
Opportunity knocks: can the EU help Albania to help itself?

Corina Stratulat and Gjergji Vurmo

BACKGROUND

The health of democracy in Albania is precarious. The country's electoral contests have so far failed on each occasion since 1991 to meet high international standards. A fierce rivalry between the two largest Albanian parties and their leaders – the Democratic Party (DP) of Sali Berisha and the Socialist Party (SP) headed by Edi Rama – has been wearing down hard-won democratic gains made by the country in the past two decades since the fall of communism, and has pushed Albania off the EU track and into an ever-more damaging spiral.

Recent bi-partisan efforts at reconciliation, culminating in the adoption of a national Action Plan by the government – with the active involvement of the parliament – on 21 March, are a welcome and promising development. With the next elections already distractingly looming, there is a narrow window of opportunity to tap into this progress and make it last for the benefit of Albania's future, as well as for the prospects of stability and democracy in Europe. How can the EU help Albania to help itself at this critical juncture?

The current political crisis in Albania dates back to the June 2009 general elections, when the Socialist opposition contested the Democrats' victory and embarked on a boycott of parliament that was to last almost two years. The embittered political climate

subsequently degenerated into fatal violence at an anti-government rally in January 2011, while the Tirana mayoral elections in May 2011 were also marred by controversy and protests.

In November 2011, under strong international pressure, Albania's two major political parties finally agreed to resume political dialogue within the parliamentary structures. However, by then, the prolonged standoff had already triggered negative repercussions. Given that a majority vote is required to pass many legislative acts, the much-needed reform process in the country came to a virtual standstill during the political deadlock – much to the dismay of the European Union watching nervously from the sidelines.

With little progress to show under its belt at the time of the Commission's 2010 or 2011 annual reviews of EU hopefuls, Albania was not recommended for 'candidate status'. Instead, in November 2010, the Brussels' executive presented Albania with a 'to-do' list of 12 key priorities, including the need to ensure the proper functioning of parliament, appoint an ombudsman, reform electoral law and the public administration, strengthen the fight against organised crime and corruption, and reinforce the protection of human and minority rights. Implementing these provisions became a *sine qua non* condition for any potential advance by Albania towards EU membership.

STATE OF PLAY

Despite these strict terms, Albania has moved along the list of priorities at a snail's pace. To date, the country has partially ticked off one of the 12 boxes: it appointed an ombudsman last December. The second part of this priority, which requires orderly hearings and votes in parliament for appointments

to the constitutional and high courts, remains to be achieved – along with the other 11 items on the Commission's roadmap.

To start making headway, the Action Plan adopted by the inter-ministerial Committee on European Integration

in the Albanian government on 21 March specifies the measures, timeframes, resources and responsible national institutions that will be used to address the Commission's priorities. This could finally see Albania get serious about its reform agenda. However, since Albania will soon hold presidential (in June 2012) and parliamentary (in June 2013) elections, most energy is in fact being spent on addressing demands for electoral reform rather than on any of the other 12 points which, in comparison, may offer only medium to long-term returns.

Other policy debates related to the rule of law, the judiciary or corruption issues are thus currently on hold until/if the Albanian parties manage to iron out their conflicting interests on the election priority: the two biggest parties are negotiating directly on a formula that maintains the self-serving *status quo*, while smaller parties are channelling through their respective coalitions demands for changes to electoral law that could boost their political influence. This may well be a common fact of political life in established democracies. But as a new and frail democratic system, Albania cannot afford to tackle priorities in inverse order, leaving restructuring and consolidation till the end.

The few months before the publication of the Commission's next Progress Report in autumn 2012 represent a particularly opportune moment for Albania to reform and move closer to the EU. Failure to harness constructively this opportunity in order to deliver on the bulk of the 12-priority list could see Albania enter the campaign for the 2013 general elections and grow progressively indisposed to tackle reforms during the competition for power.

Similarly, any deferral of reforms will probably continue at least until the new government has settled into office in the second part of 2013, at which point the amount of 'catching up' for Albania to do is likely be considerably greater and the country's EU membership perspective even more distant.

By continuing to drag its feet on substantial reform, Albania is effectively drifting away from the EU and ever closer to the 'stagnation zone' of the European integration process, that already harbours countries like Bosnia-Herzegovina and the former Yugoslav Republic of Macedonia (FYR Macedonia). Stagnation is bad news for Albania, not least because it can degenerate into a full-blown regression. It is equally bad news for the EU, which needs to maintain the reform momentum in the Balkans and the credibility of the region's membership perspectives after Croatia's entry in 2013.

At present, of the six Balkan countries still aspiring to join the EU (that is, Albania, Bosnia-Herzegovina, FYR Macedonia, Kosovo, Montenegro, and Serbia), only Serbia has moved ahead by receiving candidate status at the recent European Council in March. Montenegro is expected to advance in June, when EU governments may decide on a date to open accession negotiations. Getting Albania firmly back on course towards the EU could thus start to balance the bloc's transformative record in the Balkans. The chances of the EU successfully helping Albania to overcome its crippling political gridlock are arguably higher than in the cases of FYR Macedonia, Bosnia-Herzegovina or Kosovo, where internal and external complexities are far greater.

PROSPECTS

Albania is the master of its own fate

The European Commission has been pushing Albania to reform but for the country to turn a new page, the seriousness of the current situation must first hit home among Albanian society and the political elite. The way forward requires those in power to take ownership of the reform agenda and to act responsibly, drafting and implementing policies that coincide with the needs of the electorate. Likewise, it requires Albanian civil society to hold their leaders accountable for specific policy outcomes and to demand that they respect formally-enacted democratic rights and standards.

In concrete terms, the challenge is twofold. First, the fierce power struggle between the two largest parties and their leaders, which has become a permanent fixture of political, social and economic life in Albania since the fall of communism in the early 1990s, represents a major stumbling block. This

never-ending cycle of demonisation between political adversaries and also of independent institutions (such as the Prosecutor on the Supreme Court) has kept the focus away from badly-needed reforms, discredited democratic processes and institutions in the eyes of the Albanian public, and perpetuated a negative image of the country abroad.

While recent dialogue across party lines offers a glimmer of hope, it must now bear the right results. In the past, cooperation has primarily occurred whenever it served the best interests of both sides. For instance, the swift consensus on constitutional amendments reached in 2008 between the DP and SP essentially gave the two biggest parties the upper hand over their smaller political allies and over the choice of president.

Trade-offs are inevitable in political decision-making, especially on electoral reform, but these specific

changes were not the result of broad-based democratic consultations with other domestic political parties or relevant stakeholders in society. In addition, the ensuing modification of the threshold to elect the president – from a qualified to a simple majority in the last two rounds of the parliamentary vote – gave rise to serious concerns about its potential impact on the independence of the judiciary in Albania, because the president can nominate judges, prosecutors and other key members of state institutions, such as the State Intelligence Chief.

To be constructive, the current DP-SP dialogue must become an all-encompassing conversation with all relevant Albanian political and societal forces. The outcome should reflect national interest and not the will of (some of) the negotiating parties.

'Home-made' solutions agreed in a pluralistic governance format are likely to be more sensitive to the Albanian context and more acceptable to the general public. In contrast, failure to internalise and apply the democratic principles of inclusiveness and compromise, or to consider Albania's long-term interests, might one day turn Berisha and Rama into captains of a sinking boat.

Second, bottom-up channels of social accountability and civic involvement in policymaking, which remain severely underdeveloped in Albania, are another huge obstacle. A robust civil society, able to act as a watchdog and to contribute to formulating and implementing decisions, can have a multiplier effect on the political system.

In Albania, although the civil society sector is fairly well-developed – numbering roughly 1,600 non-profit organisations – there are still no formal mechanisms in place for consultations between civil society organisations (CSOs) and the state, detailed rules facilitating CSO participation at local level are lacking or poorly implemented, there is little public awareness of civic rights such as access to information, and financial support provided to CSOs remains problematic.

Funding from the private and state budget continues to be scarce in Albania (amounting to sums that normally represent single-digit percentages of total resources), meaning that CSOs in the country are largely dependent on assistance from foreign donors. Chief among these is the European Union (with €4.5 million during 2010-2011), but the administrative requirements of EU programmes are usually too bureaucratic and difficult to access for all but a handful of organisations. Moreover, the structure of external funding is such that most CSOs are driven by competition (not cooperation) to win projects for which money is available, rather than building up their expertise and identity in the long run.

Civil society's sustainability and influence over political processes in Albania therefore remains feeble. To find their voice and make it count in the policies and actions pursued by leaders, Albanian CSOs should try to build networks and cooperate thematically with other CSOs at national and regional level by pooling resources and sharing best practices. They should also seek allies for their monitoring and advocacy functions among media actors and parliamentarians within the country and across the Balkans.

However, such efforts will no doubt ultimately depend on the political will of Albanian political parties to develop an environment in which CSOs can operate (from a legal and financial point of view) and to accommodate them in practice. Consequently, successfully addressing the electoral reform priority will not be enough if the DP and SP are to genuinely create effective democracy.

The only real fix is for Albanian politicians to enforce the rule of law and resolve any pending issues that prevent the civil society sector from contributing to policymaking, including via more transparent and generous support from the state budget and greater fiscal incentives for corporate and individual donations to CSOs.

The EU can help but is no substitute for domestic action

The European Union can be a pathfinder for Albania's decision-makers but cannot take charge of the nation's 'rescue' mission. Ongoing concerns related, on the one hand, to the post-Lisbon development of the EU in an increasingly difficult economic context and, on the other hand, to the specific challenges faced by Albania, can occasionally hinder robust EU engagement with the country. But making sure that Albania consolidates its democracy is also in the EU's strategic interests, helping to stabilise and irreversibly anchor the Balkans to Europe.

The volatile state of affairs in Albania raises the question of whether the EU should not have been more proactive by intervening more promptly at decisive moments, for instance, when the outcome of the 2009 vote was first disputed (including by the Organization for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights - OSCE/ODIHR), triggering the two-year parliamentary boycott. The cacophony of opinions among member states and of ideological positions in the European Parliament, as well as the Commission's desire to remain impartial when preparing its *avis* on Albania's membership application, could help to explain why the EU has restricted itself to tacit diplomatic mediation efforts during the country's political impasse.

For example, senior MEPs, such as Martin Schulz and Joseph Daul, convened in May 2010 a meeting in Luxembourg with Prime Minister Sali Berisha and opposition leader Edi Rama to negotiate a solution to the political standoff. Similar attempts were also made by the EP's Delegation for South East Europe and the EU-Albania Parliamentary Committee. However, by the end of 2010 it had become clear that a strategy of 'reconciliation by stealth' would not reverse or prevent the gradual escalation of Albania's political crisis.

Thus in early 2011, the EU started to be more assertive and vocal about domestic political developments in Albania. In response to violent demonstrations in Tirana, EU High Representative Catherine Ashton and Enlargement Commissioner Stefan Füle issued on 21 January 2011 a joint public statement urging Albanian politicians "to engage in a constructive dialogue to resolve without any further delays the long-standing political stalemate".

The following month, on 15 February 2011 in an address to the EP in Strasbourg, Commissioner Füle openly declared that "the two Albanian leaders are stuck in their own internal impasse", and called on them during a speech to the EU-Albania Stabilisation and Association Council on 19 July 2011 "to put the country's interest ahead of party agendas".

Another joint Ashton-Füle statement on 19 July 2011 raised expectations that all sides in Albania would make a serious effort to overcome the enduring difficulties regarding the conduct of elections and to urgently address the 12 key priorities in an effective and inclusive manner.

All this open and constant pressure began to pay off, not least by finally persuading the DP and SP to return to the negotiating table in November 2011. This strategy must continue, and the EU should now cast its net wider, taking full advantage of the fact that its leverage is strongest at the pre-accession stage of the integration process. It should do so by reacting more quickly and visibly to both negative and positive events in Albania, thereby reinforcing domestic reformers' efforts.

Equally importantly, it should focus greater attention on promoting and judging progress in Albania by

yardsticks related to substantive criteria of democracy, such as the actual rule of law enforcement and civil society's input into the policy process.

The 12-point list is the first step in the right direction but there is room to be more specific via more detailed requirements/benchmarks and to make an early start on issues that need time to address properly (for instance, developing a well-functioning judiciary).

The EU should also embark on a medium-term strategy that helps to strengthen Albanian civil society in the pre-accession phase of integration. This could include, for example, more pressure on Albania to adopt and implement a legal framework that specifies the role of civil society in policymaking and implementation; to guarantee that CSOs' input is adequately reflected in the policies adopted; to strengthen the parliament's oversight of the executive and scrutiny of legislation; and to foster regional cooperation in order to facilitate the fight against organised crime, as well as training and best-practice exchanges among parliamentarians, and members of the media and CSOs.

While broader and deeper conditions are normally reserved for countries that are more advanced on their path towards EU membership, a fine-tuning of the EU's approach to Albania could prove a win-win strategy. It could help to dissolve for good the spectre of political deadlock in Albania, quicken the pace of the integration process and consolidate the country's democracy.

In parallel, it could demonstrate that the EU is committed to helping Albania join the 'club' at a time when the enlargement process is struggling to appear credible and effective, and that the EU is capable of developing pre-emptive policies – as opposed to just reactive and belated responses. But for all that to happen, the moment to act is now.



Corina Stratulat is Policy Analyst at the European Policy Centre.

Gjergji Vurmo is Head of the Centre for European & Security Affairs at the Institute for Democracy and Mediation, Albania.



European Policy Centre ■ Résidence Palace, 155 rue de la Loi, 1040 Brussels, Belgium
Tel: +32 (0)2 231 03 40 ■ Fax: +32 (0)2 231 07 04 ■ Email: info@epc.eu ■ Website: www.epc.eu



Europe for Citizens
Programme

With the support of the Europe for Citizens
Programme of the European Union.