 New Stabilization and Association Process.....	26
3.2.3 New CARDS programme.....	29
3.2.4 Stabilization and Association Agreement.....	31
3.2.5 Candidate Status Applications.....	33
3.3 Conclusion.....	35

4 SECURITY CONCERNS.....	37
4.1 Introduction.....	37
4.2 Security Concerns regarding Albania.....	40
4.2.1 Neighbourly Relations.....	40
4.2.2 Minority Rights.....	44
4.2.3 Trafficking and organized crime.....	47
4.3 Conclusion.....	50
5 CONDITIONALITY.....	52
5.1 Introduction.....	52
5.2 Democracy and Rule of Law.....	53
5.2.1 Parliament.....	53
5.2.2 Government.....	55
5.2.3 Pubic Administration.....	57
5.2.4 Judiciary.....	58
5.2.5 Human rights.....	60
5.2.5.1 Civil and Political Rights.....	61
5.2.5.2 Economic and Social Rights.....	62
5.3 Fight against corruption.....	63
5.4 Conclusion.....	66
6 CONCLUSION.....	68
REFERENCES.....	72

## LIST OF ABBREVIATIONS

EU	The European Union
NATO	The North Atlantic Treaty Organization
EC	The European Community
CEE	Central Eastern Europe
SEE	South Eastern Europe
PHARE	Poland and Hungary: Assistance for reconstructing their economies programme
SP	Stability Pact
SAP	Stabilisation and Association Process
CARDS	The Community Assistance for Reconstruction, Development, and Stabilisation
SAA	Stabilization and Association Agreement
OSCE	Organization for Security and Co-operation in Europe
ODHIR	Office for Democratic Institutions and Human Rights
DP	Democratic Party
SP	Socialist Party
RP	Republican Party
SMI	Socialist Movement for Integration
PJI	Party for Justice and Integration
JIU	Joint Investigation Units
HIDAA	The High Inspectorate for Declaration and Audit Assets
NSGE-DV	National Strategy on Gender Equality and Fight against Domestic Violence



LGBT	Lesbian, Gay, Bisexual, and Transgender
FCNM	The Framework Convention on the Protection of the National Minorities
EIU	Economist Intelligence Unit

# **Chapter 1**

## **INTRODUCTION**

The EU enlargement process in the Western Balkans is considered an important contemporary topic for scholars of Political Science and International Relations. The changes in the world politics have also brought changes in the EU enlargement policies. This thesis will examine the security concerns and the conditionality of the European Union towards the Western Balkans, by focusing on the Albanian case study. The question that the paper tries to evaluate is: Why did the European Union grant candidate status to Albania? To answer this question the thesis will analyze the reasons that lie behind shifting the focus towards the Albanian integration process as well as the reasons why in June 2014 the European Union Council decided to reward Albania with the candidate status.

The history of the region shows that the nationalistic sentiments brought continuous struggles and conflicts for the Western Balkan for decades in a row. As a result, the long lasting authoritarian regimes, followed by nationalist bloody wars in the late 1990s created a wave of stagnation and a lack of enhancement in the democratization and integration process of the region. However, the rise of the international institutions in the world order did have an impact in providing security to some of the most penetrating Balkan conflicts. This gradual tranquilization of the Balkans hostility, which was characterized by continuous civilian unrests in the past

two decades, was made possible by intervention and integration of Balkan region in NATO (Horvat, Srecko and Sticks, Igor, 2012).

Today, considering the vanished fear of facing another war, other problems and security threats characterize the region, which are just as important. For instance, Albania faces problems with corruption, organized crime and trafficking. The difficulty of overcoming these major problems brought the involvement of the European Union closer to the Western Balkans.

The ultimate goal of the Union is to implement democracy in these countries in order for them to have more security and wealth. Jim Seroca, on his article “Revisiting Regional Security in the Western Balkan”, states that:

With a little bit of effort and planning, however, it is possible for the United States, European Union, and the governments in the region to stand up a fresh and reinvigorated joint initiative that may realize the vision of a community in the Western Balkans that is integrated into Europe, and has the full potential to be prosperous, secure, and democratic (Seroka, 2012).

By “effort” Seroca refers to the intervention of the governments, in a community perspective, with the purpose of change for a better future for the region. This future depends on the decisions and the willingness of the governments of each country to take action and improve their structures and governing strategies. In the case of Albania, the government, which is headed by the Prime Minister, Edi Rama since June 2013, has showed its willingness to continue to democratize by prioritizing the integration process.

In addition, Rodt and Wolff in the article written on “European Union Conflict Management in the Western Balkans” claimed that “...the EU and the countries of

the region need, and depend, on each other” (Wolff, A. P. and Rodt S., 2012). Therefore, it takes a mutual engagement in the form of obligation and a long-term mutual consent from both parties, the elites of the country and the European Union, in order for the operation to be effective.

However, enhancing democracy in the Western Balkans is a difficult path of cooperation for the European Union. Western Balkan still find it difficult to abandon their nationalistic sentiments as well as their former ways of governing their countries. Kentrotis when raising the question “The European Union and the Balkans: Between Symbiosis and Integration?” underlines in his article that these countries, including Albania, are looking towards integration into the broader framework of the establishing the European model of inter-governmentalism, but at the same time they are striving not to lose "their barbarity" (Kentrotis, 2010). The sense of belonging to the traditional ideologies makes the path towards integration of these countries in Europe slow. Therefore, several scholars on their studies about Europeanization of Balkans emphasize that a mutual effort of both the governments of these Balkan countries and the European Union is necessary for the process to succeed.

So far, when taking a look at the chronological enlargement of the Union, five Balkan countries have made it to become members of the European Union such as Greece, Slovenia, Bulgaria, Romania and lastly Croatia. Moreover, in June 2014 Albania was granted the official candidate status after the Former Yugoslav Republic of Macedonia, Montenegro, Bosnia Herzegovina and Serbia. Kosovo, on the other hand, remains still a critical issue in the region as a result of its conflicting history with Serbia as well as from the lack of recognition of its independence.

Kentrotis, also claims that “The Balkans has become synonymous with Kosovo” but, Kosovo as well, in the European Union context, is considered to be a potential candidate member regardless of its difficult past (Ibid).

However, in an overall framework, the EU has showed its willingness for cooperation and support towards the Western Balkans. Developing the economy of the region is one of the most important aims of the European Union. The security concerns of the Union, such as organized crime, trafficking and discrimination of minority rights derive from aspects of underdevelopment which characterize Albania and some countries of Western Balkan. This makes it difficult for Albania to be able to meet the conditionality proposed by the European Union.

### **1.1 Significance of the Study**

This thesis is important because it analyzes the significance and effectiveness of the European Union enlargement process. Recently, the number of euro-skeptics has highly increased due to the 2009 economic crisis which has also brought to question the function of the European Union. Albania on the other hand remains an euro-enthusiast hoping that a better future for the country only depends on the integration into Europe.

Therefore, the importance of this study also relies on the investigation of how a previously communist country of a population of approximately 3 million citizens bases its hopes on the European Union democratic integration. The prime minister of Albania, Edi Rama, has made it clear that the road towards the European Union integration is the most important step towards the country’s development. This development can be achieved through ‘downloading’ of the EU policies and

practices. Therefore, the thesis will examine how this integration process can become possible by mutual effort from both the EU and the Albanian government in order for this small country to fulfill the admission conditionality.

## **1.2 Methodology**

This case study will be based on a content analysis. The primary sources of the thesis will be the Analytical Progress Reports of the European Commission starting from Albanian's first involvement in the European Union's PHARE programme in 1991 up to the progress it achieved in the mid-2014 when the candidate status was granted. Furthermore, official documents of the Ministry of the European Integration in Albania emphasizing on the Albanian- EU relations will be examined.

Secondary sources such as books, journal articles, interviews, research papers, academic thesis and newspapers will be investigated in order to evaluate the causes that led the European Union to grant candidate status to Albania.

Two main hypotheses will be tested in order to answer the main question of the thesis: Why did the European Union grant candidate status to Albania?

The first hypothesis will be focused on **security** as the independent variable which is relative to the **candidate status** as the dependent variable of the thesis. What I mean by this is that: the reason that brought the European Union closer to Albania is some particular concerns that threat the security of the region as well as the security of the Union. The three important security concerns that the European Union faces regarding this particular case are: security in terms of the neighborly relation between Albania and the other Balkan countries, security related with

discrimination of the minority rights and security related with the organized crime and trafficking in the country.

The first security concern regarding neighboring relations derives from the ethno-political conflicts that Albania has faced with the bordering countries Greece, Macedonia and Montenegro and most importantly Serbia which somehow played an important role in slowing down the negotiating process of Albania and the EU. The focus on this second concern will be more on the Albanian- Serbian relations as both countries hold the candidate status. The second security concern derives from the problems that the minorities in Albania have been facing regarding their fundamental rights. These problems basically are related with the minorities of Macedonia, Montenegro and Greece. Lastly, the third security concern regarding Albania derives from transnational and national organized crime. Some minor terrorism acts have occurred in the neighboring countries deriving from nationalist sentiments. Most importantly, problems like trafficking of human beings and drugs play an important role in threatening security in the region.

Considering these critical issues, this thesis hypothesizes that:

***Hypothesis one: Security concern, led the European Union to grant candidate status to Albania.***

The second hypothesis of the paper will focus on Albania meeting **the European Union conditionality** as the independent variable relative to the European Union granting the **candidate status** as the dependent variable of the paper. What I mean with this is that: the fact that Albania was able to fulfill the criteria set by the European Union, was another reason why the EU granted status to Albania. So far, Albanian government has achieved more progress in the enhancement of democracy

in the country, in the implementation of the rule of law and the fight against corruption. The chapter about fulfilling the criteria will explain and analyze how Albania gradually progressed in these areas which consist improvements in governance, parliament, public administration, legislation and protection of human rights. The European Commission expects more progress to be made in the years ahead to the point of meeting fully the conditionality of the European Union, therefore granting candidate status notes the further incentives that the Union is willing to provide to Albania to continue to democratize. This hypothesis will be tested by looking at the Commission's and the Ministry of European Integration reports.

After being rejected three times before, once in 2009 due to political conflicts between the government and the opposition party, in 2010 due to the continuation of these political conflicts between the opposition party and the government and finally in 2013 where it got postponed due to the problems Albania faced in fighting corruption, the Albanian government has shown its willingness towards change and integration. In this way, through the integration progress, Albania has achieved continuous, even though slow, progress in fulfilling the conditionality criteria set by the European Union. On the other hand, the European Union is providing further incentives to the country in order to continue to democratize. These incentives are made possible through political and economic support as well as through the willingness of the Albanian government as well as the Albanian citizens towards the integration process by prioritizing the integration in the EU.

Considering the progress that the Albanian government has achieved as well as its willingness for further cooperation with the Union this thesis speculates:



*Hypothesis two: Fulfilling the criteria led the European Union to give Albania candidate status.*

### **1.3 Structure of thesis**

The study will consist 6 chapters. The first chapter included the introduction and some historical information relative to the topic. It also be emphasized the significance and the methodology of the study.

In the second chapter, there will be a literature review of several scholarly articles written relative to the topic. This literature review will be separated in two sections the Constructivism perspective on security and the Europeanization perspective on conditionality. The end of the chapter will generally conclude the perspectives of both theories relative to the topic of the thesis.

In the third chapter, there will be a chronological framework of the Albanian- EU institutional relations. Primarily, it will focus on how these relations started. Then the focus will shift to the Stability and Association Process and Stabilization and Association Agreement. It will also emphasize the reasons why the Albanian request for candidate status was previously refused and also why in 2014 the status was finally granted.

In the fourth chapter, present evidence will be provided regarding the first hypothesis which will focus on the EU security concerns in the region and in several aspects regarding Albania. This section will take a look at three important aspects of security that the paper will focus on such as the security in terms of the neighborly relations, security in terms of the minority rights in the country and security regarding organized crime and trafficking in and outside the country.

In the fifth chapter, the focus will be on conditionality. This chapter will firstly explain conditionality through Europeanization perspective. In addition, the chapter will focus on two political criteria that the Albanian government achieved progress such as in the implementation of the rule of law and democracy and in the fight against corruption. The Albanian government throughout these years of integration focused on meeting the conditionality regarding the Parliament structure, governance, public administration, legislation, and respect of the fundamental human rights. Therefore, this chapter will explain the gradual achievements that Albania has made by analyzing the Progress Reports of the European Commission. On the other hand, fight against corruption will be separated in a different section due to the importance that this problem has for the integration of Albania.

The last chapter will provide the final conclusions of answering the main thesis question by also summarizing and highlighting the main points of the research paper.

## Chapter 2

### LITERATURE REVIEW

#### 2.1 Introduction

The section of the literature review will take a look at several relevant scholarly articles which ground this research topic. Two theoretical frameworks will be evaluated in order to analyze and conclude the two hypothesis of the paper: The constructivist perspective which will focus on explaining the security aspect as one of the reasons that led the European Union to shift the enlargement strategy towards the Western Balkans and the Europeanization theory which will focus on explaining the process that Albania has been going through so far in meeting the conditionality of the European Union until June 2014 when the candidate status was granted.

#### 2.2 Constructivism perspective

There are many scholars who explain the term of security through sociological institutionalization which refers to construction of security in a group of communities through the help of supranational institutions. The German author Frank Schimmelfenning in his article “The Double Puzzle of EU enlargement” explains that:

Currently, theoretical developments in sociological institutionalism as well as empirical research on norm transmission in the international system converge in the recommendation to disentangle rational choice and ontological materialism and put more emphasis on strategic action in institutional environment.” (Schimmelfenning F. , The Double Puzzle of Eu enlargement. Liberal Norms, Rhetorical Action and the Decision to expand to the East., 1999)

When making this statement Schimmelfenning explains that this is the part where a 'double puzzle' is created. What the author means by that term is the confusion created from the selfish preferences and the standard collective results. In other words Frank refers to the political actors which are the states and the institutional environment which in this case we refer to the European Union. The author emphasizes that the interests of the states and the European Union may clash in a general context, but the need to find a converging point through common norms and values is necessary. Therefore constructive dialogues and arguments play an important role for manipulation as well as for building strategies. Therefore, the sociological institutionalism relies in the term 'logic of appropriateness'.

According to Thomas Risse constructivists explain the "logic of appropriateness" in this way: "Human actors are imagined to follow rules that associate particular identities to particular situations, approaching individual opportunities for action by assessing similarities between current identities and choice dilemmas and more general concepts of self and situations." (Ibid) By this statement Risse explains that by having rules and guidance, actors of the community end up doing 'the right thing'. Preferences of actors and their desire to maximize these preferences differ from one state to another; therefore, there is a need for common norms and values to be established in order for these preferences to converge with one another.

Moreover, another author who refers to constructivist perspective in building regional security is A. Gheciu. He underlines in his article about Security Institutions as Agents of Socialization: "Recent constructivist analyses have shown that persuasion is more successful when the parties involved act within the framework of a Habermasian 'common lifeworld,' consisting of collective

interpretations of the world and a common system of rules perceived as legitimate” (Gheciu, 2005). In order for these rules to be perceived as legitimate an important role is played by socialization as the values, norms and beliefs of the members of the communities are transmitted through one another (S. R. Grillot, R. J. Cruise and V. J. D'Erman, 2010).

Therefore, it is through the liberal norms and values that are pointed out from the institutions where the integration and prosperity of the committed countries begins. When the shared norms and values become priority to the governments of the member states a certain level of security starts to establish. Schimmelfenning underlines that “When democratic states deal with each other, they know that all actors are committed to these common values and norms” (Schimmelfenning F. , The Double puzzle of EU enlargement. Liberal Norms, Rhetoric Action and the Decision to expand to the East, 1999). According to this statement, it is important to emphasize that the ultimate goal of the European Union is to build collective security where all the member states create a certain level of trust between one another by following the common norms and values proposed by the institutional environment.

Considering the evaluation of Schimmelfenning regarding the constructivism through institutionalism, I emphasize that the European Union’s decision in shifting the focus towards Western Balkans occurred in order to ensure regional security in the Western Balkans. In order for it to accomplish this goal, the Union imposed the conditionality criteria where most importantly the common norms and values of shared identity played a crucial role. By shared norms and values the European Union refers to the rule of law, respect for human rights, and management of public

administration. By establishing in this way democratic governments in these countries who are constantly interacting with one another, long-lasting peace and security was gradually going to be established in the region.

Relative to this form of explaining the establishment of security communities Kavalski in his book about “Constructing Peace in the Balkans”, refers to Alexander Wendt’s idea that “security communities are ‘composed of shared knowledge in which states trust one another to resolve disputes without war’ ” (Kavalski E. , *Extending the European Security Community; Constructing Peace in the Balkans*, 2007). Therefore, once interaction through cooperation of Balkan communities with one another starts, these common norms and values start developing and integration in their government starts rising.

Cigdem Ustun points out that “It has long been argued that the EU is an economic giant, but a political dwarf; today, it is witnessed that the EU, in spite of its limitations, has a weight in political issues which is based on civilian power rather than military power, which uses soft security rather than hard security” (Ustun, 2010). By soft security Ustun refers exactly to this shared norms and values that the European Union proposes to the committed actors, referring in this case to the Western Balkans.

Moreover, Dolghi when evaluating the integration of Western Balkans in the European Union underlines that “...the strategic papers in the region began to resemble each other, because national governments decided to take NATO standards as common model. ...this improvement in the attitude of national politicians is to be considered a clear sign of their maturity” (Dolghi, I. D.and Oliva

F., 2011). By engaging in NATO as well as in the EU, the Balkan countries started to gradually construct their purposes in maintaining peace and stability in the region. Their history, filled with violent wars due to their previous strong desire of protecting their national identity as well as their issues of territorial disputes with bordering countries, shifted towards achieving community security and aimed for democratization and integration. “The creation of western institutions such as the EC and NATO in the late 1940s and early 1950s was inspired by a notion of security that was both economic and military” (K. M. Fierke and A. Wiener, 2011). Even though it is emphasized that the European Union focuses more on providing soft security rather than hard security, it is important to underline that it has become the most important security organization in Europe which provides security through enlargement.

D. Birgul pointed out the problems that the Western Balkans and Turkey have been facing with integration process. According to him “World history shows us that only in regions in which there is no dispute over borders there can be a durable peace. In fact it is this lack of territorial issues that led to the integration project in Europe, a good example of a security community” (Birgul, 2013). Birgul refers to the Serbian- Kosovo conflict as one of the most important examples in the region that shifted the focus of the European Union towards the Balkans. An important aspect of the war of Serbia and Kosovo is that Serbia’s main support was coming from Russia while Kosovo on the other hand was supported by United States through the involvement of UN (ViewsWire, 2007). Therefore, for the European Union’s involvement in maintaining peace and stability in the Serbian-Kosovo case marked an important moment for the European Union.

In addition, the Serbian-Kosovo issue had a huge impact in the Albanian relations with Serbia, where both countries are now holding the candidate status of European Union. As we know, “the establishment of the Albanian state in 1912 left large ethnic Albanian lands outside Albania's state borders. In 1913 Kosovo and other smaller areas populated by ethnic Albanians, such as west Macedonia and Montenegro were incorporated in Yugoslavia” (Mincheva, 2005). This important turning point in the history of Albania had many negative effects for Albania. One of these negative aspects as I mentioned above was the Kosovo issue as Albania has always supported Kosovo even though did not ever participate in the war with Serbia. However, the Albanian- Serbian relations remained filled with hatred for years in a row. Another negative aspect that this split caused for Albania was the ethnic group problems occurring with Macedonia and Montenegro. The Albanians in Macedonia were continuously complaining about the way they were treated in Macedonia while constantly seeking their legitimacy in the country. Basically there are about 40% of originated Albanians living in Macedonia (ibid). This high number of population in Macedonia wanted the Albanian language to become an official second language used in the country. The Macedonian government did not accept at first and for this reasons many domestic conflicts started to rise. Today, Albanian language is officially used in Macedonia but the minority rights issues continue to remain a problematic issue that threatens security in the region.

However, Dolghi points out that the problems of the Western Balkans are not only external in the context of critical neighboring relationships and conflicting attitudes towards one another. Some problems of Balkans are also domestic as the author claims in his article: “All Western Balkan countries consider organized crime,



terrorism and transitional problems as internal threats” (Dolghi, I. D. and Oliva F., 2011). When referring to the issue of the organized crime Birgul takes as an example the Albanian case in 1997. In 1997 Albania went through a type of civil unrest, where pyramid firms created a situation of chaos in the capital of Albania, Tirana. Due to this pyramid firms Albanians economic situation became critical. Therefore, a huge number of Albanians started stealing a great amount of weapons from the army and that’s where the unrests began. Birgul underlines that “The problem has reached such a level that it has become an issue for the EU member countries as it was mentioned in the 2003 European Security Strategy Document” (Birgul, 2013).

However, the importance of this problem was much broader than just the event of 1997. The European Union considers organized crime as one of the most serious security challenges. Within Albania and outside of it there were a huge number of groups who were engaged in trafficking. There are three types of trafficking that occur in Albania and in most of the Balkan countries; drugs trafficking, human trafficking and weapon trafficking. The trafficking problem note a very critical concern of security of Albania, as the biggest amount of this crime if transported from Albania towards the rest of the European countries most notably Balkan region, Italy, Germany and so on. However, taking in consideration that Albania is now has the candidate status; the progress reports have shown that Albania has achieved considerable progress in the fight against corruption, trafficking and organized crime.

### **2.3 Europeanization perspective**

Europeanization perspective refers to the cooperation the European Union with the member states as well as with the countries who are willing to negotiate whether they want or not to become member states. In case of Albania, even though the country is not a member state yet, the process of negotiations that have been taking place from 1991, as well as the willingness of the country to continue to cooperate indicates the Europeanization process.

The ultimate goals of the Europeanization process rely on “market liberalization, democracy, human rights and good governance” (Michelle Cini and Nieves Perez-Solorzano Borraran, 2013) Some member states go through the process of bottom-up Europeanization while some others go through the process of top-down Europeanization. Currently the Albanian case is going through the process of top-down Europeanization where the country is downloading and taking different policies in order to adopt the domestic policies with those of the European Union.

Europeanization process plays an important role in changing the status quo of the states. By status quo, I mean the way of governance, the way of imposing the rule of law and the way of cooperating in the market economy. Tanja A. Borzel and Diana Panke emphasize that “Europeanization is understood as the emergence of the new rules, norms, practices and structures of meaning to which member states are exposed and which they have to incorporate into their domestic structures” (Ibid, Pg.119). This norms and practices are introduced by the Copenhagen criteria had a huge impact in the Balkan countries.

Albania has firstly become part of Europeanization top-down process in early 1990s and for more than two decades it had difficulties to adapt to these norms and

practices. These difficulties occur due to the domestic differences in the governance, in the practices and norms of different countries. Therefore, there raises the 'logic of appropriateness' which basically expects all the countries willing to cooperate with the European Union to be understandable towards the proper common norms and values proposed by the Union. When analyzing the structure and the strategies how the EU functions in order to make the democratic changes in the domestic government occur different scholars start questioning the effectiveness that these shared norms and values will have in the countries.

For instance, Grabbe raises the question how this process of Europeanization will affect the governance of the Eastern European countries. Grabbe underlines that "the EU has specific routes of influence through which it can shape political choices: gate-keeping, benchmarking, models, money and advice" (Grabbe, How does Europeanization affect CEE governance? Conditionality, diffusion and diversity., 2011). These strategies of the EU do have a fundamental impact in changing the governance of Balkan countries. However, before these changes start taking place the most important factor that indicates whether the change is willing to occur is the readiness to join the European Union.

Therefore, Grabbe looks at the Europeanization matter in another aspect. In her article Grabbe explains the concept of 'readiness to join'. She underlines that the case of Eastern candidates of Europe differs from the Mediterranean countries. The difference relies on the sets of rules set by the European Union which in the beginning had a limited *acquis communautaire*. Now different from the Mediterranean countries the set of rules for the Eastern countries is broader as it includes single market, single currency, the Schengen *acquis*, and other security

policies. Grabbe points out that before, in the previous enlargement processes, for instance, the enlargement of the Central European countries the membership accessions were done through direct negotiations while for the Western Balkans the membership accession is preceded through meeting a certain number of conditionality criteria. (Grabbe, *European Union Conditionality and the Acquis Communautaire*, 2002).

In the case of Albania, the process of meeting the conditionality of the European Union has been a slow process. The Albanian scholar, Arolda Elbasani, who wrote an article on Albania downloading the EU administrative conditionality, underlines that in the case of Albania when considering the impact that the previously communist reforms had in the government, there was too much to be done regarding the public administration reform. The public administration of Albania needed to be reoriented, restructured, and the public personnel needed a better management. In order for all these steps to be made possible, Albania went through different phases of transformation. (Elbasani, 2009).

Moreover, Ridvan Peshkopia when pointing out the limits of conditionality states that democratization in Albania has been abused not only by the program set by the institutional environment but also by the conceptualizations. More precisely, he refers to Elbasani's statement: "Albanian democratization could have a different trajectory without the presence of the EU pushing for and directing reforms" (Peshkopia, 2005). Peshkopia, underlines that the wrong use of democratization process comes as a result of a lack of understanding the process itself. For instance, another good example of conceptualization is noted in the implementation of the rule of law. As Mirela Bogdani points out "the attitude of many Albanians is that

the law and its enforcement are something negotiable, rather than obligatory. The rule of law is perceived and an ‘alien’ force which limits the individual freedom” (Mirela Bogdani and John Loughlin, 2007). These aspects of conceptualization in Albania bring often political conflict and attitude of the population towards the government. Often many Albanian citizens when they find themselves complaining over a certain matter shift their thoughts and blame way back to the communism era that Albania faced before 1990s. However, as Borzel points out “For Albania, the misfit between the EU conditions and domestic structures was not only exceptionally high due to the legacies of the Stalinist regime of Enver Hoxha. State capacity has also been very weak making the country strongly dependent on international assistance” (Borzel, 2011).

Many problems that Albania faces could not be handled or eliminated from the Albanian government. The capacity of the state is so weak that certain obstacles towards integration make the Europeanization process more slow. Focusing more on the most critical problems that Albania faces in meeting the conditionality it is important to underline that organized crime; trafficking and corruption are considered to be the central issue (Berna, 2013). But furthermore as Stafaj emphasizes, Albania also lacks in meeting the criteria for complete respect for Human Rights such as in matters of gender equality, in protection of minority and disables rights as well as providing the necessary freedom of expression to media (Stafaj, From rags to riches: Croatia and Albania's EU accession process through the Copenhagen Criteria and conditionality, 2015).

The Western Balkan region suffers from normative contradictions, and the notions of security, justice, human rights, and minority protection have different, often conflicting meanings for the different ethnic groups or states. As a rule, most parties feel

themselves to be victims of the injustices of the other ethnic group or of external actors; the allegations differ completely, depending on which side is making a claim (Anastasakis, 2008).

As Anastasakis says, Balkan countries face problems with governance capacity to take control which as a result makes the integration process to go with slower steps. She points out that this problem derives from normative contradictions with these states with one another. By normative contradictions the author refers to the diversity of the traditional way of perceiving certain concepts. Each of these countries including Albania perceives justice, protection of human rights and so on in distinct ways. However, the Albanian government is imposing strict reforms in maintaining good relations with the neighboring countries in order to take control over the protection of the minority and human rights and the necessary implementation of the rule of law. Albania today has all its hopes for future development in the European Union and it continuously showed the willingness for cooperation since early 1990s after the decline of the Communist regime.

## **2.4 Conclusion**

In conclusion, the literature review shows that different scholars have been focused on explaining how security concern in the region led the European Union shift its enlargement strategy towards the Western Balkans and also many scholarly articles have tried to evaluate the Europeanization impact in the Albanian process of meeting the European Union conditionality. Different from this other scholarly articles, this paper explains the reasons why the European Union granted candidate status particularly to Albania. In explaining these reasons the thesis will explain three security reasons that brought the supranational institution closer to Albania as well as two most important conditionality criteria that Albania achieved progress to the point to gain the candidate status which will be explained more in detail in

chapter 4 and chapter 5 of the thesis. In Chapter 4 the constructivist perspective will be applied in evaluating the concerns that the European Union faces towards the Albania and the region, while in Chapter 5 the Europeanization theory will be applied in order to underline the most important criteria that Albania did already meet for the status to be granted.

## Chapter 3

### INSTITUTIONAL RELATIONS OF ALBANIA AND THE EUROPEAN UNION

#### 3.1 History

Albania was ruled by the Communist regime from 1945 until 1990s which made the country become under complete isolation from the international system, following in this way the lead of the Chinese regime. The poor economic conditions and the instability that characterized the country during 1990s made it difficult for the relations of Albania and the European Union to normalize as it prevented the country to achieve progress. In 1991 the country had its first elections, after decades of the dictatorship rule of Enver Hoxha and Ramiz Alia. Prior to the first elections, the country was not involved in participating with any of the international institutions, except United Nations. Johnson emphasizes in his article that “...autarky and withdrawal from international economic integration has been described as ‘the worst heritage for Albania’ (Johnson A. M., 2001). It is actually true to underline this important fact as these years of isolation created as an outcome extremely poor conditions in the country which at the same time were followed by frequent political instability and as a result prevented Albania from progressing towards the scope of contractual relations with the European Union.

Moreover, when shifting the focus to the particular institutional relations of Albania and the European Union, the process of reaching successful bilateral relations to the



point of granting candidate status to the country took quite a lot of time compared to the other countries of South Eastern Europe. In 1992, Albania as well as Bulgaria and Romania had not signed any agreement of cooperation yet as well that had not applied to become members of the European Union (Papadimitriou, *The EU's strategy in the post-communist Balkans*, 2008). In addition, the Kosovo crisis of 1999 had a huge impact on the relations between Eastern European countries and the EU in establishing stability and democracy. However, as Papadimitriou stated that this EU attitude took a different shape towards Albania and Former Yugoslavia Republic of Macedonia, as both these states were not engaged in the war of Bosnia. Their separation from the war made both countries eligible to complete trade and cooperation agreements with the European Union (Ibid).

This chapter will take a closer look at how these institutional relations evolved between Albania and the European Union. The chapter starts by explaining the impact that the Poland and Hungary: Assistance for restructuring their Economies (PHARE), the New Stabilization and Association Process (SAP), the new CARDS programme, and the Stabilization and Association Agreement (SAA), had towards Albania, by underlining the steps that both the Albanian government and the European Union took to strengthen their institutional ties. Lastly the chapter emphasizes the reasons that led the European Union to reject three times in a row the Albanian application for candidate status until the year 2014 when the candidate status was finally granted.

## **3.2 Evolution of EU-Albania relations**

### **3.2.1 PHARE- Trade and Cooperation Agreement**

The PHARE or the Poland and Hungary: Assistance for reconstructing their Economies programme is considered to be a pre-accession instruments financed by the European Union. Turkes and Gokgoz stated that “Within the CEE, conditionality was introduced with the launching of the Poland and Hungary: Assistance for restructuring their Economies (PHARE) program and the Europe Agreements, whereby first Poland and Hungary, and then the rest of the CEE countries, were granted ‘associate status’ ” (M. Turkes and G. Gokgoz, 2006). This program was established in order to provide economic and political integration to the associated countries. Albania as well as most of South Eastern European countries had already seen the importance of the PHARE program as it previously had a successful outcome with the countries of Central Europe, therefore its strategy of integration could have a positive impact in Albanian politics and economy. In this way, during 1992 Albania noted the first agreement made on trade and cooperation with the European Union. This agreement was signed in spring and entered into force in fall of this year, making the country in this way eligible for funding by the European Union, particularly under the PHARE Programme (R. Cupuri and A. Kocibelli), by also noting the first steps towards establishing bilateral relations with the European Union as well as a great step in engaging with international institutions. The first phase of association with PHARE and involvement with bilateral agreements between Albania and EU lasted till 1999.

According to the 1995 Albania Country Strategy Paper, the general objectives of the EU intervention for the period 1996-1999 were: promoting macroeconomic stability; stimulating private sector development; rehabilitating basic infrastructures; maintaining and Integrating Albania into the European Union; rehabilitating essential social services; and protecting natural resources (Hoffman, Integrating Albania: the Role of the European Union in the Democratization Process, 2005).

The main struggles that Albania was facing at this period of time 1992-1999 relied on the difficulties on rehabilitating the infrastructure. However, according to the European Commission the main aim of PHARE was to reconstruct and modernize the economy of underdeveloped countries through market economy reforms and continuous assistance. This program allocated 50% of the assistance from the country members of the Union and the economic assistance provided to Albania for food and other primary sources increased the interest of Albania for further relations with the EU (Ibid).

As a result the Council of the EU introduced the Regional Approach in 1997, where the political and economic conditionality towards the Balkan region was established. However, during this period the on-going process of negotiations between the organization and these countries remains slow.

### **3.2.2 New Stabilization and Association Process (SAP)**

The Kosovo crisis brought the European Union's focus on Balkan region, particularly on these five countries: Albania, Bosnia, Croatia, Macedonia and Former Republic of Yugoslavia which were the main reason of the establishment of the Stability Pact. This Pact was introduced due to the previous lessons learned from the several crises that had previously occurred in the international system with the aim on reaching stability and growth in the region. The Stability Pact called "...on the countries in the region to cooperate first among themselves and later with the international actors with the aim of bringing 'peace, stability and economic development to the region'" (Hoffman, Integrating Albania: the Role of the European Union in the Democratization Process, 2005). Moreover, the Stability Pact "...also aimed to draw the Western Balkans "closer to the perspective of full

integration . . . into its [EU] structures” (M. Turkes and G. Gokgoz, 2006). The encouragement of the EU to promote peace, stability and integration in the region was not that realistic as the Balkans needed more assistance in order to shift their focus rather in building more close ties with the EU.

In order to improve the EU relations South Eastern European countries, the Stabilization and Association Process was created as a wider and more specific context of the Stability Pact. This stabilization process would make the Balkans more motivated to carry on with following the conditionality and reforms introduced by the European Union.

Albania had already progressed in signing the negotiating relations with the European Union starting with the trade cooperation and also by joining PHARE so in this way the bilateral relations within the framework of SAP between Albania and EU had already started. In the 2000, European Union Zagreb summit “...the EU decided to intensify cooperation with Albania through the establishment of the High Level Steering Group Albania – EU” (Kuko), by declaring in this way Albania a potential candidate for membership of the EU.

However, the report of 2002 of SAP concluded that Albania has partially addressed the conditionality of SAP especially in two areas, such as organized crime mainly characterized by trafficking of arms, people and illegal drugs as well as problems with the maintenance of the environment classified in this way as one of the most polluted countries in Europe (I. Bozicevic and S. Oreskovic, 2004).

According to the European Commission there are six key elements proposed by the Stabilization and Association pact which as result rely on the development of Stabilization and Association Agreements [SAA]. These main instruments are:

Autonomous Trade Measures and other economic and trade relations; Economic and financial assistance, budgetary assistance and balance of payment support; Assistance for democratisation and civil society; Humanitarian aid for refugees, returnees and other persons of concern; Co-operation in justice and home affairs; Development of a political dialogue (Union).

The establishment of security in the region, economic development and social wellbeing were the main aims of the regional organization, therefore from one step to another it was creating closer relationship with these challenging countries. As an assistance aid the “EU has provided 7 billion Euros donor to the Western Balkans, to establish peace, stability and economic prosperity in the region, since 1991...” (Yenigun, 2008) until 2000 and this economic assistance increased the interest of each country to continue to cooperate and to comply with the conditionality measures proposed by the EU.

However, taking in consideration the 2002, 2003, 2004 Annual progress reports of the European Commission, it has been concluded that Albania as well as the other four concerning countries had made continues progress in terms of security, public administration as well as in regional cooperation (Assessment of Stabilization and association process, 2002, 2003, 2004).

### **3.2.3 New CARDS programme**

In December 2000, the European Council established the “Community Assistance for reconstruction, development and stabilization.”(CARDS). The CARDS programme served to enable the European countries to meet the aims of

the Stabilization and Association process and the Stabilization and Association Agreement. “The aim of this programme is to support the objectives of SAP, which includes: ethnic reconciliation and the return of refugees; judicial, economic and media reforms; democratic changes and administrative capacity building; and development of collaboration between countries” (Communities, 2001). Moreover, this programme serves to provide financial support as a replacement for the Poland and Hungary Assistance for reconstructing their economies.

However, Judith Hoffman claims that “in 2001, Albania became eligible for CARDS assistance funds” (Hoffman, Integrating Albania: the Role of the European Union in the Democratization Process, 2005). So in this way we note the beginning of the third phase of Agreements with the European Union.

As the European Commission underlines, the purpose of this new aid assistance proposed by the Council would now shift its focus towards public administration, democratization and justice which will give to Albania further incentives in order to democratize and integrate towards the standards of Europe.

The key elements of providing CARDS financial assistance are mainly based on:

reconstruction; stabilisation of the region; aid for the return of refugees and displaced persons; support for democracy, the rule of law, human and minority rights, civil society, independent media and the fight against organised crime; the development of a sustainable market-oriented economy; poverty reduction, gender equality, education and training, and environmental rehabilitation; regional, transnational, international and interregional cooperation between the recipient countries and the Union and other countries of the region (Kuko).

The director of the Ministry of European Integration in Albania underlines that, during the period of 2001 until 2004, under the CARDS Programme, Albania has received € 180.000.000 assistance in total and € 20 million of this assistance has been provided under the Regional CARDS Programme only (Ibid). “While previously, the EU assistance under PHARE was demand-driven and focused more on supporting economic development and reconstruction – a developmentalist approach – the introduction of the CARDS program led to an integrationist approach, which aimed at supporting the areas of major importance for the future implementation of the SAA” (Hoffman, Integrating Albania: the Role of the European Union in the Democratization Process, 2005).

However, the development of Albania lacks basic economic and political necessities mostly related with infrastructure and weak institutional framework and for this reason also the new CARDS assistance will not be quite enough for the country to achieve fast progress.

### **3.2.4 Stabilization and Association Agreement (SAA)**

The Stabilization and Association Agreement established by the European Union in order to reach further regional cooperation and democratization marked an important turning point for Albania. The SAA negotiations between Albania and the European Union began in late 2001 (Papadimitriou, The EU's strategy in the post-communist Balkans, 2008). In this way after this year, implementing the conditionality criteria's proposed by the EU became the policies of each electoral party in Albania. According to the European Commission, the SAA “will draw the region closer to the perspective of full integration into EU structures’ and will

help Balkan countries ‘along the road to Europe’ ” (Johnson A. M., 2001). Each of the Balkan countries was rewarded for their developments reached in accordance to the SAA. This new stability agreement would now take a closer look and assistance at the problems that the European Commission had indicated for each country. In the case of Albania, for instance, implementation of rule of law, respect of human rights and the conflicts deriving from the electoral system, as well as the cross-border security were the major problems which in fact were also the reasons of increasing the level of trafficking and organized crimes in Albania (M. Salamun and Z. Hallunaj, 2009).

According to the EU, the SAA will contribute to the EU’s objectives in three ways. It will bring the countries of the region closer to the standards which apply in the EU; focuses attention on respect for key democratic principles (human and minority rights, stable democratic institutions, etc.); and, includes the core elements which are at the heart of the EU single market (competition and state aids, intellectual property rights, etc (Hoffman, Integrating Albania: the Role of the European Union in the Democratization Process, 2005).

These three objectives of the EU covered the most important elements that Albania needed to continue to democratize. Therefore the governmental program of the country started to be designed in a way that the focus would be to accomplish all the standards that the EU set for the European countries, regardless of the fact that the Albanian case needed quite a lot of time to overcome its major obstacles.

For instance, one of the major obstacles were the political tensions that the country was going through this period of time, notably the tensions raised more in 2003. The prime minister of Albania, Fatos Nano, the leader of the Socialist Party got accused by his counter partner, Ilir Meta, who at the time was holding the



position of the vice prime minister. The accusations of the vice prime minister noted an important downfall on the political development of the country as they were based on political corruption and groups of organized crime found within the political elite. Therefore, the main aim of the Stabilization and Association agreement proposed by the European Commission shifted its focus on the conditionality of achieving fair and transparent elections. The Commission made it clear for the Albanian government that in case of succeeding to achieve this criteria; the country would reach a step closer to the European Union (Ilijani, 2006).

Even though, the elections of 2003 resulted without any serious damage in the political context still the tensions continued until 2004. On 2006 though, according to the European Commission progress report, the country had reached a surprisingly good progress on each of the areas where the SAA had concerned. For instance, development in implementing the SAA reforms by the government strategy plan, progress achieved in integration of judicial system in compliance with EU law and most importantly progress reached in the area of the anti-corruption policy. As it is stated in the Progress Report of late 2006: “of 237 prosecuted in 2005 and 75 in first quarter of 2006 (compared with 171 in 2004) 84 were sentenced, including mid- and high-level officials” (Commission T. E., 2006).

In conclusion, mid-2006 Albania officially signed the Stabilization and Association agreement with the European Union by entering in this way another level towards European Union integration a level which would bring it closer to the liberalization of Schengen visa.

### **3.2.5 Candidate Status Application**

After signing the SAA in Luxemburg in 2006 the Interim Agreement entered into force. In 2007, Albania and the European Union signed the visa facilitation agreement which entered into force in 2008, by finally providing liberalization of visa later in 2009 when also the Stabilization and Association agreement had entered into force. This same year Albania applied for the first time in the history for the candidate status after 19 years negotiations and agreements starting from PHARE assistance (Political and economic relations, Delegation of the European Union to Albania).

Albanian's request for candidate status was rejected three times by the Commission of the European Union. The first time was rejected due to the long lasting political tensions between the government and the opposition party. These tensions derived due to the high level of corruption and organized crime in the country especially among the political elites. The European Commission made it clear for the Albanian government that the candidate status would only be granted until the country would have appropriate elections and increase the level of transparency.

The second rejection occurred In October 2012 when the European Commission after evaluating the progress report, underlined 12 key priorities that the Albanian government has to progress in order to be rewarded with the candidate status. "Four key priorities were found to be met, while two were well in progress and the remaining six were in moderate progress" (Commission T. E., Albania membership status, European neighboring policy and Enlargement negotiations, 2015). These important points would mark the future of Albania in 2013.

The 12 key priorities identified by the EC Opinion, cover the most important areas for a democratic society such as : establishment of political dialog and proper functioning of the parliament, reform of the electoral code in line with OSCE-ODIHR recommendations, independent functioning of the judicial system, tangible results on fighting against organized crime, respect of the property rights, protection of the human rights and vulnerable groups, improvement of treatment of the detainees in police stations, pre-trial detention and prisons (12 key priorities for Albania: where do we stand?, 2011).

However, the Albanian government managed to achieve progress on each of these priorities and for the first time in history in July 2013, Albania had its first transparent elections where no political conflict was created between the Socialist party and the Democratic Party. Much progress was achieved also in the fight against corruption, organized crime as well as respecting minority rights. But again the 2013 application got delayed due to the Denmark and Netherlands opposing on granting the status. The reason why the Albanian candidacy was opposed by these countries was because the Albanian government had not yet put into practice the reforms undertaken by the government which was a similar case with the opposing candidacy of Serbia at the time (Serbia Expected to Get EU membership Boost: Delay for Albania, 2013).

After the third delay in 2013, later in June 2014 Albania was finally granted with the candidate status. Albanian government had showed continuous political will in persuasion of the reforms proposed by the European Union. The Commissioner Štefan stated in the Luxemburg meeting of June 2014 that: “Granting of candidate status is a logical consequence of Albania's reform efforts. Our report from the beginning of this month and today's decision of the Ministers is acknowledgement of the EU for the efforts made and the progress achieved on Albania's accession road” (Commission E. , 2014). This was an important

moment in the history of the Albanian democratization process but which however has still a long way to go until its accession in the European Union.

### **3.3 Conclusion**

In conclusion, this chapter took a closer look at the Albanian- European Union institutional relations. Taking into account, the chronology of the EU-Albania relations, the process of reaching to the point of granting of candidate status, was a very slow process which started in 1991 with the adoption of PHARE program and reached final success in 2014. The fact that Albania is considered to be one of the poorest countries in Europe especially regarding the extremely undeveloped economy, explains the fact that the EU did a great job in providing further incentives for the country to continue to democratize.

The most important role was played by the Stability and Association Agreement which by providing further incentives to the country to continue to democratize and creating a closer bond between Albania and the Union, covered also specific areas where the country was lacking progress. These areas included not only implementation of law, public administration and political development but they also covered the development of infrastructure, the respect for human right, the fight against corruption and organized crime where the country had an obvious necessity for change. Moreover, the continuous financial aid played a key role in its involvement and willingness to cooperate. Therefore, nowadays Albanian government's priority and national strategic plan relies on the integration towards the European Union.

## Chapter 4

### SECURITY CONCERNS

#### 4.1 Introduction

This chapter will focus on the security concerns of the European Union. For the EU, maintaining regional security plays an important role in the integration process therefore, this thesis states that security concern led European Union to grant candidate status to Albania. While focusing on the case of Albania, the term of security concern relies on three distinct aspects such as: security regarding the poor bilateral relations of Albania with some of the neighbouring countries, security in terms of the minority rights whose problems derive from the discrimination of minority groups in the bordering countries as well as the Roma minorities in the country, and security in the context of the organized crime and trafficking as the most problematic criminalistics areas in Albania.

These three important security concerns on a general outlook seem to threaten only the security of the country. However, from a researcher's point of view these security concerns threaten also the security of the European Union. Firstly, in terms of poor neighbourly relations, it is important to emphasize that the EU focuses on maintaining regional security in the Balkan region and this security can be provided by maintaining good relations with the neighbouring countries. Secondly, discrimination of minority is considered also a security threat; often we notice cases of discrimination turn into political conflicts between countries, for instance the

case of Albania and Greece. Lastly, organized crime in Albania is not only a domestic problem but an international problem which is spread not only in the Balkan region but also in some countries of Western Europe.

The aim of the European Union towards Western Balkans relies on constructing security communities. The scholar Emilian Kavalsi explains in his book that constructivist refer to establishing security communities through three elements which play an important role: the external actors, the elites and the international socialization (Kavalski E. , 2007, p. p.11). The involvement of the European Union to provide security to the country as well as the cooperation of the high-level officials in establishing security play the most important role in constituting security in Albania. When the engagement of these organs in establishing democracy occurs that's when the process of integration to the European Union takes place.

In order for security to be established in the region, the authors Dolghi and Oliva emphasize that cooperation plays a crucial role. They point out that: “from a constructivist approach, according to a sort of logic of appropriateness, the behaviour of the actors in the system would not be determined by a costs-benefit analysis, but by expectations and roles they decide to adapt to” (Dolghi, 2011). When making this statement the authors refer to the Western Balkans willingness to adapt to the European Union standards of integration in order for security to be achieved be it internally and externally.

This adaption is made possible through certain common norms and values proposed by the supranational institution. These liberal values and norms that the constructivist refer to are considered to be democracy and the rule of law, the

respect for human rights and protection of minorities, good neighbourly relations and fulfilment the international obligations and so on which are codified in the Copenhagen criteria (Schimmelfennig, 2001, p. p.48).

Schimmelfennig underlines that in order for peace and stability to be achieved there is always a strategic calculation and international socialization taking place. Each country of the Balkan region can benefit from the enlargement process of the European Union by establishing democracy and aligning with the Union acquis.

He points out that the:

Compliance with community norms was set as a condition for reaping the political and material benefits of membership in the community organizations, and non-member governments weighed these benefits against the domestic political costs that adaptation would involve (Schimmelfennig F. , Strategic Calculation and International Socialization: Membership Incentives, Party Constellations, and Sustained Compliance in Central Eastern Europe, 2005, p. p.856).

However, even though it is not certainly sure what final effect might the influence of the European Union have in the Western Balkans, this strategically calculation at all costs seems to have some positive outcome when it comes to promotion of democracy.

In order for the institution to establish security in this region as the thesis has emphasized in the literature review section, the enlargement process will play the most important role. The enlargement strategy of the European Union relies on the norms and values codified in the Copenhagen criteria which help the countries in the establishment of democratization process.

The European Union strategic papers has considered the region as countries characterized by "Bad governance - corruption, abuse of power, weak institutions and lack of accountability - and civil conflict corrode states from within... Collapse of the state can be associated with obvious threats, such as organised crime or terrorism" (Georgakis, 2013). In the case of Albania, these characteristics that lack democratization of the country are classified in the main three security concerns underlined above and which will be explained in more detail below.

Albania formally applied for membership in the European Union on 28 April 2009. This chapter will evaluate how security concerns affect enlargement strategy of the European Union. The European Commission Progress Reports on Albania will be evaluated from 2009 when Albania firstly applied until 2014 when the status was granted.

## **4.2 Security Concerns regarding Albania**

Taking in consideration the Progress reports of the European Union from the year 2009 until year 2014 when Albania was granted with the candidate status, much progress has been made in the security concerns of the EU towards Albania. These security concerns rely on the good neighbourly relations, minority rights and fight against organized crime and trafficking.

### **4.2.1 Neighbourly relations**

The regional security strategy of the European Union towards Albania is based on improving the relations of Albania with neighbouring countries. For instance the Kosovo war had a huge impact in the Albanian relations with Yugoslavia. The political consequences of the war created a gap between the relations of the Albanian government and the Serbian government as Albania supported Kosovo's



independence in 2008 while Serbia does not recognize its independence. During 2009 and 2010 both countries faced serious disagreements over the matter and political meetings between the two countries did not take place during these years. By 2011 these relations started to construct when high profile meetings started taking place in Tirana and Belgrade (Mertus, Kosovo: How Myths and Truths Started a War, 1999).

Today, the bilateral relations between Albania and Serbia are better but occasionally they become tense. It is important to emphasize that in general, “Albania had poor relations with the former Yugoslavia in the 1990s, because of the oppression of the Albanian minority in Kosovo” (EIU, 2005). However, the problems with minority rights will be evaluated in more detail in the next section but as a matter of fact it is an important reason why Albania and its bordering countries have as a result poor relations.

For the European Union one of the most important conditionality criteria is good bilateral relations with neighbouring countries as in this way the security can be established (Trauner, 2005). In order to establish good relations the neighbouring countries are expected to cooperate with one another economically and politically by following the shared norms and values proposed by the European Union. In this way when focusing more on cooperation the likeliness for conflict to occur gets lower as development and well-being become priority.

Taking in consideration the Progress Reports of the European Commission on Albanian regional issues and international obligations, progress has been made regarding the relations of Albania and Serbia. For instance, when focusing more on

their bilateral relations, the Progress Report of 2009 underlines that there has been a lack of bilateral political visits between the two countries as the status of independence of Kosovo has influenced these relations (Commission T. E., Albania 2009 Progress Report, 2009, p. p.18). Both countries have a serious disagreement over the status of Kosovo.

On the other hand, it is important to underline that the relations with Albania and Kosovo got better and better to the point that both countries consider themselves one nation which is only separated by borders (Judah, Greater Albania?, 2010). The Progress Report of 2010 underlines that the relations of Albania and Serbia only started getting more 'constructive' after the first visit of the Albanian minister of Foreign Affairs took place in Belgrade (Commission T. E., Albania 2010 Progress Report, 2010, p. p.33). After this meeting, the relations between Albanian and Serbian government officials started to improve dramatically as in 2012 and 2013 several bilateral meetings took place and several agreements were signed by both countries especially in issues related with minorities and movement of citizens. In 2014 when the status of Albania was granted "Albania and Serbia demonstrated their willingness to improve bilateral relations by taking steps towards improving the rights of their respective national minorities" (Commission T. E., Albania 2014 Progress Report, 2014, p. p.13).

However, these relations started to take again somehow conflicting nature by late 2014 when a football match between the two countries was filled with hatred between the two countries and ended up to turn more political after the speech of the Albanian Prime Minister, Edi Rama, in Belgrade. At a point of his speech the Albanian prime minister mentioned his support towards the Kosovo independence

and referred to the situation as a past event which should not interfere between the relations of these two countries. This explains how the relations between these two countries have obviously improved and peaceful talks and cooperation between the countries has been established.

Considering the Albanian relations with other neighbouring countries the Progress Report of 2014 emphasizes that bilateral relations with Kosovo, Bosnia Herzegovina, Turkey, Montenegro and Italy remain quite stable and good. Albanian main partner regarding trade is considered to be Italy and also Turkey.

The Commission underlines that in general Albania has played an important role in maintaining stability in the region however regarding the relations with Greece there are still some matters to resolve. The Commission points out that: “Several bilateral agreements, including on the delimitation of the Greek-Albanian continental shelf and maritime zones, are under discussion” (Commission T. E., Albania 2014 Progress Report, 2014, p. p.13). The political relations of Albania and Greece have been most of the times under tensions due to some contradictions over territorial disputes but rather than hatred sentiments no serious conflict was ever created. Today Greece holds the position of the second largest trade partner of Albania.

Moreover, the bilateral relations of Albania with Macedonia started growing from 2009. In 2014 the European Commission Progress Report underlines that high level visits between the two countries were frequent but there were some light tensions created from demonstrations on the verdict ‘Monster’ case. The Monster case refers to the terrorism acts created from ethnic Albanian citizens within the territories of

Macedonia. These demonstrations came as a result of the death of 5 Macedonian citizens in the nearby territories of Skopje who were shot by some ethnic Albanians. (Commission T. E., Albania 2014 Progress Report, 2014).

To sum up, maintaining peace and stability in the Balkan region is one of the most important reasons that led the European Union grant membership opportunities to Balkans. One of the advantages that Albania has was the fact that it did not participate in the war of Kosovo and Serbia; however the relations of Albania with its neighbouring countries were quite weak in the 1990s. As the Progress Report of 2014 of the European Union shows, Albania has achieved much progress in cooperating and keeping good bilateral relations with the neighbouring countries. Still this area of conditionality is expected to see more progress in the years to come of the integration process. For instance recent issues such as ‘Monster’ case in Macedonia and the conflicting football match in Serbia show that there can still be caused matters that lack security in the country and in the region.

#### **4.2.2 Minority rights**

The respect for Minority Rights plays an important role in the criteria of the European Union. The region is characterized by the problems with minority rights as the sense of belonging and the nationalistic sentiments have been clashed with the borders given to territories of these countries. For instance, in the case of Albania, the European Union has emphasized that the respect of the rights of these minority groups is of high importance in establishing peace and stability in the region.

The European Commission has made it clear that the government of Albania should adopt minority rights laws in conformity with the Council of Europe’s Framework

Convention on the Protection of the National Minorities. This criteria plays such an important role in accession towards the European Union that the “identified the guarantee of minority rights as fundamental requirements that would have to be satisfied before the recognition takes place” (Preece, National minority rights vs. State sovereignty in Europe, 1997). Jennifer Preece emphasizes that when the European states were declaring their state sovereignty, for instance, in the case of Balkans we can refer to Yugoslavia split, the protection of the minority rights was a priority that had to be respected before recognition of sovereignty of this countries took place.

In the case of Albania,” Greeks are the largest minority group, making up 1.4 percent of the population; other minority populations include Macedonians, Vlachs, Montenegrins, and Roma” (Philips, 2007). On the other side, considering the Albanian minority groups in these neighbouring countries the highest percentage of Albanian minorities are found in Greece and Macedonia and the highest level of discrimination towards the Albanian minorities has occurred by Greeks and Serbians. This discriminations and violation of minority rights have affected the bilateral relations of the countries. One particular example was in 2010 with the death of the Greek-speaking Albanian citizen in the Himara (Commission T. E., Albania 2010 Progress Report, 2010). Such incidents usually cause tension between the countries involved. However, when talking about discrimination of minority groups a considerable number of Roma minorities is found in Albania who has usually fallen victims of discrimination from ethnic Albanians.

Taking in consideration the Progress Reports of the European Union regarding the protection the minority rights by the Albanian government much progress has been

achieved by the Albanian government as well as the Albanian citizens. For instance, when comparing the European Commission Progress report of 2009 when Albania first applied for EU candidate status the Progress report of 2014 when the candidate status was granted, there is noticeable difference on the issues that the European Commission raises regarding the minorities in Albania basically referring to Roma minorities, Greek, Macedonian, Montenegro and Egyptian minorities.

In 2009, the Commission emphasizes that the linguistic problems with the discrimination of minorities was a critical issue in Albania. This was more obvious when taking a look at the minority's participation in the public administration which was characterized by a limited number and needed to achieve progress in order for their rights to be respected. Moreover, the Commission points out that the State Committee on Minorities at the time was quite weak (Commission T. E., Albania 2009 Progress Report, 2009).

On the other hand in 2014, the Progress Report of the European Commission explains how the issues of minority protection had dramatically improved, regarding their presentation in the public administration and the participation of children in public schools. This report emphasizes that the Commissioner for protection against discrimination has been quite effective and it goes in line with the European Union's Acquis Communautaire (Commission T. E., Albania 2013 Progress Report, 2013, p. p.13). Most particularly when referring to the minority groups the Commission refers to the Roma minority as well as to the Greek, Macedonian and Serbian-Montenegrin.

However, the Commission points out that problem that Albania faces with the minorities issue comes as a result of the difficulty of the adoption of the legislation and the cooperation between the local and central government. Many issues need to be improved in providing education, job opportunities and health service to these minority groups, especially the Roma minority, which consist a high percentage of the Albanian minorities, as well as a high percentage of discrimination towards them (Commission T. E., Albania 2014 Progress Report, 2014, p. p.13).

However, when talking about minority rights in Albania it is important to not forget to mention that other human rights also have been violated. These human rights mainly refer to the gender inequality, discrimination of disables as well as absence of freedom of media and property rights, which play an important role as well in the European Union conditionality (Stafaj, From rags to riches: Croatia and Albania's EU accession process through the Copenhagen criteria and conditionality, 2015, p. p.1716). These are parts of Civil and Political rights and Economic and Social Rights which will be addressed in more detail in the next chapter.

#### **4.2.3 Fight against Organized crime and trafficking**

The Progress Reports of the European Commission underlines that trafficking of the human beings, drugs and organs are considered to be security threats in the country and in the region. Moreover, the organized crimes is an issue that needs to be addressed and prevented by the countries who are willing to cooperate in meeting the conditionality criteria of the European Union.

One of the most critical security concerns in Albania is the high level of trafficking and organized crime. In this particular area Albania has faced many challenges as the increasing number of the criminal groups was difficult to combat. Albanian and

Italian citizens were usually caught up in organizing several crimes such as trafficking of drugs and women. For the European Union such high level of criminality is considered a serious security threat for Europe and for the international system. Therefore, the Albanian government has been continuously and strictly asked to enforce stricter policies on the fight against trafficking and organized crime (Commission T. E., Albania 2009 Progress Report, 2009).

For instance, a report of 2008 by the FBI stated that “demonstrating that Albanian organised crime, as part of SEE (which the FBI prefers to call Balkan) crime, is of growing *international* – not simply regional – concern: ‘Balkan organized crime is an emerging threat in the USA’” (Holmes L. , 2009). Holmes points out that in fact when looking at these reports it is noticed that the Russian and Bulgarian organized crime has been more investigated rather than the Albanian one, however to a certain extent the Albanian organized crime is considered an important element in threatening the security of the Balkan region as the level of crime and violence in Albania is considered too high. For instance, several terrorist acts have been taking place by the Albanian citizens in the neighbouring countries with the intention to expose nationalist sentiments.

Moreover, “Albanian victims are subjected to conditions of forced labour and sex trafficking within Albania and Greece, Italy, Macedonia, Kosovo, and Western Europe” (Abadinsky, 2007, p. p. 128). Abadinsky also points out that the level of prostitution and trafficking is most importantly considered problematic as it includes children abuse towards these two dimensions of crime. In Albania during early 2000s there were a high number of children begging in the streets, but



nowadays this number has decreased and usually these crimes occur in the periphery areas of the country.

Historically, these rates of high-level crimes increased during the 20<sup>th</sup> Century in the Western Balkans. Due to the Yugoslav wars the economic conditions of the countries were quite poor and the state's ability to take control was too weak therefore the crimes started to occur rapidly to the extent that region in general became problematic and a threat to security. "According to official data, there are around 1000 Albanians are being detained in Swiss prisons on drug trafficking charges; around 300 youngsters from Vlora are being detained in Italy and Greece, charged with the same crime" (Stojrova, 2007). These statistics show that the level of crime in Albania as well as the enforcement of law is quite problematic.

However, taking to consideration the European Commission Progress reports of Albania from 2009 until 2014 much progress has been made in reducing the level of criminality in the country. The number of the victims of trafficking has decreased dramatically and public awareness over the enforcement of the legislation has been established.

Starting from 2009 Albania, in the European Commission Report it is stated that Albanian fight against organised crime, terrorism, trafficking of drugs and human beings was characterized by an absence of a specific plan of action (Commission T. E., Albania 2009 Progress Report, 2009, p. p.48). While in 2010 the progress started taking place when several anti-corruption measures and laws were enforced. (Commission T. E., Albania 2010 Progress Report, 2010, p. p.94) The 2011 Progress Report states that the legal framework on providing security was

strengthening (Commission T. E., Albania 2011 Progress Report, 2011). This gradual progress still did not reach the level of meeting the conditionality of the European Union as there were still matters to address.

The investigation process over the organized crimes and drugs and human trafficking as well as the monitoring of the level of corruption needed to improve. The progress report of 2014 when the status was granted, points out that the cooperation of Albania and the EU has developed dramatically. After many years of cultivation of cannabis, Albanian police entered in the Lazarati village with a strategic Action Plan (Commission T. E., Albania 2014 Progress Report, 2014, p. p.52). The Lazarati village is considered to be the biggest distributor of marijuana in Europe and one of the most dangerous villages protected by Albanian criminal groups where police could not be able to combat in years. The action was focused in burning big quantities of marijuana while the police had occupied the entire village from all the sides.

However, this plan of action does not signify that the drug trafficking have been eliminated as there are still internal and external criminality acts that have not been yet fully investigated.

The European Union has made it clear for Albania that the fight against corruption and organized crime is an important obstacle for the country which needs to be overcome in order for Albania to become a member of the European Union.

## **4.2 Conclusion**

In conclusion establishing security is one of the most important roles of the European Union. The history of the Balkan region shows that the involvement of

peacekeeping institutions was necessary. Starting by engaging with NATO, Balkan countries in 1990s took a step forward in also joining the EU. However, keeping peace and stability in this problematic region could only be possible through the promotion of democracy and conditionality.

Democracy plays an important role in establishing state stability, peaceful relations between neighbouring countries, respect of fundamental minority rights as well as in the fight against the trafficking and organized crime.

Taking in consideration the European Union Progress Report, Albania has shown its willingness to comply with the conditionality and through these 6 years since its official application towards EU membership much progress has been made in these three security concern sectors.

However, the difficulties that Albania has been facing in improving the bilateral relations with the neighbouring countries, protecting the minority groups and in fighting trafficking and organized crime were some of the security reasons that contributed to European Union to delay in granting candidate status to Albania. In this way the supranational institution will continue providing further incentives to the country to continue to democratize.

## **Chapter 5**

### **CONDITIONALITY**

#### **5.1 Introduction**

The European Union granted candidate status to Albania in June 2014. Considering the progress that Albania has made in meeting the conditionality criteria of the European Union, this thesis emphasized that partially fulfilling the criteria led the EU to grant candidate status to Albania. This chapter will take a look at the progress that Albania has made in two important elements of political criteria such as: democracy and the rule of law, and Fight against Corruption. Each of these criteria will be investigated by evaluating the Progress Reports of the European Commission from 2009 when Albania officially applied for candidate status until 2014 when the candidate status was granted to Albania.

The first section will cover the Democracy and the Rule of Law conditionality which will take a look at the progress Albania has made in the areas of Parliament, Government, Public Administration, Judicial system and Human Rights. In the subsection of Human Rights conditionality this chapter will focus on the Civil and Political Rights and in the Economic and Social Rights. Lastly in section two this chapter will take a look at the progress made in the corruption policy as one of the most problematic areas that Albania faces in meeting the conditionality of the European Union.

## **5.2 Democracy and the Rule of law**

When evaluating the Progress Reports of the European Commission 2009-2014, Albania has achieved considerable progress towards meeting the Copenhagen political criteria (Commission T. E., Albania 2014 Progress Report, 2014). This section will focus on five areas where Albania through this period of 5 years has achieved faster progress and at the same time has also faced few obstacles in meeting the conditionality which will be emphasized below. These five areas are going to focus on the changes made in Parliament system in order to meet the European Union standards, changes made in the Government of Albania, changes made in the area of Public Administration, changes made in Judicial system of Albania as well as developments made in protection of human rights.

### **5.2.1 Parliament**

In 2009, Albania officially applied for the EU membership and during this year Albania also had its elections that normally occur once in four years (Commission T. E., Albania 2009 Progress Report, 2009). The Progress Reports of 2009 and 2010, when evaluating the situation of the elections in Albania, state that the standard of the elections were not at the highest level and the contradictions that the two main political parties in Albania faced during the elections had an impact in democracy in the country. Problems basically dealing with corruption during the elections lacked the development of democracy in the country for almost two years (Commission T. E., Albania 2010 Progress Report, 2010). The main parties in Albania, Socialist party which in the elections of the 2009, was the opposition party and the Democratic Party which won the elections, had disagreements over the votes counting.

The Office for Democratic Institutions and Human Rights made it clear to the Albanian government that there was a need for fair elections in the country and the issue of vote counting had to be addressed (Commission T. E., Albania 2009 Progress Report, 2009). Due to the long lasting political ‘stalemate’ Albania faced difficulty in adopting the legislation to align with the European Union acquis as the political parties at the time were having unconstructive dialogue with one another. Therefore, in 2010 the Annual Report considers the progress made in the parliament as a slow process which did not meet the conditionality of the European Union (Commission T. E., Albania 2010 Progress Report, 2010).

The progress that Albania went through in establishing a democratic Parliament started in 2011 when Albania established a ‘committee of inquiry’. More than 100 laws were passed by the Parliament in this year which created positive hopes for further development of the integration process (Commission T. E., Albania 2014 Progress Report, 2011). These positive changes also continued in 2012, when the Albanian Parliament adopted all the pending Laws in the area of Criminal Civil Code as well as Administrative Code (Commission T. E., Albania 2013 Progress Report, 2013). In the elections of the 2009 the European Union made the call for transparency in the political system clear to the Albanian parliament but the positive results of this call started showing only in 2012 when the Ombudsman of Albania was selected transparently by merit. The Albanian Parliament did many improvements during this year, for instance, the election of the President Bujar Nishani noted another wind of transformation that the country was going through in the electoral system. The election of President Bujar Nishani was considered transparent and fair election and that is where the wind of transformation started to

take place in Albania, which was followed later on by the regular elections of 2013.

In addition, taking in consideration the Progress Report of 2013, Albania achieved much progress in the functioning of the Parliament as well as in transparency in the legislative sector but the problem that it was facing at the time relied more in the consultation process. By the consultation process the European Commission refers to the lack of consultation in decision making between the government and the opposition party. The Commission expects the both the government and the opposition party to consult with each other and provide constructive dialogue in order for the reforms to be put into practice (Commission T. E., Albania 2013 Progress Report, 2013). Moreover, in 2014 the European Commission underlines that overall Albania has made considerable progress in establishing a democratic parliament especially in the elections of June 2014 which were considered transparent and fair elections, but also in the considerable improvements regarding the functioning of the parliament. However, the Commission underlines in the Report that in order for the country to fully meet the political criteria, political dialogue and consultation process still need to strengthen and the opposition party needs to engage more in the decision making of the Parliament (Commission T. E., Albania 2014 Progress Report, 2014).

### **5.2.2 Government**

In the elections of 2009, the victory of the Democratic Party came as a result of the coalition that the government entered with the Socialist Movement for Integration, the Republican Party and the Party for Justice and Integration (Commission T. E., Albania 2009 Progress Report, 2009). At the time Albania was facing several

problems with the governance such as difficulty in the relations with of the central government with the local governments and at the same time was also characterized by a weak capacity of inter-ministerial coordination. Most of these problems came as a result of the continuous conflicts that the opposition party and the government were facing with one another. These disagreements continued causing problems also in 2010, as the administrative bodies of the Albanian government remained weak and the implementation of the legislation to comply with the EU acquis was quite poor. At the time problems were mostly rising from the poor cooperation of the local governments with the central government (Commission T. E., Albania 2010 Progress Report, 2010).

While in 2011, the European Commission points out there were difficulties with management of taxes by the local government. The local governments in Albania at the time did not have sufficient capacity in financial and human resources to administer their institutional organ. Also, the problems with consultation and legislative drafting needed improvement in Albania (Commission T. E., Albania 2011 Progress Report, 2011). In 2012, though, the Commission's Report emphasized that progress started to occur in the area of cooperation in the Parliament regarding the European Union integration as well as in the coordination process (Commission T. E., Albania 2012 Progress Report, 2012). However, the country still faced problems with transparency in the financial sector and in the administrative reform which were priority points in the integration process.

While evaluating the Progress Report of 2013, the Commission underlines the improvement made in decentralization of the government as well as in the management of the administrative reform. The main obstacles that the Report



points out rely on the absence of the human and financial resources in local government as well as the slow process that the government was going through with the implementation of the Action Plan (Commission T. E., Albania 2013 Progress Report, 2013).

Lastly, the Progress Report of 2014 points out that on a general outlook the Albanian government seems stronger and its effective functioning has increased. (Commission T. E., Albania 2014 Progress Report, 2014)

The number of reforms taken by the Albanian government has increased but problems with the structure and the capacity of the local government still need improvement in order for Albania to meet the political criteria of the European Union.

### **5.2.3 Public Administration**

Regarding the Public Administration, in 2009 Albania was facing problems with the implementation of the Civil Law. At the time, the Civil Service was not an independent organ in the administration and in general the Department of Public Administration was weak (Commission T. E., Albania 2009 Progress Report, 2009). In 2010 the Progress Report of the European Commission pointed out that the capacity of the Public Administration was insufficient as it did not have enough financial and human resources and did not comply with the EU standards. Moreover, there were no specific Administrative Courts in the country and the EU Commission was looking for further improvements regarding this sector.

The Progress Report of 2011 underlines that the political stalemate in Albania continued to have negative impact in the country, especially in the adoption of the

legislation which will be explained in more detail in the section below. However, other problems with Human Resources Management Information System are mentioned in the Report where the country did not have an effective operational system. Also, another problem at the time was the fact that the Ombudsman was not yet appointed (Commission T. E., Albania 2011 Progress Report, 2011). In 2012 the Report shows that progress had started to occur. This progress was more obvious in the adoption of the Law of Administrative Courts and in the implementation of the legislation while the Civil Service was still facing problems with implementation of the policies (Commission T. E., Albania 2012 Progress Report, 2012).

The implementation of the Civil Service remained quite the same with weak capacity also in 2013. Other problems related to transparency and financial and human resources characterized the Public Administration throughout. In 2014 progress started to occur regarding the framework of the Public Administration, there were more financial and human resources provided. However, in order for the public administration to fully meet the political conditionality there is a need for more effort regarding the problems mentioned above (Commission T. E., Albania 2013 Progress Report, 2013).

#### **5.2.4 Judicial system**

The implementation of the judicial system to comply with the European Union standards plays an important role in the Albanian integration process. of what in judicial system In 2009, the Progress Report of the European Commission underlines that Albania faced many problems with the judiciary sector. One of the most important problems was the transparency in investigation; a good example

referring to weak investigation is the case of Gerdec (Commission T. E., Albania 2009 Progress Report, 2009). In 2008 in the area of Gerdec in Albania there was an explosion of the army containers which caused so many problems in the country. These problems at first derived from the risk that this explosion caused to the capital of Albania, Tirana. Political problems were created due to this massive explosion which brought the opposition party and the government in argument with one another. The political problems and contradictions mainly derived from the fact that the responsibility over this explosion belonged to the head of the Republican Party which in 2009 was in coalition with the government of Albania. Therefore, the absence of transparency in the investigation of this case as well as other cases of corruption and weak investigation brought the need for changes in judicial system and its administration (Ibid).

In 2010, the European Commission Report pointed out that Ministry of Justice and High Council of Justice faced an overlap of coordination as the independence between these two organs was not yet established and did not meet the European Union standards. (Commission T. E., Albania 2010 Progress Report, 2010) However, in 2011, Albania adopted the Action Plan and Reform Strategy, but still the independence of the judiciary was problematic. Even in the judiciary sector Albania did not have sufficient financial and human resources and the transparency of this organ as well as problematic (Ibid).

Progress started taking place in 2012, when the European Commission underlines that the allocation of resources and sufficient budget for improvement of judiciary system in Albania took place (Commission T. E., Albania 2012 Progress Report, 2012). However, the courts needed to strengthen; also, there was a need of

improvement in court management. Moreover, the Progress Report of 2013 points out that this year the Law on High Court, Criminal Court, Civil Court, and Judicial Administration was adopted and more progress had started to take place. The problems with transparency, efficiency, independence were still to be addressed. Some of the decisions taken by the court lack transparency which questions the efficiency of the judicial system therefore, transparency play an important role for the European Union. Moreover, there is a need of independence between the judicial organs of the country, when this independence of the institutions occurs, the institutions start functioning in a more efficient way. However, the Commission underlines that on a general outlook Albania was showing willingness to continue its efforts (Commission T. E., Albania 2013 Progress Report, 2013).

Lastly, the Progress Report of 2014 points out the issues of concern regarding the judiciary system in Albania seem to be progressing in time but the problem with corruption of judicial system remains one of the most important obstacles in order for integration to take place and to meet the Copenhagen political criteria. (Commission T. E., Albania 2014 Progress Report, 2014)

### **5.2.5 Human Rights**

Respect for the fundamental human rights plays a very important role for the European Union in the part of the political criteria. Albania generally is a country that respects these rights, especially in terms of religion. The most critical human rights violations in Albania are the property rights, LGBT rights, rights of women, and the rights of Roma minority. This section will take a look at the Civil and Political rights and Economic and Social rights in Albania.

### **5.2.5.1 Civil and political rights**

The criteria of the Civil and Political rights include the rights of the media, freedom of expression, religion, prisoners among others. In 2009, the Progress Report of the European Commission underlines that progress had been achieved in improving the living conditions of the prisoners and also in respect of religious rights. But the main problems Albania faced at the time was providing freedom of expression as the media in Albania is a victim of corruption (Commission T. E., Albania 2009 Progress Report, 2009). Many TV channels or radios in Albania were ruled by the political parties and corrupted by them. This became more problematic during the elections of this year where the main political parties were having political conflicts with one another and corrupting the media during the elections (Ibid). For instance, during the vote counting, different TV channels were announcing different results on their programs which made the absence of transparency obvious to the entire population of Albania.

In 2010, the freedom of expression concerns continued to be problematic and the civil society's organizations were quite weak. However, developments were made regarding the issue of the protection of the human trafficking victims, more generally in the criminal code (Commission T. E., Albania 2010 Progress Report, 2010). On the other hand, the Progress Report of 2011 points out that the most problematic issue is the treatment of the mentally ill offenders which needs to be addressed by the Albanian government. Also, the control of media by the political parties remains a problematic issue which lacked the freedom of media expression in Albania (Commission T. E., Albania 2011 Progress Report, 2011).

In 2012, progress started to take place as the access to justice started to develop and the law on protection of human rights started to improve (Commission T. E., Albania 2012 Progress Report, 2012). In 2013, the Progress Report underlines that even though Law on Audio Media was adopted still the political interference in media channels was lacking the freedom of media in the country which continued also in 2014. The Commission made it clear that independence of media transparency in financial matters of media are an important matter that will be under the investigation until it meets the standards of the European Union (Ibid).

#### **5.2.5.2 Economic and Social rights**

The Criteria of Economic and Social rights include the property rights, rights of women, rights of children and rights of disabled. The Progress Report of 2009 states that the rights of gender equality are already established in Albania but the presentation of women in high-level professions is quite low and needs to be addressed. Two important issues were more problematic in Albania during this year: domestic violence towards women and children and the property rights (Commission T. E., Albania 2009 Progress Report, 2009). Many children in Albania are forced to work on the streets and other heavy works, especially Roma minority.

Moreover, the Progress Report of 2010 underlines that also LGBT rights need to be guaranteed in Albania (Commission T. E., Albania 2010 Progress Report, 2010). Albanians are often discriminating gays and lesbians in the society and the European Union underlined this matter as a priority of the human rights. In addition, the Report mentions issues of insufficient expenditure on education for

the disabled, as well as corruption in the property rights such as in registration of the properties be it for land or vehicle (Ibid).

In 2011, the Albanian government adopted the National Strategy on Gender Equality and Fight against Domestic Violence (Commission T. E., Albania 2011 Progress Report, 2011). Domestic violence played a very problematic role in the country. Many Albanian families had victims of violence especially women and children. Also, during this year Homophobia remained a great issue of concern. In 2012, the Albanian policy called for 5 years of imprisonment for cases when domestic violence had occurred (Commission T. E., Albania 2013 Progress Report, 2013). This action was a great step towards prohibition of domestic violence in the country. Another important step that happened this year was the adoption of Law on Immovable property. However, issues such as children trafficking and education of disabled in public schools remained incomplete (Ibid).

The Progress Report of 2013 underlines that an important issue in human rights is raising public awareness over the Law in order for discriminations of LGBT, disabled and minority groups not to occur. The Albanian government did not address the issue of public awareness regarding the protection of the human rights policies in the country. Moreover, issues of legalizing property matters remained problematic as many illegal properties were placed in the country (Commission T. E., Albania 2013 Progress Report, 2013). In 2014, the European Commission underlines that there has been made much progress by the Albanian government in the protection of human rights but two important issues still need progress such as the rights of minority groups, particularly Roma minority, and the children

trafficking, particularly forced labour (Commission T. E., Albania 2014 Progress Report, 2014).

### **5.3 Anti-corruption policy**

Lastly the enforcement of the anti-corruption policy and improvement of the mechanisms that investigate the corruption in Albania is one of the most critical criteria that Albania needs more progress in order to meet the political conditionality. The reason why this thesis has differentiated the fight against corruption in a separate section is because the level of corruption in Albania is quite high and endeavours of the government to overcome this obstacle are considered insufficient by the European Union. When analysing the history of the Balkan countries many scholars believe that corruption in these countries derives from the legacy of the communism therefore, in 1994 the President of Albania, Sali Berisha, pointed out that by imposing democracy to the country it would be possible for Albania to fight corruption (Holmes L. , 1999, p. p.12). However as the Albanian author Ilir Gjoni emphasizes “the newborn democracy in Albania found itself unprepared to face the challenges deriving from classical criminal activity, especially organized crime” (Gjoni, 2002).

In 2014, Albania was ranked of 110 out of 175 different countries regarding the corruption measurement tools with a score of 33 out of 100 (Transparency International), while in 2010 the rank of the control over corruption was 41% with a score of -0.428 (Ibid). This statistics show that there has been a considerable improvement compared with the year of 2010 but the results remained still negative. When considering the global corruption, Albania is placed in the rank of 89 out of 142 countries which the highest level of corruption in the judicial



independence which has a score of 3 out of 7 (Ibid). As mentioned above in the human rights section, freedom of press plays a critical concern in Albania as the media is usually controlled by the political parties and it is placed in the rank of 96 out of 179 (Ibid).

Regarding the Progress Report of the European Commission in 2009, Albania had achieved more progress in fighting corruption only in the area of education, particularly university entrance examination but not in other sectors (Commission T. E., Albania 2009 Progress Report, 2009). These other sectors are mainly concerning judicial system, public administration, governance and different state institutions such as hospitals and other public services. During this period the government of Albania started to reduce the access of the personal contacts with several officials in order to avoid corruption also, the Joint Investigative Unit and High Inspectorate for Declaration and Audit of Assets had started to develop. However, there were so many problems with transparency in financial matters, property rights, health sector and political system (Ibid).

In 2010 the Internal Control Service was established in order to investigate corruption in the country. The Department for Internal Administrative Control and Anti-Corruption did not function properly as its capacity was not sufficient; the country was still facing high corruption in many sectors. The European Commission advised the Albanian government to focus on the law enforcement and on the public awareness over the problem of corruption in order to prevent further corruption by the public and the government (Commission T. E., Albania 2010 Progress Report, 2010). By enforcing anti-corruption law and by shifting the focus of the media in transmitting the message of the restrictions on corruption the public and officials,

the corruption cases would decrease gradually. Development in investigation of corruption mechanisms is the most important to raise awareness to the officials and the public (Ibid).

The Progress Report of 2011 underlines the improvements that the country had made at the time in fighting corruption. The improvements that needed to be taken were the strengthening of the Group of States which is a state organ that deals with the fight against corruption as well as the development of the action plan. More measures needed to be taken and the cooperation between the institutions set to fight corruption was not well-developed. Customs services and the registration of the immovable properties remained an issue of concern. Most importantly the exchange of information between the main institutions needed to progress in order for the investigation to develop further (Commission T. E., Albania 2011 Progress Report, 2011).

In 2012 the European Commission underlines that the independence of the institutions and the capacity to administer them was not being accomplished. Cooperation between the institutions was progressing but their independence was not being respected. However, change made in the constitution as the restriction of the immunity of public official and judges started being established. Transparency International points out that during this year the EU, “amended the Albanian Constitution to restrict the immunity of high-level public officials, politicians and judges” (Matthew Jenkins and Transparency International, 2014). In this way the high level officials would be more aware of fighting corruption in the country (Commission T. E., Albania 2012 Progress Report, 2012). In 2013, the most important problem was the lack of the law enforcement to prevent further

corruption cases. Generally, the corruption level had started to decrease particularly in the fields of education, health and media. However, the most important problem regarding the fight against corruption relies on the absence of sufficient human and financial resources and in the cooperation and exchange of the information between the belonging institutions (Ibid).

Lastly, the Progress Report of 2014 of Albania underlines the willingness of the government of Albania to fight corruption and improve the policy towards prevention of it. In general, there have been improvements in investigation, coordination and monitoring of corruption in many sectors (Commission T. E., Albania 2014 Progress Report, 2014). But when considering the final evaluation of the European Commission, the corruption in Albania seems to still remain a serious concern for the integration process of the country (Ibid).

## **5.5 Conclusion**

In conclusion, this chapter evaluated the Progress Reports of the European Commission from the year 2009 until 2014 when the European Union granted candidate status to Albania. The chapter point out that progress toward fulfilling the conditionality was one of the reasons that led the European Union grant candidate status to Albania. The Albanian government through these 6 years has showed its willingness to cooperate with the European Union in order to meet the political and economic Copenhagen criteria.

In section one this chapter showed the progress that Albania made in the implementation of democracy and the rule of law. When evaluating the Progress Reports show that gradually the country started to adopt the necessary conditions to

comply with the Union acquis. Parliament system and effectiveness started to take part, the government functioning started to strengthen and the election of 2014 showed that improvements were really taking place in the political system. The public administration and the legislative body started to adopt and implement the European Union laws in order to meet the conditionality criteria.

Moreover, many improvements were made in respecting human rights. Albanian main human rights violations relied on LGBT rights, minority rights, property rights and domestic violence. By the adoption of necessary laws these problems started to decrease and the Albania got many steps closer to meeting the conditionality.

Lastly, the country showed its willingness to fight corruption by adopting all the necessary corruption policies. At first the financial and human resources was not sufficient but by time they started to develop and cooperation and exchange of information started to progress more. Albania still needs more effort to meet the criteria of the European Union in order to achieve accession membership however, the Reports of the European Commission show that the country is willing to work further on meeting fully the necessary criteria.

## **Chapter 6**

### **CONCLUSION**

#### **6.1 Conclusion**

In conclusion, the reasons why the European Union granted candidate status to Albania rely on two important aspects: the security concern and fulfilling the conditionality criteria. Many scholars would argue that granting candidate status to a small Balkan country is a matter of luck for the country rather than a merit. Taking in consideration the serious nature of the European Union, I emphasize that a membership opportunity of this kind cannot be gifted beyond reasons. As the study underlines there were security reasons that brought the Union closer to Albania and there was also considerable effort and willingness of the Albanian government to cooperate and partially fulfil the criteria that made possible for the European Union to grant candidate status to Albania.

The institutional relations of Albania and the European Union started in early 1990s right after the decline of the communist regime. This factor, in my opinion can also be considered an indicator of how important is for Albanians integration into Europe. The reason why the process of integration moved with slow steps for more than two decades is because of the difficulty of overcoming the communist features of the past. However, today things have improved through the country's willingness to change.

In the literature review, the study pointed out through constructivist perspective and Europeanization perspective that the involvement of the European Union for this change to occur is necessary. Constructivists explain the establishment of security through sociological institutionalization. The thesis emphasized that actors who are willing to cooperate and institutional environments try to find a converging point through the 'logic of appropriateness'. This term explained how the common norms and values are considered the normative policies that the countries try to adapt to. The European Union promotes good governance, democracy, human rights and liberalization of market economy in order for the positive change to take place. In order for these features to be downloaded in the country which in this case we refer to Albania, the process of Europeanization plays the crucial role. The Europeanization process started taking place in Albania in early 1990s when the country signed the first negotiation of stabilization and association. Reconstructing the country in terms of security as well as in terms of integration was a gradual slow process for Albania.

Three security concerns led the European Union to get closer to Albania. These concerns were regional concerns in terms of establishing good neighbourly relations between Albania and the neighbouring countries, concerns regarding minority rights and concerns regarding the effectiveness of the particular institution which deal with fighting organized crime and trafficking. According to the analysis made from the European Commission Progress Reports Albanian relations with the neighbouring countries have improved dramatically and constant political and economic negotiations are taking place between their relations. Moreover, regarding the minority rights Albanian most critical groups of minorities are considered the

minorities of Macedonia, Montenegro and Greece. The Progress Reports of the European Commission concluded that progress has been made also in the protection of the minority rights in Albania. In addition there has also been progress in eliminating the organized crime in the country as well as trafficking of human, drugs and organs.

However, the European Commission reports underlines that still progress needs to be done in these three critical areas. For instance, Albania needs to further improve its relations with Serbia and to keep the good relations with Kosovo, Italy, Greece and Montenegro. Regarding the minority rights Albania needs to provide further security to the minority groups and respects their rights. These rights include the rights to use their language, to participate in educational institutions and to provide more job opportunities to all minority groups including Roma minority. Also it needs to report any kind of discrimination that it happens to Albanian minorities in the countries mentioned above. Lastly, the country needs further improvements in the fight against organized crime most importantly the trafficking of drugs which plays a very problematic role in the country.

The second hypothesis stated that fulfilling the criteria led the European Union grant candidate status to Albania. Albanian application for membership in the European Union got rejected three times due to the political stalemates and the problems of fighting corruption in the country. The fact that in June 2014 Albania received the candidate status from the European Union explains that the country has achieved considerable progress in these areas.

The Albanian government played an effective role in implementation of the rule of law and enhancement of democracy. According to the Progress Reports analysis, changes have started to occur in governance, parliament structure, public administration, judiciary system and in the fight against corruption. In 2014, Albania had its first transparent elections where no counterarguments in the vote counting were created. This indicator explained that the government was willing to fulfil the common norms and values in order to achieve more progress.

Moreover, progress in the fight against corruption in judicial system and in public administration started to be more noticeable by 2014. This indicator explains the government's willingness to eliminate the features that do not make its governance a good one. However, the Progress Reports as well as the Transparency International underline that the level of corruption in Albania is quite high and it takes a lot of further work for the country to reach the European Union standards.

It is important to emphasize that the Albanian government's priority is the integration towards the European Union which in other words explains that the euro-enthusiasm for Albania remains quite the same even after the previous rejections. The country is expected to join the European Union by 2020, but this indicator is a bit hard to believe as the country still needs more work to get done especially in the field of judiciary and in the fight against corruption.



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