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Forward or Backward: The EU, Albania, North Macedonia and Kosovo at Crossroads

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Abbreviations

BiH - Bosnia and Herzegovina	VV - Vetëvendosje
BKH - Anticorruption Investigation Bureau	
BTI - The Bertelsmann Transformation Index	
CDU/CSU - Christian Democratic Union / Christian Social Union (Germany)	
CEFTA - Central European Free Trade Agreement	
DP - Democratic Party of Albania	
DPSM - Democratic Party of Serbs in Macedonia	
EEA - European Economic Area	
EPI - European Policy Institute (Skopje)	
EPP - European People's Party	
ESI - European Stability Initiative	
EU - European Union	
GDP - Gross Domestic Product	
IDM - Institute for Democracy and Mediation (Tirana)	
IMO - International Monitoring Operation	
KLA – Kosovo Liberation Army	
LDK - Democratic League of Kosovo	
LSI - Socialist Movement for Integration (Albania)	
NATO - North Atlantic Treaty Organisation	
NGO - Non-Governmental Organisation	
ODIHR - Office for Democratic Institutions and Human Rights	
OFA - Ohrid Framework Agreement	
OSCE - Organisation for Security and Cooperation in Europe	
PPO - Public Prosecutor's Office	
SDSM - Social Democratic Union (North Macedonia)	
SELDI - Southeast Europe Leadership for Development and Integrity	
SP - Socialist Party of Albania	
SPD – Social Democratic Party of Germany	
SPAK - Special Anti-Corruption Prosecution (SPAK)	
VMRO-DPMNE -- Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity	

Introduction / Note by the Authors

The Southern Balkans on the Long Road to the European Union – Windows of Opportunity and Risks of Failure

The failure of the European Council in October 2019 to open EU accession negotiations with Albania and North Macedonia was a blow to the aspirations and the reform efforts of the governments and the societies of both countries and the region. In the expectation of opening the next chapter on the long road to European Union membership, important transformation and reform processes were initiated by these countries. Unlike in some neighboring countries, with the support of the majority of the voters, the political elites have demonstrated the political will to overcome stagnation and setbacks. Important reforms have been implemented with the potential to leave the legacies of the past behind, move these countries forward and increase their capacity to advance significantly.

However, closely linked to apparent windows of opportunity are risks of failure. Processes of further development and modernization have to be solidly grounded. The reduction of political controversies to the fight for power as an end in itself enforced modernization without the inclusion of the people. It also triggered endemic mistrust and a general lack of basic consensus within the societies. Furthermore, it contributed to a political culture that hinders rather than facilitates democratic coexistence are some of the major risks that are strongly evident in the societies of these countries, besides poverty and economic stagnation. On top of it, the No-decision of the European Council may reinforce those risks of failure rather than strengthen the European path.

This publication aims to contribute to a better understanding of the challenges and perspectives and to help shape policies and strategies to prevent stagnation and regression. In addition to Albania and North Macedonia, Kosovo is also included, as the future of this region is closely linked to developments in this country and with the election victory of Vetëvendosje, another potential actor with regional implications has entered the political landscape. A more intensive examination of Albania, North Macedonia, and Kosovo in recent months has, for various reasons, also led to the "Albania question" to "Greater Albania" in political discourses within and outside the region. This point is even more relevant after the European Council's blockade and Albin Kurti's election victory in Kosovo in October 2019.

Thanks to the financial support of the Open Society Foundation in Tirana, the authors were able to travel to Tirana, Pristina, and Skopje for intensive discussions at the beginning of November (4-11 November 2019) and to Berlin at the end of November. The results and findings of these talks, with a total of 41 interlocutors, finally resulted in the contributions presented in this publication. The authors had conversations with: Journalists, academia, think tank representatives, Members of Parliament, governmental representatives / ministers, political advisors to the governments, foreign ministry officials, representatives of political parties (different political orientation), and German political foundations. We have assured all interviewees that they will remain anonymous and that we will not disclose their names in our analysis. Our special thanks go to our interlocutors who took time for us during this difficult period and were willing to engage in a frank and open discussion! We would also like to thank Professor Franz-Lothar Altmann in particular and Dr. Hansjörg Brey for their valuable comments on the individual articles.

In the publication, you will find a total of three analyses that are the result of our study trip. With all three analyses, we hope to contribute to a better understanding of the situation in the countries and, in particular, to a revision of the decision of the European Council and a green light for the start of accession negotiations with Albania and Northern Macedonia during the Croatian EU Presidency.

And finally, one last remark: the texts have been written in mid-February and updated in some points at the end of March 2020. The latter during the Corona crisis, which will have far-reaching consequences, also for the countries we are dealing with in this publication. We therefore conclude with the wish to all of us: Stay healthy!

Johanna Deimel and Michael Weichert

Postscript: Forward and Backward

At the end of the editorial process and shortly before publication, landmark decisions were made - one positive forwards, the other backwards.

Forwards: The first good news is that North Macedonia will soon become the 30th NATO member since the country has signed the final NATO Accession document on 20 March 2020. The second is that, despite the corona pandemic, all 27 EU Ministers of Foreign Affairs in a video conference gave the green light for opening

EU accession negotiations with Albania and North Macedonia. This fundamental political decision is to be approved shortly afterwards at an equally virtual EU Council Summit. The EU Member States have thus undoubtedly sent an important political signal that means for both countries a light at the end of the tunnel. But when EU accession negotiations will really begin remains an open question, not least because of the COVID-19 crisis.

Backwards: After only 51 days in office, Albin Kurti's government was ousted by a vote of no confidence on 24 March 2020. Kurti will continue to run the business as interim prime minister until either a new government is formed or new elections are held. What should have started as the "Albanian spring" has been suffocated in the quagmire of personal feuds even in times of the COVID-19 crisis. For Kosovo this means a political step backwards again, aggravated by the damaged relations with the USA, the European Union and some of its member states in the course of the government crisis. The fact that this also involves the goal that President Hashim Thaçi is pursuing strenuously, namely an agreement including border corrections with Serbia, as Albin Kurti claims, is only one reason for the end of the Kurti government.

In digestion mode: Tirana, Skopje and Pristina after the EU Council's No-vote on opening EU accession talks with Albania and North Macedonia

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Abstract: Since the European Council in October 2019 failed to give a green light for the start of EU accession negotiations with Albania and North Macedonia, disappointment has been running high in the countries concerned as well as in Kosovo. Now that the initial shock has been overcome, discussions have flared up in the region as well as among international experts and in the EU institutions as to how the "no" vote of French President Emmanuel Macron (and also of the Netherlands and Denmark) can be revised as quickly as possible. The article reflects the assessments and sentiments in Tirana, Pristina and Skopje and highlights the country-specific effects, risks and challenges.

Introduction

The European Council meeting on October 18, 2019 will remain a date that traumatized the Western Balkans. The European Council's No-vote on the opening of accession negotiations with Albania and North Macedonia has deeply shaken the foundations of trust in the European Union and its credibility. Even if the Zagreb European Council in May 2020 gives the green light for both countries to start negotiations, both the doubts about the irreversibility of the European integration path and the trauma will remain. There is now a great deal of uncertainty about the future of the enlargement of the EU as a whole. Does this mean the end of EU enlargement? What does it mean if French President Emmanuel Macron wants to change the whole accession process and introduce a new methodology?

The seemingly resilient consensus within the European Union on EU enlargement has been broken and the sword of Damocles of a further halt hangs heavy over the EU and the Western Balkans. French President Emmanuel Macron called for a reform of the EU-accession process as a precondition for further enlargements of the Union. What if the candidate countries have closed all EU negotiation chapters and fulfilled all the conditions for accession, but the EU decides not to carry out the required reforms? Furthermore, it is nothing new that the accession process is being held up by individual EU member states during the negotiations (see for example Greece and (North¹) Macedonia; Slovenia and Croatia). The fear of being left on the sidelines is further fueled by

the possibility of reversibility,² as envisaged in France's so-called "Non-paper" of November 2019.³

The European Council's No-vote has also made the frictions between and within the EU institutions themselves more apparent: while both the EU Commission on May 29, 2019 and, on several occasions, the European Parliament have clearly spoken out in favor of the start of accession negotiations with Albania and North Macedonia, there is disagreement among the EU member states (France: No to Albania and North Macedonia; the Netherlands and Denmark: No to Albania; Germany: Yes to North Macedonia and YES-BUT to Albania; and a large group within the EU which stands for enlargement).

Skepticism and concern are growing as to whether the region will ever be accepted into the EU. The damage caused by the European Council's No-vote in October 2019 is great and since the promise made in Thessaloniki in 2003 the credibility of the whole further process seems to have been gambled away since the granting of Croatia's EU membership in 2013. The Western Balkan countries are currently experiencing a severe setback in their ambitions, which may threaten the readiness and energy of the political leadership for the continuation of the reform process as well as the expectations and hopes of the people in this fragile region for a "normal" future. Widespread disappointment, frustration and disillusionment may regain the upper hand. As a result, new threats and opportunities for Eurosceptic, illiberal, nationalist and populist sentiments and political movements may arise. The countries of the Western Balkans are threatened by a standstill of

¹ Used for the period before the name change.

² "Non-paper: Reforming the European Union accession process," November 2019;

<https://www.politico.eu/wp-content/uploads/2019/11/Enlargement-nonpaper.pdf>.

³ <https://g8fip1kplyr33r3krz5b97d1-wpengine.netdna-ssl.com/wp-content/uploads/2019/11/Enlargement-nonpaper.pdf>.

reforms and by stagnation, and by a strengthening of anti-European ultra-nationalist and autocratic political forces, all of which could endanger the fragile stability in the region – and of the entirety of Europe.

Not only the European Parliament spoke after the EU summit of a "strategic mistake" in its resolution on October 24, 2019.⁴ The fact that relations between the EU Commission and the European Council had worsened since Romania and Bulgaria joined the EU in 2007 was evident to observers. There is no question that ultimately – as in the case of Bulgaria's and Romania's accession to the EU – all decisions are taken politically by the EU member states in the Council. However, the de facto disempowerment and incapacitation of the EU Commission and the European Parliament through the "No" of some EU member states in the European Council meeting of October 2019 is a novelty in the EU enlargement process, a bitter experience and a difficult legacy for the new EU Commission under the new EU Commission President Ursula von der Leyen. The French Non-paper⁵ would mean even more monitoring by the EU member states but not by the EU Commission. The countries of the Western Balkans are asking themselves: *With what kind of EU are we dealing now?*

The "No" triggered a wave of debates. Within the framework and with supervision there is plenty of room for improvement. In December 2019, nine EU member states presented a proposal for reform of the accession process, dividing the negotiations into eight areas to be negotiated simultaneously.⁶ Fishing in murky waters is still what the new methodology will be like. How serious is Macron about continuing EU enlargement? Will the Western Balkans fall victim to a post-Brexit power struggle within the EU? Is it a complete rethinking of the accession process, about the future of the EU in the world, and about the relevance of the EU member states? The opinion of one interlocutor reflects the mistrust Macron has met in the region: "It is not all about methodology, but he [Macron] does not want us in! They will give us a kind of a sectoral integration. We should all go to them with a map!" The criticism of Macron's ideas is directed,

inter alia, at the fact that the proposed graduality and levels are too high and that there is an enormous frontloading with the rule of law.

In the Western Balkan countries themselves, there is widespread understanding of the need for reforms of the EU accession process, but these should be worked out in parallel with the negotiation process. The fact that countries can participate in some areas even before they join the EU – as formulated in the French Non-paper – has met with a positive response. The proposal for an annual meeting between the European Council and the governments of the Western Balkans, as proposed in the Non-paper, is also seen positively. In any case, a dynamic has been set in motion. However, if the EU rapprochement loses its transformative power, and the EU continues to lose credibility, this will have immediate consequences for the future of Albania, North Macedonia, the neighboring countries Kosovo and Serbia, and the entire Western Balkan region.

The October 17/18, 2019 European Summit as perceived in Albania, North Macedonia and Kosovo

The European Council's "No" of October 2019 concerning the start of EU accession negotiations with Albania (EU candidate status since June 2014) and North Macedonia (EU candidate country since December 2005) has shocked and disappointed the two countries, their governments and their citizens. In Albania and in North Macedonia, a mood of depression and even of humiliation is widespread. In both countries, according to the Eurobarometer of June 2019, an absolute majority of citizens were in favor of their country's accession to the EU.⁷ As one of our interlocutors has put it – "we feel as if someone has died." France's veto and the EU Council's negative decision are perceived as a blow to the undertaken by both governments and their populaces over the last decade. Finally, both EU candidate countries feel betrayed by Macron after the French President asked at the EU-Balkan summit in June 2018 to postpone a

⁴ European Commission, Albania 2019 Report/North Macedonia 2019 Report, 29 May 2019.

⁵ The paper envisages a 7-stage process: 1) rule of law and fundamental rights; (2) education and research; (3) employment and social affairs; (4) financial affairs; (5) the single market, agriculture, and fish; (6) foreign affairs; and (7) "others." In addition, it is proposed that accession negotiations be halted (reversibility) if an EU candidate country does not meet the required EU standards.

⁶ Nine EU Members released a new proposal for the reform of enlargement process; European Western Balkans, 11 December 2019. The nine countries: Austria, Czech Republic, Estonia, Italy, Latvia, Lithuania, Malta, Poland and Slovenia. <https://europeanwesternbalkans.com/2019/12/11/nine-eu-members-release-a-new-proposal-for-the-reform-of-enlargement-process/>.

⁷ European Commission: Standard Eurobarometer 91, Public Opinion in the European Union, June 2019, p. 87.

decision until June 2019 and then again until October 2019.

In both countries, the fact that Albania and North Macedonia were coupled, and that the Council's decision was not based on individual merit, is a highly sensitive issue. North Macedonia, "the top student in the class" and the country that had even changed its name and has been in negotiations with the EU since the SAA in 2001, was in many aspects in a better position than crisis-ridden Albania in October 2019. The **option to decouple** Albania has been discussed among EU member states, but this could have caused **ethnic consequences**: this decision would have resulted in predominantly Muslim countries like Bosnia, Kosovo and - regarding Muslim citizens to a lesser extent - Albania being left out and would have triggered and strengthened conspiracy theories. The narrative that the EU will not accept countries with mainly Muslim populations already exists and was further fueled by Emmanuel Macron's statement in November 2019 in the *Economist* that Bosnia and Herzegovina is a "ticking time bomb" due to what he called its "problem of returning jihadists".⁸ Islamophobia and the fear of Islam is increasingly spreading in Europe and finding its way into political rhetoric. In this context, Macron's warning of "jihadists" in Bosnia is a further contribution to a rhetorically dangerous radicalization of the attitude towards Muslims in the Balkans. Also, in the US the connection with Islam and the Western Balkans was established. Janusz Bugajski, for example, stated that Macron has "blocked Western Balkan countries, including those with sizeable Muslim populations, from entering the European Union".⁹ We heard voices, like those in Kosovo, that see their religious affiliation as a major obstacle to their EU integration: "I do not see Kosovo ever entering the EU. Montenegro may have a chance; it is easy to digest. Yet, in Kosovo we have 90% Muslims and 10% Catholics."

Furthermore, **anti-Albanian sentiments** received dangerous fuel from Macron's justification for his "No" to accession negotiations with Albania, when he said: "How do I explain to my constituents that the country where most asylum seekers are coming from is Albania?"¹⁰ These were purely populist words

addressed to the domestic public in France and had nothing to do with the start of negotiations but with the French asylum system itself. Macron's blank rejection hit the region hard and could set off a dangerous inter-ethnic dynamic: "The press conference of President Macron was shocking," we were told, "because Albanians live in North Macedonia and other parts of the region. Trying to fuel interethnic tension is completely out of line. You do not say this! You do not say this publicly and create a reason for tension. Albanians in North Macedonia have seen the relations with Albania as a plus and as a moment of cohesion!" Another narrative, though not predominant, is that Albania dragged North Macedonia down: "It was wrong to put us in the same package as Albania! If we go further with EU accession, there won't be a risk of interethnic instability. The Albanians want their country to move forward. Now, there is a weight put in the interethnic basket and a precarious situation, because it was Albania, the 'Albanians', holding us back."

The need for reform of the EU accession process has not been rejected in the Western Balkan countries, as mentioned above. However, ideas such as the model of a **European Economic Area** (EEA) presented by the think tank European Stability Initiative (ESI)¹¹ as a way out of the deadlock were received with great skepticism. The proposal was regarded as "completely unacceptable for us. Parking us somewhere solves the problem for the EU, not for us! It would be that we are second class members or even never EU members." Or, as another interlocutor pointed out: "Norway and Switzerland are not in the EU, because they do not want to be, but the Balkans want to be! The EU is more than trade, it is about values. The EEA could fit for the Ukraine, for Georgia and Moldova. Don't trap us with the EEA. If you reduce the European idea to a market, any value system won't matter." In the meantime, ESI has further elaborated and modified the proposal and advocates a two-stage process in which "entry into the Single Market" is formulated as an "intermediate goal"¹², accompanied by opening all chapters at once, focusing on rule of law and a possibility of suspensions in cases of serious violation of human rights or undermining the independence of the judiciary.

⁸ <https://www.economist.com/europe/2019/11/07/emmanuel-macron-in-his-own-words-english>.

⁹ Janusz Bugajski: Is Bosnia a ticking time bomb?, 6 January 2020; <https://www.cepa.org/is-bosnia-a-time-bomb>.

¹⁰ <https://euronews.al/en/daily-news/2019/10/18/president-macron-s-no-to-albania-and-the-albanian-asylum-seeker-issue>.

¹¹ European Stability Initiative: Coup de grâce – Delors and squaring the circle – Norway in the Balkans. 25 October 2019.

https://www.esiweb.org/index.php?lang=en&id=236&newsletter_ID=137.

¹² European Stability Initiative: Hamster in the Wheel. Credibility and EU Balkan Policy. ESI Report, January 15, 2020.

https://www.esiweb.org/index.php?lang=en&id=67&newsletter_ID=139.

Shortly before the negative EU Council decision, the “**Mini-Schengen**” initiative was launched by Serb President Aleksandar Vučić on October 9, 2019. The first meeting was held in Novi Sad, where the Prime Ministers of Albania and North Macedonia, Edi Rama and Zoran Zaev, and the Serb President signed a declaration to introduce “four freedoms” as they already exist in the EU: free movement of people, goods, services and capital between the three countries. Mini-Schengen may be positive in that the initiative comes from the region itself. And, according to an interviewee from Skopje, “it shows people that we will not remain in a vacuum.” The initiative is further perceived in the region as a sign that “We will integrate ourselves, if the EU does not want us” and as a *modus operandi* to improve regional cooperation. Nonetheless, Mini-Schengen was also met with criticism. On the one hand, the impression had to be avoided that this could be a substitute for EU integration and membership of any kind. On the other hand, the question arises whether this additional initiative is needed when the Central European Free Trade Agreement (CEFTA) already exists and guarantees a degree of free flow of people and goods.¹³ “For us it is basically reinventing the wheel,” was the assessment of an expert from the region. “It is not new; all measures are already ongoing in the Berlin Process. It is a political push.” Another problem is that Kosovo, which borders all three countries, has not yet participated in the initiative. Then-Deputy Prime Minister of Kosovo, Enver Hoxhaj, stated in an interview with the North Macedonian media outlet TV KLAN on January 22, 2020 that participation was not in Kosovo's interest because “we cannot agree to share sovereignty with two countries in the region that have not recognized us, Serbia and Bosnia and Herzegovina.” A lot remains on paper and skepticism persists. Another criticism, for example, is that it is unclear how Mini-Schengen is compatible with Serbia's free trade agreement with the Eurasian Economic Union and with the Stabilisation and Association Agreement that all countries have concluded with the EU.¹⁴ The initiative is still new; a second meeting took place in Ohrid in early November 2019 and it remains to be seen whether Mini-Schengen will stop at political declarations of intent or

whether it will initiate further concrete structures and measures.

Finally, a possible reason for the rejection by the European Council is circulating in the countries, which is associated with the **political party affiliation** of the governments in Albania and North Macedonia. According to this opinion, it was the revenge of the conservative European People's Party (EPP) which led to the fact that both social democrat-governed countries “were punished”. Relief was therefore all the greater in Tirana and Skopje when after the European Council, important voices from neighboring EU member states came forward and offered their support. Italian Prime Minister Giuseppe Conte promised a fresh initiative to revive the EU enlargement¹⁵ and the conservative-led Greek government stressed that it is “determined to take all necessary initiatives to ensure that the Western Balkan region's EU ambition will become a reality soon”.¹⁶ The fact that both the new EU Commission and the new High Representative of the European Union, Josep Borrell, have made EU enlargement a top priority issue, and that the new EU Commissioner for Enlargement, Oliver Varhelyi, travelled to Skopje and Tirana shortly after taking office in mid-January 2020 and made a determined statement to engage in starting accession negotiations with Albania and North Macedonia even before the EU summit in Zagreb in May 2020, are important positive and encouraging signs.

Albania, North Macedonia and Kosovo in digestion mode: Country-specific perceptions, risks and challenges

ALBANIA

At the European Summit October 17/18, 2019, France, Denmark and the Netherlands voted against the start of EU accession negotiations with Albania. As in France, the question of visa-free travel for Albanians was also an issue in the Netherlands. Although the motion for a temporary suspension of the visa-free regime for Albania, which was tabled in the Dutch parliament in April 2019, failed to secure a majority, it was clear that the Netherlands (also vocal

¹³ Helsinki Bulletin No. 154, January 2020: Foreign Policy: Vacillation freed from Forethought, p. 9.

¹⁴ See: Norbert Mappes Niediek: Das Balkanwunder – Kommt eine Mini-EU? [The Balkan Miracle – Is a Mini-EU Coming?], Deutsche Welle, November 8, 2019; <https://www.dw.com/de/das-balkanwunder-kommt-eine-mini-eu/a-51152260>. Also: Franz-

Lothar Altmann: “A Little Balkans Schengen Area,” in: Tirana Observatory, November 2, 2019.

¹⁵ <https://balkaninsight.com/2019/10/22/italy-seeks-to-keep-balkan-eu-enlargement-on-the-table/>.

¹⁶ <https://www.euractiv.com/section/enlargement/news/athens-takes-lead-to-ensure-western-balkans-eu-path/>.

on corruption and organized crime) could also take a tougher line on Albania.¹⁷

Germany proved to be difficult as well after the conservative CDU/CSU faction prevented a vote in the Bundestag in June 2019. However, the approval of the German Parliament is mandatory for the start of EU negotiations with potential new members. And indeed, in the course of 2019 Albania experienced great political turbulences and produced negative international headlines that made it difficult to stand up to critics: boycott of the parliament by the opposition since February 2019, violent demonstrations, controversial local elections in June 2019 boycotted by the opposition, and wire-taped phone conversations indicating vote buying by Prime Minister Edi Rama published in the German *BILD* newspaper in June. It took some hard work within the CDU/CSU parliamentary groups – including by Chancellor Angela Merkel – and also within the SPD faction until the governing coalition was able to submit a motion to the Bundestag for a vote on September 24, 2019, in which a plea was made for the opening of accession negotiations with Albania – albeit under certain conditions.¹⁸

In principle, the Federal Government should only agree to accession negotiations with Albania at the European Council on 17 and 18 October 2019 on the condition that the first accession conference will not take place until the Federal Government has noted that Albania has fulfilled certain conditions. For example, the working and functional capacity of the Constitutional Court and the Supreme Court is to be ensured by providing them with an adequate number of reviewed judges and prosecutors. A reform of the electoral law should be adopted, and transparent party and campaign financing should be ensured.

The second accession conference should not take place and the first negotiation chapters should not be opened until the law on electoral reform has been implemented and judicial proceedings have been initiated against judges and prosecutors accused of criminal behavior. Prosecution and, if necessary, judicial proceedings should also be initiated against

those who are accused of buying votes in elections, the motion adopted states.

The Bundestag also demands solid progress in the fight against corruption and organized crime at all levels, including proceedings against high-ranking officials and politicians. This includes proactive investigations, prosecutions and convictions where appropriate in connection with corruption and organized crime. Tangible progress also needs to be made in administrative reform, including the review of the recruitment of senior officials and directors, also with regard to allegations of irregularities.

As an additional gesture to the domestic audience and to French President Macron, the motion stressed that "in a subsequent decision on accession to the EU, not only the fulfilment of the accession criteria is decisive, but also the EU's absorption capacity is taken into account"¹⁹. The motion was adopted in the German Bundestag on September 26, 2019 with a clear majority (395 votes in favor; 188 against; 16 abstentions).²⁰ Following the positive vote of the German Bundestag (widely perceived in Albania as a YES-BUT) for the opening of negotiations, Tirana hoped that the critical voices from France, the Netherlands and Denmark in the European Council would be convinced and finally ready for a recommendation for the start of accession negotiations with Albania. The decision of the Bundestag was widely recognized in Albania as well-informed, as a motivation for reform, as a roadmap and, according to one voice in Tirana, "as the German attempt to offer a huge compromise to bring France closer."

The frustration after the Council's "No" was great as the former Albanian Foreign Minister Ditmir Bushati stated in an interview in December 2019: "...because in June 2018 member states unanimously agreed on a calendar for the accession process for Albania. They recognized the progress Albania had made and agreed that the first intergovernmental conference – which symbolizes the start of the accession process – would take place by the end of 2019. The October decision was seen as a step backwards"²¹.

¹⁷ <https://www.schengenvisa.info.com/news/dutch-mps-propose-the-suspending-of-visa-free-travel-for-albanians-in-the-schengen-zone/>.

¹⁸ Translated by the author from:

<https://www.bundestag.de/dokumente/textarchiv/2019/kw39-de-nordmazedonien-657402>.

¹⁹ <https://www.bundestag.de/dokumente/textarchiv/2019/kw39-de-nordmazedonien-657402>.

²⁰ Result by parties: CDU/CSU – total 246 MPs: 209 Yes / 6 No / 5 abstentions / 26 votes not cast. SPD – total 152 MPs: 127 Yes / 0 No

/ 0 abstentions / 25 votes not cast. AfD – total 91 MPs: 0 Yes / 76 No / 1 abstention / 14 votes not cast. FDP – total 80 MPs: 1 Yes / 67 No / 0 abstention / 12 votes not cast. The Leftists – total 69 MPs: 0 Yes / 39 No / 9 abstentions / 21 votes not cast. The Greens – total 67 MPs: 58 Yes / 0 No / 0 abstention / 9 votes not cast. Source: <https://www.bundestag.de/parlament/plenum/abstimmung/abstimmung/?id=620>.

²¹ Former Albanian Foreign Minister Ditmir Bushati in an Interview on December 10, 2019;

Overall, Albania's reaction to the No-vote was level-headed on both sides – the government and the opposition (in- and outside the Assembly). The political situation remained calm and did not include major accusations by the opposition, as had been expected. In Tirana the No-vote of the European Council has also been attributed to internal dynamics within the EU itself. Observers attested that Albanian Prime Minister Edi Rama's reaction was constructive and balanced.

But the **mood in Albania's society** has fallen to a low point since the No-vote. People feel as if the door has been slammed in their face. "It is a knock-out in the face of the people. Albanians feel betrayed by the EU. The European dream has lost credibility. It was the third time they said No," we were told. Not to be underestimated when assessing the situation is the enormous impact and traumatic situation that Albania has been affected by following the terrible earthquakes in September and November 2019. The sentiment of being unjustifiably hit by "external circumstances," i.e. by the natural earthquakes as well as by the "No-earthquake" of the European Council, has risen. With the EU integration perspective vanishing for the near future, Albania's already tense demographic situation threatens to worsen further. According to Tim Judah,²² 1.64 million Albanian citizens are living abroad today, and the total population living in the country was only 2.86 million at the beginning of 2019 (in 1991: 3.29 million). Almost without exception, all our interlocutors addressed the threatening wave of emigration from a feeling of lack of options in personal and economic terms for themselves and their respective families: "People want to leave the country, well-paid people, which means the departure of the middle class."

The perceived message for the region was that "we cannot count on the EU, even if we fulfil all the conditions." This produces uncertainty politically- and security-wise. Then-President of the EU Commission, Jean-Claude Juncker, called the veto a "major historic mistake" and alarmist critics say that the "No" leaves

the Western Balkans open to other non-EU external actors like **Russia, China and Turkey**. However, there is still a clear pro-European consensus within Albania's political elite that there are no alternatives to EU integration. "The anti-Russian sentiment in Albanian society is strong," one interlocutor underlined. Yet, Turkey's standing is more ambivalent. On the one hand, Albania had the Gülen conflict²³ with Turkey in 2018. On the other hand, there are Gülen schools; the biggest mosque in Albania was built by the Turkish Foundation, related to the Turkish government; and a Turkish company wanted to invest in the Vlora Airport.²⁴ If the 'Muslim card' is drawn further as an argument against Albania's (Albanians') integration into the EU and is cited more intensively in the political and public discussion within the EU, the perception vis-à-vis and in Turkey as a protective power for Muslims and corresponding religious and economic Turkish investment in Albania could increase. Relations with China go back decades (Albania was one of the first countries to recognize the People's Republic of China in 1949) and the rejection by the European Council in October 2019 will further motivate Beijing to engage Albania in the Belt and Road Initiative.²⁵

NORTH MACEDONIA

In Skopje in particular, where the government of then-Prime Minister Zoran Zaev (Social Democratic Union, SDSM) had put its faith in positive news after the historic Prespa Agreement with Greece in summer 2018 to settle the name dispute and changed the country's official name and the Constitution, France's "No" is seen as a major setback and a threat to the future of the country and the region as a whole.

In North Macedonia, the great political and personal disappointment in French **President Emmanuel Macron** is much stronger than in Albania. President Stevo Pendarovski confirmed in an interview with the German weekly *DER SPIEGEL* in mid-December 2019 that the "No" of October 2019 was "completely surprising" and "a deep shock".²⁶ Pendarovski

<https://www.atlanticcouncil.org/blogs/new-atlanticist/albanias-foreign-minister-eu-made-strategic-mistake-in-delaying-accession-negotiations/>.

²² Tim Judah: The Clock Ticks for Albania's Demographic Dividend, *BalkanInsight*, November 14, 2019;

<https://balkaninsight.com/2019/11/14/the-clock-ticks-for-albanias-demographic-dividend>.

²³ <https://balkaninsight.com/2018/10/19/albania-rebuffs-again-turkey-request-to-extradite-gulenists-10-19-2018/>.

²⁴ <https://www.intellinews.com/albania-renews-tender-for-construction-of-vlora-airport-after-talks-with-turkish-tie-up-fail-166783/>.

²⁵ Anne-Marie Brady, Hiromichi Higashi: Are we real friends? Albania-China relations in the Xi Era, *Sinopsis*, September 17, 2019; <https://sinopsis.cz/en/are-we-real-friends-albania-china-relations-in-the-xi-era/>.

²⁶ Keno Versek: Nordmazedoniens Präsident über EU-Beitritt [North Macedonia's President on EU accession], December 12, 2019; <https://www.spiegel.de/politik/ausland/nordmazedonien-praesident-stevo-penarowski-ueber-eu-beitritt-a-1300609.html>.

continued: "Macron told me that it is not so much about us as it is about the EU, which needs time to reform the accession process. But practically nobody believes that here. Our fear is that we will become a second Turkey, a country that is a permanent candidate for accession".²⁷ The negative stance of the French President also weighed more heavily in so far as Macron still in April 2019 at the Western Balkans meeting in Berlin firmly declared that: "The most important thing is to have political stability in the region which, for France, means a new policy of engagement. We have withdrawn slightly from the region since 2000 and today we want to work together".²⁸ France's turn towards the region, and especially towards (North) Macedonia, seemed not to be an empty statement, because Emmanuel Macron sent a personal video message directly addressed to Macedonia's citizens in September 2018, urging them to vote in favor of the constitutional amendment required for the Prespa Agreement and for the EU and NATO integration.²⁹ In Skopje, the goal of finally being able to start EU accession negotiations was worked towards at great political risk and with enormous political will. "We were very obedient then and delivered almost all the marks. And, we also agreed to publish the EU Commission Report later in May 2019, which on the other hand then brought us into conflict with the German Bundestag," said one of our interlocutors in November 2019. The outrage, disappointment and criticism following the European Council's "No" went beyond North Macedonia's borders. Christopher R. Hill, former US Deputy Secretary of State for East Asia and former Ambassador to Macedonia, accused Macron of treason in the Balkans: "He knew that the name change did not poll well, that many Macedonians saw it as a humiliation that could be justified only by EU accession".³⁰

The price was high. The country changed its name and Prime Minister Zaev linked the approval of the Prespa Agreement in the referendum in September 2018 to

EU and NATO integration. "During the referendum it was EU and NATO membership prospects that worked. If we had only concentrated on NATO membership, we would have been even more attacked by VMRO-DPMNE³¹ – i.e. they would have claimed that we had not really met the needs of the people and had sacrificed the Macedonian identity," we were told. For the VMRO-DPMNE party it was a national betrayal to change the country's name in exchange for the prospect of EU and NATO membership.

In Skopje, too, there is widespread recognition that a **reform of the EU accession process** is useful and necessary. However, the warnings are that this reform must be complementary to the ongoing accession process. How should the reform be designed and implemented for countries already negotiating, such as Serbia (in EU accession negotiations since January 2014) and Montenegro (in negotiations since December 2012)? Would negotiations be put on hold until the reform has been approved by all EU-27? In any case, not all EU candidate countries can be lumped together. Especially North Macedonia has "thanks" to its longstanding status as an EU-candidate country since 2005 made great strides forward in aligning its legislation with EU standards and has set up institutional capacity, as Simonida Kacaraska of the think tank European Policy Institute in Skopje rightly points out.³²

Consequences, Risks and Challenges

A few days after the EU summit in October, Prime Minister **Zoran Zaev resigned** and called for new elections for April 12, 2020. Even though he had been increasingly criticized domestically as the promised reforms and economic progress left much to be desired, Zaev now hopes that he will at least be successful on the NATO ticket. Observers attest that Zaev's resignation was a rational decision, because it allowed him to present himself as a "victim" to the public, which will be helpful in elections. In addition,

²⁷ Keno Verseck: Nordmazedoniens Präsident über EU-Beitritt [North Macedonia's President on EU accession], December 12, 2019; <https://www.spiegel.de/politik/ausland/nordmazedonien-praesident-stevo-penarowski-ueber-eu-beitritt-a-1300609.html>.

²⁸ Berlin summit: Macron, Merkel say Kosovo dialogue should continue; April 29, 2019; <http://ba.n1info.com/English/NEWS/a341251/Berlin-summit-Macron-Merkel-say-Kosovo-dialogue-should-continue.html>.

²⁹ Europeanwesternbalkans: Macron urges citizens of Macedonia to vote for the referendum; September 22, 2018; <https://europeanwesternbalkans.com/2018/09/22/macron-urges-citizens-macedonia-vote-referendum/>.

³⁰ Christopher R. Hill: Emmanuel Macron's Balkan Betrayal, November 6, 2019;

<https://www.project-syndicate.org/commentary/macron-blocks-north-macedonia-albania-eu-membership-by-christopher-r-hill-2019-11>.

³¹ Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity.

³² Simonida Kacaraska: Revising the enlargement methodology – a perspective from a long standing candidate, December 30, 2019; <https://epi.org.mk/post/14222?lang=en>. And: Simonida Kacaraska: Unfulfilled Promises and Missed Opportunities in North Macedonia, November 28, 2019; <https://www.greeneuropeanjournal.eu/unfulfilled-promises-and-missed-opportunities-in-north-macedonia/>.

any further EU decisions will be decisive for the April 12, 2020 elections (note: the elections will probably be postponed due to the corona virus crisis). A highly disputed topic between VMRO-DPMNE and SDSM was the Public Prosecutor's Office (PPO) law. A two-thirds majority in parliament was required for this law, including votes from the opposition. Although not mentioned as a condition, Foreign Minister Nikola Dimitrov stressed that for North Macedonia, which has been called a "captured state" by the EU Commission in 2016, the law on the PPO, which was adopted mid-February 2020 before the necessary dissolution of the Assembly before the elections in April 2020,³³ "is key for us to show we have the capacity, especially in the pre-election period, to unite over the European future of our homeland".³⁴ Since January 3, 2020, North Macedonia has been led by a technical government with former Interior Minister Oliver Spasovski (SDSM) as interim head of government. It is still open whether Zaev will succeed in winning the election. Observers assume that the elections will be decided by those 200,000 who are disappointed by SDSM but who do not like VMRO-DPMNE either.

In January 2019, Zaev paid a lot politically to ensure the required two-thirds majority for the constitutional changes required for the **Prespa Agreement**, including the questionable law of partial amnesty for the perpetrators of "Bloody Thursday" (i.e. April 27, 2017 events, storming the National Assembly). For the adoption Zaev needed a two-thirds majority of the 120 members of parliament. To make this possible, questionable methods were used. Some of the VMRO-DPMNE members of parliament were under criminal investigation either for abuse of power or because of the events of April 27 and were therefore either under house arrest or in prison – they were released in time for the vote.³⁵ There are fears that, should VMRO-DPMNE win the election, the

Prespa Agreement will be jeopardized. Although SDSM says that the party's focus during the election campaign will be on the economy, it seems that the Prespa Agreement and what will happen to it if they lose power will still be in focus. According to one interlocutor in Skopje, it would be highly problematic "if politicians of a possible VMRO-DPMNE government would say Macedonia/Republic of Macedonia and not North Macedonia, which the Greeks would see as a breach of the Agreement." Greece continues to hold the trump cards, as Beáta Huszka pointed out in her Policy Brief for the European Council on Foreign Relations.³⁶ And the VMRO-DPMNE was ready to deliberately provoke Greece when its Labor Minister in the care-taker government used a poster wall showing the country's old name "Republic of Macedonia" during a press conference. The Minister of Foreign Affairs Nikola Dimitrov informed that Greece reacted promptly with a verbal note of protest. Dimitrov accused Rashela Mizrahi of "disrespecting the constitution and of jeopardizing the country's Euro-Atlantic future".³⁷ On 14 February 2020 the Parliament decided to dismiss Rashela Mizrahi from the government. Core elements of the Prespa Agreement (e.g. Articles 2 and 20) are also linked in their implementation to membership in the EU and NATO. VMRO-DPMNE Vice President Vlado Misajlovski said his party would try to revise the deal if it wins a two-thirds majority. This in turn would bring neighboring Greece to the fore once again and the next rounds of blockades in NATO and the EU would be foreseeable. As yet it is unlikely that VMRO-DPMNE will win an absolute majority. Nevertheless, there is a widespread mood and a growing perception in Macedonian society that Prespa was not worth it: "If a country has changed its name, which is a question of identity, and then they do not even want us to start negotiations?" Therefore, by rejecting Prespa as a "sell-out of national identity," VMRO-

³³ "There was a tense atmosphere during the vote on the PPO document. At the start, 74 MPs voted in favour, whereas 32 were against. Speaker Talat Xhaferi annulled the vote because MP Liljana Popovska had previously requested to speak, while other MPs, too, said their vote hadn't been registered. Afterwards, the document was supported by 80 MPs, whereas six were against". Quoted from: Skopje Dawn, February 17, 2020, www.skopjediem.com.

³⁴ FM Dimitrov: We're put to the test to see if we'll rise to the occasion. Interview, January 17, 2020; available at: <https://mia.mk/fm-dimitrov-we-re-put-to-the-test-to-see-if-we-ll-rise-to-the-occasion/?lang=en>.

³⁵ "In Macedonia, Zaev, who lacked the two-thirds majority in parliament to change Macedonia's constitution, used both threats of judicial prosecutions for corruption and a questionable law of partial amnesty to induce opposition lawmakers to vote for his constitutional amendments. Opposition MPs in Skopje were reportedly under immense pressure from both supporters and

opponents of Prespes, including foreign governments, to vote accordingly. Each side has accused the other of threatening physical violence or promising bribes." See: <http://time.com/5508640/prespes-macedonia-greece-eu-democracy/?xid=tcoshare>.

³⁶ Beáta Huszka: The power of perspective: Why EU membership still matters in the Western Balkans, European Council on Foreign Relations, Policy Brief, January 7, 2020; https://www.ecfr.eu/publications/summary/the_power_of_perspective_why_eu_membership_still_matters_in_western_balkans.

³⁷ North Macedonia Minister Defends Right to Challenge "Name" Agreement, BalkanInsight, February 10, 2020; <https://balkaninsight.com/2020/02/10/north-macedonia-minister-defends-right-to-challenge-name-agreement/?fbclid=IwAR2Ovc8Z3cntuEG2AKAINrhZzHsrFAwhQJJ6sRWFz19IC1C2Zkmhbw-2Gk>.

DPMNE echoes the feelings of large segments of the country's Slavic-Macedonian population.

Even regarding **NATO membership**, by no means everything was in the bag. As with the Language Law 2018, VMRO-DPMNE (and also the Albanian party Democratic Union for Integration, DUI) has been blocking necessary legislative decisions through thousands of amendments.³⁸ One core argument for VMRO-DPMNE was that the party does not accept the name deal with Greece and is thus blocking any required renaming of the Army to the Army of the Republic of North Macedonia. It is good news that on 11 February Parliament ratified NATO's accession protocol by an overwhelming majority (all 114 lawmakers present in the 120-seat parliament voted in favor, with none against or abstaining). Spain was the last country to ratify North Macedonia's NATO Membership Protocol and did so on 17 March 2020. "If North Macedonia becomes a NATO member this will be very good news for all of us," we were told in Skopje. The interlocutor continued: "Then the NATO agenda will replace the EU agenda, which comes at a good time regarding security. There is a heavy influence of Russia, Turkey and China. And NATO will be a guardian for containing Russian influence. Generally, security stands for a wider feeling. NATO membership of Macedonia is crucial for me, because it would not allow us, to become panicked." On 20 March 2020 North Macedonian President Pendarovski signed the NATO accession instrument for his country, which is the final step towards full membership.

Containing external influences was high on the international agenda since **Russian** efforts to stop the political solution to the Greek-Macedonian name dispute and sabotage the Prespa Agreement were, according to Gernot Erlner, "unmistakable".³⁹ But the Kremlin repositioned its stance when it recognized the country's new official name, North Macedonia, in April 2019. In addition, "the Kremlin deeply mistrusts the current leadership, which it believes was brought to power by a color revolution engineered by the West," Maksim Samorukov from Carnegie Moscow

assessed in December 2019.⁴⁰ Since then, Moscow has changed its methods: Russia has organized business forums in Skopje with 20-30 companies and has gathered increasing support from a group of supposedly VMRO-DPMNE voters who are more prone to Russian sentiments. According to an opinion poll, 26% of the population were in favor of maintaining strong relations with Russia in 2017, while in 2018 this positive attitude increased to 28%.⁴¹ This means that VMRO-DPMNE needs to feed this electorate. One means is – as it has been done – obstructing the required law on the renaming of the Army and thus jeopardizing the ratification of the NATO Protocol before the April elections. And if VMRO-DPMNE wins the elections, Russia might return and meddle in domestic affairs as it did before, which would have great negative consequences for the country, the region and for Europe.⁴²

Finally, it is the **inter-ethnic climate** in North Macedonia which is again at stake in the aftermath of the European Council's "No" of October 2019. The interethnic situation has been stable in recent years, not least because of the prospect of EU accession and the proactive signals that Zoran Zaev gave to the Albanian side of the country. This positive development was also recognized in the EU Commission report of May 2019: "The government pursued its commitment to increase trust among communities".⁴³ The SDSM promoted Albanians to the highest party positions and as candidates on its party list and addressed Albanian voters directly. For example, in April 2017 Talat Xhaferi was elected Speaker of the Parliament, supported by a coalition of Albanian-minority parties and the then-SDSM opposition party, triggering the 'Bloody Thursday' riots in the parliament building. The ethnically nationalistically heated atmosphere, especially due to VMRO-DPMNE's efforts, and Zaev's turn and promises to his Albanian fellow citizens have also brought the Albanian parties closer together. In January 2017 the Albanian parties adopted the so-called "Albanian Platform" (also called Tirana Platform), in which they formulated their demands

³⁸ Sinisa Jakov Marusic: North Macedonia Opposition Plays Hardball on Prosecution Law, *BalkanInsight*, January 23, 2020; <https://balkaninsight.com/2020/01/23/north-macedonia-opposition-plays-hardball-on-prosecution-law/>.

³⁹ Gernot Erlner: "The Western Balkans and its Big Brother: On Russia's Policy in Southeast Europe"; in: Johanna Deimel (ed.): *Southeast Europe in Focus No. 1/2019. External Actors: Russia*, October 2019, p. 12; available at: https://www.sogde.org/wp-content/uploads/2019/10/SEEinfocus__1_2019_Russia.pdf.

⁴⁰ Maksim Samorukov: Did Emmanuel Macron Hand the Balkans to Russia?, *Carnegie Moscow*, December 19, 2019; <https://carnegie.ru/commentary/80649>.

⁴¹ Center for Insights in Survey Research: Macedonia. National Opinion Poll June 18-July 15, 2018; https://www.iri.org/sites/default/files/iri_macedonia_july_2018_poll_public_final.pdf.

⁴² Ivan Nikolovski: Russia still has Cards to Play in North Macedonia, *BalkanInsight*, July 3, 2019; <https://balkaninsight.com/2019/07/03/russia-still-has-cards-to-play-in-north-macedonia/>.

⁴³ European Commission: North Macedonia Report, May 29, 2019; <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-north-macedonia-report.pdf>.

for the new government. In February 2017, Zaev concluded an agreement with the country's main Albanian parties to secure a majority in Parliament.⁴⁴ Furthermore, the Zaev government called for 'one society for all', and was developing a "National Strategy for Development of the 'One Society For All' Concept and Interculturalism" and promoted better inclusion of ethnic Albanians in the country. These were important steps forward and handouts. "He has done his utmost and tried to merge the interethnic climate. Zaev was delivering to the Albanians, he believes in one nation," emphasized one interlocutor. At the same time, however, Zoran Zaev took the Albanian DUI party – a longstanding coalition partner of VMRO-DPMNE – into his government as a coalition partner and thus disappointed many Albanian citizens. They had bet on an end to the eternal government coalitions with the DUI, at least since in September 2015 wiretaps indicated that the leader of DUI, Ali Ahmeti, was engaged in shady dealings. Yet, without votes from ethnic Albanians, SDSM's chances of winning in April 2020 will be slim. One expert stated that "there is now chaos on the Albanian side. They mostly dislike DUI and the division among Albanians is very deep, also within the DUI itself." Much will depend on the Albanian votes, i.e. on whether they cast their ballot in favor of other ethnic Albanian parties than DUI, continue to vote for SDSM, or abstain from voting. At the end of February 2020, a unique pre-election coalition was established: With SDSM as a left-wing and the Albanian BESA as the more right-wing party, a multi-ethnic pre-election coalition "We can" has been formed for the first time in the country's history since independence. For DUI, which has been for 18 years part of different governments, this is a blow. In addition, an Albanian election alliance has been formed with the Alliance for Albanians and the party Alternativa, which will also cost DUI votes. As it looks, the DUI is therefore prepared to leave the Euro-Atlantic course and join the position of the VMRO-DPMNE, as DUI is addressing anti-Prespa sentiments in its "Never North, Always Macedonia" pre-election coalition campaign.

In general, political parties running on an ethnic basis are problematic because they address their electorate with targeted, ethnically centered programs and focus on polarization and division instead of integration and balance. "We only can draw attention to our problems when we remain

ethnic. Yes, this is a problem in itself," we were told self-critically by the Albanian side. The Ohrid Framework Agreement, OFA (August 2001), was not only central to securing domestic peace. One of its core elements was that the country is not a "Macedonian" nation state, but that it is ethnically diverse and must grant rights that are predominantly tailored to the Albanian population. In addition to the OFA, the question of "national identity" has been further nourished by the Prespa Agreement and has reinforced nationalist rhetoric in the country. On the Albanian side "Alternativa" is an exception: it is the only Albanian political party that uses the Macedonian state flag. Even today, for most Albanians the comprehensive implementation of OFA, i.e. concerning the use of their language, access to good professional positions and to the political, administrative decision-making levels of the state, remains a priority. Still, the Albanian narrative is dominated by the fact that Albanians are second-class citizens despite OFA. With a clear reference to the role of the Albanian citizens in domestic stability and peace one interlocutor stressed: "All problems here were solved by creating an interethnic conflict... The main thing we are asking is that Macedonians should respect that one-third of the population is Albanian. We are not the majority, but we keep the stability." The interethnic dimension could be exploited again.

Two areas of OFA are even now core components of the political debate: First, the representation of ethnic Albanians in public administration⁴⁵ and second, the **law on languages**. The OFA stipulates that Macedonian is the official language of the country along with any other language spoken by at least 20 percent of the population. The country's ethnic Albanian parties – and DUI in particular – have given their support vis-a-vis an SDSM-led government conditional on the adoption of a law supporting the wider use of their language in the country. In January 2018 the language law was first adopted in parliament and the coalition partners agreed to ask the Venice Commission for its opinion. The adoption took place without the presence of VMRO-DPMNE MPs, who were boycotting the parliament. According to the opposition the law was unacceptable; then-President Gjorge Ivanov (VMRO-DPMNE) stated: "The law on languages is not a threat to the Macedonian language [but] ... endangers the unity of the country. This draft law breaches the biggest law in the country,

⁴⁴ <http://www.balkaninsight.com/en/article/albanians-gather-to-secure-their-platform-in-macedonian-government-06-28-2017>.

⁴⁵ See: European Policy Institute Skopje: Life and Numbers. Equitable Ethnic Representation and Integration at the Workplace. March 2016.

the constitution".⁴⁶ Ivanov vetoed the law, refusing to sign it, and VMRO-DPMNE tried to obstruct it by submitting amendments. Prime Minister Zoran Zaev had pushed the law, in the hope that it would facilitate the start of EU accession negotiations. While both the SDSM and DUI agreed to ask for its opinion, the Venice Commission's findings and recommendations sent in December 2019⁴⁷ come at an inopportune time for the upcoming elections. The Venice Commission noted that the law might have gone too far in some areas and threatened to impede the normal functioning of the institutions, especially judiciary institutions. Nevertheless, the DUI insisted that it would not allow any changes to the law.⁴⁸ The inter-ethnic climate in North Macedonia is heating up.

KOSOVO

In Kosovo, the negative decision of the European Council occurred in the period immediately after the early parliamentary elections on October 6, 2019, in which Albin Kurti's party Vetëvendosje (Self-Determination, VV) won with 26.29 percent just ahead of the Democratic League of Kosovo (LDK) with 24.46 percent. Although EU membership is still a long way off for the country, which has had a Stabilisation and Association Agreement with the EU since 2016, the "No-vote" was also received with concern in Pristina. Precisely because Kosovo's time horizons are wide and the country is still denied visa liberalization, the question of the EU's credibility comes to the fore in Pristina. Arben Hajrullahu's statement reflects the widespread bitterness and frustration: "[...] despite the EU's formal statements that Kosovo has prospects for EU membership, Kosovo's citizens remain the most isolated in Europe".⁴⁹

The coalition negotiations between VV and LDK dragged on for four months. Since February 3, 2020, the government has been headed by Prime Minister Albin Kurti, for whom EU integration will remain the goal, but the will to reform will be directed towards the

domestic political situation first. Albin Kurti has stated several times that for him, dialogue with Serbia will not be his top priority. And yet how Kosovo (and also Serbia) is treated in the European enlargement process will also depend on this dialogue. The resolution of bilateral disputes is a decisive demand in the enlargement process⁵⁰. The EU integration perspective was the necessary carrot to bring Belgrade and Pristina to the negotiating table in Brussels. Even though the Pristina-Belgrade Dialogue moderated by High Representative Federica Mogherini left much room for criticism, this dialogue should and must be relaunched and continued. Unfortunately, the EU's carrot has lost much of its impact following the negative decision of the October European Council. The French Non-paper does not even mention Kosovo. Although both Mogherini's successor, Josep Borell, and the President of the European Council, Charles Michele, are sending messages to the region that they are committed to a revision of the October decision, it is currently the US Special Envoy for the negotiations between Belgrade and Pristina, Richard Grenell, who is making the deals and headlines (flight connections between Belgrade and Pristina; railway; US investments etc.). It also remains to be seen how the rearrangement of the 35 negotiation chapters in seven stages (as proposed by the French Non-paper) will affect the dialogue between Serbia and Kosovo. Should chapter 35 (so-called other issues, including Kosovo-Serbia Relations) be placed at the end of the negotiations, it would, as the think tank Democratization Policy Council warns, "[...] mean the immediate suspension of Kosovo-Serbia negotiations for years to come".⁵¹

With EU membership being far away and uncertainties abounding about the future of the European unification process in general, attention in Pristina is turning to NATO as a guarantor of security. "Kosovo is a NATO child; therefore, Serbia is not a problem; this is more important than EU membership," we were told in an interview. And this opinion was seconded by

⁴⁶ Sinisa Jakov Marusic: Macedonia President Urged to Veto Language Law, BalkanInsight, January 12, 2018; http://www.balkaninsight.com/en/article/opposition-mounts-against-macedonia-s-language-law-01-12-2018?utm_source=Balkan+Transitional+Justice+Daily+Newsletter+-+NEW&utm_campaign=2196fa6c63-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_a1d9e93e97-2196fa6c63-319753133.

⁴⁷ European Commission for Democracy Through Law (Venice Commission): North Macedonia. Opinion on the law on the use of languages. Adopted by the Venice Commission at its 121st Plenary Session (Venice, 6-7 December 2019). Strasbourg, 9 December 2019.

⁴⁸ <https://balkaninsight.com/2020/01/22/north-macedonia-snap-elections-and-eu-uncertainty/>

⁴⁹ Arben Hajrullahu: "The Serbia Kosovo Dispute and the European Integration Perspective," in: European Foreign Affairs Review 24, No. 1, 2019, p. 113.

⁵⁰ Some more reflections on Kosovo, see: Albana Rexha: The French non-paper: Are there any implications for Kosovo's EU integration process?, in: Europeanwesternbalkans, January 27, 2020; <https://europeanwesternbalkans.com/2020/01/27/the-french-non-paper-are-there-any-implications-for-kosovos-eu-integration-process/>.

⁵¹ Kurt Bassenauer, Valery Perry, Toby Vogel, Bodo Weber: The EU Must Shift Out of Neutral in Its Enlargement Strategy: Championing Liberal Values Means Choosing Sides, DPC Policy Note, December 2019.

another interlocutor: “If North Macedonia will become a NATO member this would be very good news for all of us. Then the NATO agenda will replace the EU agenda, which comes at a good time regarding security. With the absence of the EU, NATO becomes vital and provides security guarantees. Not in the sense of military alone, because without security there is no chance of prosperity.”

In digestion mode: Do the new proposals bring a breakthrough?

The 'no' vote on the start of EU accession negotiations with Albania and North Macedonia in October 2019 has caused much unrest. But it has also put the region as a whole back to the center of discussions on the future of the EU and set in motion a process of reflection. On the one hand, it is about how France and other skeptical EU member states can be persuaded to revise their decision, and how a diplomatic bridge can be built for them. On the other hand, impetus has been given to a more thorough debate in the EU, in the relevant countries of the Western Balkans, among experts and think tanks, on what the shortcomings of the current procedure are and how these can be overcome.

A new EU Commission proposal – “Enhancing the accession process – A credible EU perspective for the Western Balkans” – has been on the table since February 5, 2020.⁵² The new methodology focuses on four principles: credibility, predictability, dynamics and a stronger political steer. The rule of law and democracy are fundamental criteria in the negotiations and the relevant chapters are the first to be opened and the last to be closed. Negotiation chapters are grouped into clusters and the reform progress should be acknowledged more clearly, but at the same time „there is equally a need for more decisive measures proportionally sanctioning any serious or prolonged stagnation or even backsliding in reform implementation and meeting the requirements of the accession process,” the EU Commission paper states.

The emphasis on “political governance” of the accession process is aimed primarily at EU member states that are skeptical about the enlargement

process. The emphasis on the decisive role of EU member states in the process is nothing new. The EU member states have already used their opportunities to influence and temporarily halt the process in many individual steps during the negotiations. What is more important, according to the former Albanian Minister of Foreign Affairs Ditmir Bushati in a tweet of February 6, 2020, is how the EU Commission and EU member states can be better coordinated in their assessment of the reform process in the EU candidate countries and how the desire for accession cannot be held up by internal problems. Albania, North Macedonia, Kosovo, Bosnia and Herzegovina and the EU candidate countries will therefore approach their neighboring countries and EU member states even more closely and secure advocates on their way into the EU.

That the negotiation chapters are to be grouped into clusters is, according to the European Policy Institute (EPI) in Skopje, “[...] largely respected by preserving chapters and grouping them. This could potentially mean reducing veto points for member states, but unanimity remains”.⁵³ Another problem that Srečko Latal rightly points out is that the clusters are “further complicating the already complex reform roadmap [that] will not help aspirant countries in the Balkans, which all lack political willingness as well as technical capacity to carry out more than one or two difficult reforms at the same time”.⁵⁴ However, the consultative involvement of experts from EU member states in the preparation of the country reports by the EU Commission is a novelty. For a long time now, there has also been criticism from the countries of the Western Balkans that the reports have been softened and fail to address the actual problems. This approach can also complicate things further.

Fears that the reform of the enlargement process would mean a halt to the current negotiations between Serbia and Montenegro until its completion and at the same time a further postponement of the start of EU accession negotiations with Albania and North Macedonia have been firmly dispelled by the EU Commission's proposal. Nevertheless, the EU Commissioner for enlargement Varhelyi has advocated that Montenegro and Serbia also opt-in to

⁵² EU Commission: Enhancing the accession process – A credible EU perspective for the Western Balkans, Brussels COM(2020) 57, February 5, 2020; https://ec.europa.eu/commission/presscorner/detail/en/IP_20_181.

⁵³ Предлогот на ЕК за нова методологија на пристапувањето – повеќе условност и ново групирање во регионот [EC's proposal

for new accession methodology - more conditionality and new clustering in the region]; European Policy Center, February 5, 2020; <https://epi.org.mk/post/14509>.

⁵⁴ Srečko Latal: New EU Enlargement Strategy Leaves Balkans Unimpressed, BalkanInsight, February 10, 2020; <https://balkaninsight.com/2020/02/10/new-eu-enlargement-strategy-leaves-balkans-unimpressed/>.

the the EU Commission's new methodology.⁵⁵ And yet, as EPI from Skopje warns, there is a risk that if Serbia and Montenegro do not want changes to the existing accession procedure, the "divergence between countries in the region" will deepen.⁵⁶

On several occasions during the discussions in the countries we have come across the realization that Emmanuel Macron's "No" is also a chance for the region to take ownership. "We should implement European values, like the rule of law, even if there is no EU membership. If we cannot enter the EU, let us bring the EU to us." The rule of law and the fight against corruption are central concerns. Yet, it will continue to be difficult to demand the rule of law in the candidate countries if at the same time EU member states such as Hungary and Poland in particular have for years been registering alarming regressions in this area without Brussels and the European party families finding adequate responses. The autocratic activities of Nikola Gruevski and Aleksandar Vučić have been tolerated for too long. The Democratic Policy Council in Berlin expressly refers to the risk that regional elites with their illiberal and minimally accountable governance will remain the EU's main partners.⁵⁷ A major question is how to steer (or re-steer) the citizens of the Western Balkans on the road to EU membership. It is therefore essential to support the participation of civil society and citizens in the Conference on the Future of the European Union 2020-2022 alongside governments and parliaments.⁵⁸

Furthermore, local ownership needs supporters outside the political elite in the respective countries. The color revolution in North Macedonia demonstrated the mobilizational power among citizens, as does the desire for change expressed by the voters in Kosovo in October 2019. It is about the middle class, the civil society and the citizens. Most citizens long for an improvement of their socio-economic situation, as large numbers of people live in poverty. It is the economic stagnation and the continuing migration

from the countries that is becoming a major challenge for the countries. Both of these factors deprive them of strength and, in the medium term, of the necessary basis for fundamental changes. "The social situation in the region is dire and fuels discontent; at the same time, it is not reflected in political discourse nor addressed by reforms. Ultimately, this undermines the democratic transformation of the Western Balkan countries," the Friedrich Ebert Foundation states.⁵⁹

The digestion mode is still ongoing, and the strategy will be discussed at the EU Summit in Brussels in March and in the Balkan Summit in Zagreb in May 2020. Progress has been made in Albania and in North Macedonia, particularly in the rule of law and in the fight against corruption and organized crime, which the EU Commission has expressly acknowledged in its latest updates to the country reports on 2 March 2020 and therefore strongly advocates the opening of EU accession negotiations.⁶⁰ With the new methodology and the positive reports of the EU Commission, the decision of October 2019 can and must be revised. The EU, which also attaches great importance to the region for geostrategic reasons, must send positive and motivating signals and show that reforms are worthwhile even under difficult political conditions. According to the North Macedonian Foreign Minister Nikola Dimitrov "March shall be a test also for the new Commission's geopolitical ambitions. This is also a test for the EU itself for a credible global influencing. As for Macedonia, we are not perfect, but you shall all agree that we have built a strong resume and we have delivered. It is high time for the importance of the moment to be recognized by the European Council and to grab the chance for a joint success".⁶¹ Germany will hold the EU Council Presidency in the second half of 2020. German Chancellor Angela Merkel said that she would encourage the start of EU negotiations with Albania and North Macedonia. It is uncertain to what extent the decision of the German Bundestag will continue to apply to Albania. The Albanian Prime Minister Edi Rama at any rate stated: "Albania will not

⁵⁵ European Western Balkans: Várhelyi: I believe Serbia and Montenegro should opt-in to the new methodology, February 5, 2020; <https://europeanwesternbalkans.com/2020/02/05/varhelyi-i-believe-serbia-and-montenegro-should-opt-in-to-the-new-methodology/>.

⁵⁶ Предлогот на ЕК за нова методологија.... Orit cit.

⁵⁷ Kurt Bassuener, Valery Perry, Toby Vogel, Bodo Weber: The EU Must Shift Out of Neutral in Its Enlargement Strategy: Championing Liberal Values Means Choosing Sides. DPC Policy Note, December 2019.

⁵⁸ <https://www.europarl.europa.eu/news/en/press-room/20191206IPR68520/towards-a-conference-on-the-future-of-europe>.

⁵⁹ Felix Henkel and Mirna Jusić: Social Rights are Fundamental. Expanding the Social Dimension of Enlargement, Friedrich Ebert

Foundation, February 2020; <http://library.fes.de/pdf-files/bueros/sarajevo/15977.pdf>. On the necessity to focus on economic and human development see also: Matteo Bonomi, Ardian Hackaj and Dušan Reljić: Avoiding the Trap of Another Paper Exercise: Why the Western Balkans Need a Human Development-centred EU Enlargement Model, IAI Papers 20, January 4, 2020; <https://www.iai.it/sites/default/files/iaip2004.pdf>.

⁶⁰ EU Commission: Update on the Republic of North Macedonia, Brussels, March 2, 2020 SWD(2020) 47 final; and Update on the Republic of Albania, Brussels, March 2, 2020 SWD(2020) 46 final.

⁶¹ Macedonian Foreign Affairs' Minister Dimitrov states that March is a test for EU's geopolitical ambitions; Meta.mk, February 24, 2020; <https://meta.mk/en/macedonian-foreign-affairs-minister-dimitrov-states-that-march-is-a-test-for-eus-geopolitical-ambitions/>.

stay at Europe's door and cry for it to open," adding that the country cannot "continue to live with this anxiety of waiting for something that is out of our hands"⁶².

⁶² Albania will not 'cry at Europe's door', PM says, AFP, February 6, 2020; <https://www.france24.com/en/20200206-albania-will-not-cry-at-europe-s-door-pm-says>.

Greater Albania: Looming Fata Morgana?

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Abstract: Pan-Albanian ideas are not a phenomenon of the present alone. They date back to the 19th century, when the League of Prizren, still under Ottoman rule, sought to unite all areas inhabited by Albanians. The London Treaty of 1913, as a result of which substantial parts of the predominantly Albanian-inhabited areas remained outside the new state of Albania, still produces a phantom pain today, which shapes the historical narratives of all Albanian groups. In the following spotlight will be on developments in recent years. First, the much-discussed land swap will be dealt with, which has been of concern to the international community as a potential trigger for further drawing new borders in the Balkans and thus also as a stimulus for Greater Albania aspirations. Secondly, Albanian cooperation in various areas is discussed which could feed the suspicion that Greater Albania is on the agenda. Finally, the Albania-Kosovo cooperation, the specific role of Vetëvendosje in Kosovo, and pan-Albanian sentiments will be reflected.

Introduction

So far, pan-Albanian cross-border cooperation has largely been dealt with in an "EU-compliant" manner. It has at the same time raised concerns about a larger solution: the creation of a Greater Albania. There have been times in recent history when Albania has been praised as a stabilizing element in a difficult environment. The invitation to Albania to join NATO in 2008 and its full membership since 2009 were primarily motivated by regional stability considerations with a special focus on Albania's role vis-à-vis Kosovo, (North¹) Macedonia and Serbia. In addition, Kosovo has been defined as a multi-ethnic and constitutionally indivisible state since its independence in 2008. The Constitution of the Republic of Kosovo states in Article 1(3): "The Republic of Kosovo shall have no territorial claims against, and shall seek no union with, any State or part of any State." The same applies to North Macedonia since the Ohrid Agreement of 2001, which states as a basic principle that: "Macedonia's sovereignty and territorial integrity, and the unitary character of the State are inviolable and must be preserved. There are no territorial solutions to ethnic issues"². Thus statehood, including the borders, has been set.

But nevertheless, Greater Albania as a concept and strategy, and as a potential trigger for new conflicts in the Western Balkans, is still valid. It ranges from a pan-Albanian ethnic cohesion to the idea of redrawing borders which have found political and intellectual advocates in recent years. Additional concerns that the Greater Albania idea might break further out of

taboos and might lead to concrete strategic unification measures have been heightened in the international community by the program and the election victory in the elections on October 6, 2019 of the Kosovar political party 'Vetëvendosje', which in the past had repeatedly advocated reunification with Albania.

Towards a redrawing borders along ethnic lines – land swap

The Western Balkans still has "unfinished business" that continues to pose risks to overall stability and the prospect of European integration. These include the Kosovo-Serbian conflict as well as the functionality and future of Bosnia and Herzegovina. It can certainly be said that the internal coherence of the European Union, and thus also clarity in its decisions and strategies, had and has direct repercussions on policies of the political elite in the countries of the region. The "No" of the then-EU Commission President Jean-Claude Juncker at the beginning of his term of office in 2014 to an enlargement of the EU over the next five years – with the argument that the EU could not import instability – was understandable in substance as none of the countries would have been ready for EU-accession within five years. Yet it weakened the credibility of enlargement policy in the region and provided political actors with more space to consolidate their autocratic structures and pursue their own agendas under the radar of a declared EU rapprochement. In fact, the EU has tolerated "stabilocracy"³ in the Western Balkans. Furthermore,

¹ (North) Macedonia is used for the period before the name change.

² Ohrid Framework Agreement, August 13, 2001, p. 1.

³ Term invented by Johanna Deimel in 2012 in: Antoinette Primatarova/Johanna Deimel: Bridge over troubled Waters? The

Role of the Internationals in Albania; Centre for Liberal Strategies, October 12, 2012, p. 41

<http://www.cls->

[sofia.org/uploads/files/Bridge%20Over%20Troubled%20Waters_The%20Role%20of%20the%20Internationals%20in%20Albania.pdf](http://www.cls-sofia.org/uploads/files/Bridge%20Over%20Troubled%20Waters_The%20Role%20of%20the%20Internationals%20in%20Albania.pdf).

both the 2015 migration crisis and the United Kingdom's referendum decision in June 2016 to leave the European Union were two watersheds that led to many crises within the EU itself that continue to have an impact today. The Balkan route took the refugees from Macedonia via Serbia to the borders of the EU. The handling of the refugee crisis by Serbia and (North) Macedonia was expressly praised by the European Commission in its Communication on Enlargement Policy 2016.⁴ The migrant crisis has brought the Balkans into national politics in individual EU member states: Eurosceptic, populist and xenophobic narratives took root in the political discourses of EU member states. The crisis within the EU encouraged targeted provocations and a re-enforcement of ethnic nationalism in the region: this included for example the referendum in the Republika Srpska about the national holiday in September 2016, the events surrounding the so-called coup-d'état in October 2016 in Montenegro and Belgrade's attempt to send a provocatively labeled train to Kosovo in January 2017.

Finally, borders became the main topic in the EU and the Western Balkans. A forerunner who propagated a reconstruction of the borders along ethnic lines in the Western Balkan region was former British diplomat Timothy Less, who stated in an article in *Foreign Affairs* in late 2016:

A radical new approach is [...] required that forges a durable peace by addressing the underlying source of instability in the Balkans: the mismatch of political and national boundaries. The two-decade experiment in multiethnicity has failed. If the West is to stay true to its long-standing goal of preserving peace in the Balkans, then the moment has come to put pragmatism before idealism and plan for a graduated transition to properly constituted nation-states whose populations can satisfy their most basic political interests.⁵

According to Less, the new borders and population exchange should be a “[...] managed process of separating groups with divergent national interests, rather than forcible coexistence for the sake of an

abstract ideological goal [...].” Such an approach would have caused ethnic cleansing due to the exchange of populations. Pandora's box was open for territorial planning games.

It was in August 2018 that the Kosovar President Hashim Thaçi and his Serbian colleague President Aleksandar Vučić publicly crossed the red line hitherto implied in the international community and discussed in Alpbach a necessary correction of the borders. “Countries in the region should not be afraid of a possible agreement between Kosovo and Serbia even if it includes border change. It will not be a correction along ethnic lines – Kosovo will continue to be a multi-ethnic country and to support minority rights,” emphasized Thaçi.⁶ The idea of this “border correction/adjustment” was a territorial swap between the north of Kosovo, which is mainly inhabited by ethnic Serbs, and Preševo Valley in Serbia, which is mainly inhabited by ethnic Albanians. It found supporters in the US (one of them the-then US National Security Advisor John Bolton), but above all clear opponents in some countries of the EU, particularly in the UK and in Germany. Heiko Maas, German foreign minister, underlined: “There's the fear of a domino effect”⁷ and German Chancellor Angela Merkel firmly rejected any talks about redrawing borders: “The territorial integrity of the Western Balkan states has been established and is inviolable. One must repeat this again and again because there are always efforts to talk about borders one more time. We cannot do that”⁸. Yet, the EU was divided and sent different messages to Belgrade and Pristina. What was serious was the acceptance of this idea by the then-High Representative for Foreign and Security Policy of the EU, Federica Mogherini, who said that she would support land swaps as long as they are in line with international law and avoid attempts to create ethnically homogeneous states.⁹

For (North) Macedonia the plan for a territorial exchange came at an extremely precarious moment, when the country awaited the referendum at the end of September 2018 on the name issue (which up to today remains a matter of identity) and public opinion

⁴ European Commission: 2016 Communication on EU Enlargement Policy, COM(2016), Brussels, November 9, 2016.

⁵ Timothy Less: Dysfunction in the Balkans. Can the Post-Yugoslav Settlement Survive?, *Foreign Affairs*, December 20, 2016, <https://www.foreignaffairs.com/articles/bosnia-herzegovina/2016-12-20/dysfunction-balkans>.

⁶ Quoted from: “Alpbach 2018 Forum: Thaci and Vucic discuss border correction with the panel,” *Europeanwesternbalkans*, August 25, 2018;

<https://europeanwesternbalkans.com/2018/08/25/alpbach-2018-forum-thaci-vucic-discuss-border-correction-panel/>.

⁷ EU eyes Kosovo and Serbia enlargement deal, *Euobserver*, September 1, 2018; <https://euobserver.com/enlargement/142709>.

⁸ Transcript of the Federal Press Conference, August 13, 2018; <https://www.bundesregierung.de/breg-de/aktuelles/pressekonferenzen/pressekonferenz-von-bundeskanzlerin-merkel-und-dem-vorsitzenden-des-ministerrates-von-bosnien-und-herzegowina-denis-zvzidi%C4%87-1510382>.

⁹ Mogherini defends Kosovo border change talks, *Politico*, August 31, 2018, <https://www.politico.eu/article/federica-mogherini-kosovo-serbia-defends-border-change-talks/>.

polls indicated that majority support was not secured. The proposal to redraw borders in the region risked emboldening Albanians in (North) Macedonia and Croats and Serbs in Bosnia and Herzegovina (BiH).¹⁰ How can it be prevented that in the course of such a deal Serbs and Croats in BiH or Albanians in (North) Macedonia do not also look for similar secessionist arrangements and seek a unification with their ethnic kin? The land swap idea has sparked intense discussions in the international community and among experts on the Balkans on the pros and cons. Significant voices from Kosovo and Serbia did not support any changes of borders.¹¹ The European Stability Initiative warned against a return to the ethnic nationalism of the 1990s and urged: “The EU also needs to send a strong signal to countries and leaders who reach out to their neighbors and minorities and resolve difficult issues in a true spirit of reconciliation. The strongest signal would be to begin accession talks with North Macedonia without delay in summer 2019”¹². The EU integration perspective, Zoran Zaev’s proactive approach to ethnic Albanian citizens in his country, and the level-headedness of the Albanian parties in North Macedonia helped to maintain inter-ethnic peace and not to feed any ideas of federation, unification or division. Given the exemplary political course it is all the more serious that North Macedonia is still waiting for the beginning of EU accession negotiations since the EU Council’s “No” decision of October 18, 2019.

There was also strong opposition to ethnically defined exchanges in the region itself. In Kosovo, 82% of the population opposed the view that territorial exchange would bring a long-term solution.¹³ Also, disagreement was strong between the then Prime Minister Ramush Haradinaj – who strongly argued against – and President Hashim Thaçi. Albin Kurti of Vetëvendosje was also strictly against Thaçi’s idea. In the end, the controversy between Thaçi and Haradinaj contributed to the decision for early elections in early October 2019 and to a then perceived a de facto disempower-

ment of Hashim Thaçi. “Thaçi is no longer a key player” and “with Albin Kurti in Kosovo the land swap is out. But: it is not dead yet,” we were told. This interlocutor was only partly right: President Thaçi does not give up and obviously continued to negotiate with the support of the US with President Vučić in early March 2020.

From the outset, the perfidious thing about the idea of territorial exchange was that Serbian President Vučić, seconded by his Foreign Minister Ivica Dačić, stressed that this proposal was about finding a long-term solution to the conflict between Serbs and Albanians. It is therefore about the decades-long idea of “Greater Serbia” and “Greater Albania”. “Belgrade has always encouraged the unification of Albanians”, we were told by one interlocutor. It should be remembered that the novelist Dobrica Ćosić played a dominant role with the famous Memorandum published in 1989 which, according to Noel Malcolm “has been seen in retrospect as a virtual manifesto for the “Greater Serbian” policies pursued by Belgrade in the 1990s”.¹⁴ Furthermore, while he was President of Yugoslavia in 1992 and 1993, “Dobrica Ćosić made discreet contact to Kosovo Albanian leaders. He wanted to discuss the territorial division of the province, with Albanian part, except for a number of Serbian enclaves, leaving Serbia. This was rejected by Albanian leaders (...)”, Tim Judah notes.¹⁵ Now, Vučić and Dačić again opened the big box, namely the “Albanian question”. The maneuvering space is “the Albanians”. One of our interview partners warned: “Vučić speaks about the border with *Albanians*, which is a very racist approach!” According to another voice, this Albanian connotation seemed to prompt Albanian Prime Minister Edi Rama “to act as a counterpart of Serb President Vučić. Rama wants to speak on behalf of all Albanians, which is dangerous.” For in November 2018, the Albanian Prime Minister Edi Rama also spoke out and used the opportunity of the border discussion to prepare for a strategy on unification between Kosovo and Albania by 2025 with his then counterpart in Kosovo, Ramush Haradinaj.¹⁶

¹⁰ James W. Pardew: Redrawing borders in the Balkans is a recurring, bad idea, Deutsche Welle, September 6, 2018; <https://www.dw.com/en/opinion-redrawing-borders-in-the-balkans-is-a-recurring-bad-idea/a-45349140>.

¹¹ David L. Philips and Lulzim Peci (eds.): Threats and challenges to Kosovo’s Sovereignty. Kosovar Institute for Policy Research and Development (KIPRED), Prishtina/New York, October 2018.

¹² The Hypnotist. Aleksandar Vucic, John Bolton and the return of the past; ESI Report, April 25, 2019; <https://www.esiweb.org/pdf/ESI%20-%20The%20Hypnotist%20-%2025%20April%202019.pdf>.

¹³ Kosovar Centre for Security Studies: Kosovo Security Barometer. De-Constructing Public Perceptions. Kosovo’s foreign policy and dialogue with Serbia; Pristina, December 17, 2018;

<http://www.qkss.org/en/Reports/KSB-Special-Edition-De-constructing-public-perceptions-Kosovos-foreign-policy-and-dialogue-with-Serbia-1175>, p. 31.

¹⁴ Noel Malcolm: Kosovo. A short history, Pan Books, London, 1998, p. 341.

¹⁵ Tim Judah: The Serbs, History, Myth and Destruction of Yugoslavia, Yale University Press, New Haven and London, third edition 1997, p. 315.

¹⁶ See the excellent Analysis: Deconstruction of the Idea of Unification: The Future of Relations between Kosovo and Albania, KIPRED, Special Publication, February 2020; p. 7.

http://www.kipred.org/repository/docs/DECONSTRUCTION_OF_THE_IDEA_OF_UNIFICATION_THE_FUTURE_OF_RELATIONS_BETWEEN_KOSOVO_AND_ALBANIA_40775.pdf.

It is not clear what role (and whether he played one at all) the Albanian Prime minister Edi Rama played in the idea of a territorial exchange. However, there are voices, such as of the former Serbian Foreign Minister Vuk Jeremić (2007-2012), which involve Edi Rama in the idea and secret negotiations: “Vučić expands his autocratic rule, Taçi tries to stay in power, and Rama blows the nationalist horn. Despite public insults to each other, these nationalists work extremely well and extremely closely together behind closed doors,” Jeremić said in an interview in January 2019.¹⁷ A significant number of our interviewees shared the opinion that Edi Rama was involved, and one interlocutor even stated that “Rama is the Greater Albanian. Rama, Vučić and Taçi want the land swap. Rama and Vučić are on the same page: Greater Albania and Greater Serbia.” Rama publicly denied that he was involved. Although not officially confirmed, also repeatedly mentioned in our talks was that Edi Rama and his Foreign Minister Ditmir Bushati had disagreed on the issue of territorial exchange, the latter being against it. There is a prevailing sentiment that this was the reason why Bushati had to leave his post. What Edi Rama's motives were for filing a lawsuit for defamation against Ramush Hardinaj in January 2020, who repeatedly said that Rama was involved in the land swap talks, remains speculative. But perhaps Edi Rama is trying to distance himself more overtly from any suspicion in order to pave the way for his country to start EU accession negotiations in 2020. Interestingly and importantly, one of the conditions set by the German Bundestag in its resolution of September 2019 on Albania and North Macedonia is related to land swap: “Political statements and efforts to unite the Albanian population in Albania, Kosovo and Macedonia under a Greater Albania could lead to unforeseeable conflicts in the Western Balkans. They must be stopped immediately, because these aspirations would be incompatible with accession to the EU and would have to lead to a breakdown of the accession negotiations”¹⁸.

Albanian cross-border cooperation – beneficial or problematic?

Timothy Less's contribution came at a time when early parliamentary elections had taken place in (North) Macedonia (December 11, 2016) and a difficult formation of government was looming on the horizon, which ultimately meant the end of the Gruevski regime in May 2017 and eventually led to the coalition government led by the social democratic Prime Minister Zoran Zaev.

The citizens' protest in Skopje against the VMRO-DPMNE government, the so-called colorful revolution, was multi-ethnic, and in the course of the regime change, the three Albanian political parties (DUI, BESA movement, Albanian Democratic Party PDSH) became the “kingmakers” of the Zaev government. It was the Albanian Prime Minister Edi Rama who initiated an Albanian ethno-political closing of ranks on December 30, 2016 in Tirana, in which DUI, BESA and PDSH representatives participated. In the end they agreed on the so-called “**Tirana Platform**,” in which they formulated their conditions for their participation in the government. This platform, facilitated by Edi Rama's initiative, finally enabled a breakthrough and the formation of the new government under Zaev. However, the reactions to the active involvement of the head of government of neighboring Albania in domestic policymaking in (North) Macedonia were in part fierce. The then-(North) Macedonian President Ivanov stated that, “this platform endangers the sovereignty and independence of the state, bringing the Republic of Macedonia into a position of subordination or dependence in relation to another country”¹⁹. For the Chairman of the Democratic Party of Serbs in Macedonia (DPSM), the platform “effectively means the beginning of the creation of a Greater Albania”²⁰. Russia and Serbia also vehemently opposed the platform. At a joint press conference with Serbian President Aleksander Vučić, Russian Foreign Minister Sergey Lavrov stressed in February 2018 that Moscow was “concerned about the EU's passivity with regard to the initiative coming from Tirana about the ‘Tirana platform’” which, as he said, is “an explicit call

¹⁷ Gebietsaustausch. Ex-Außenminister Jeremic: “Serbien ist keine Demokratie mehr“ [Territorial swap. Former Foreign Minister Jeremic: “Serbia is no longer a democracy”], Der Standard, January 18, 2019; <https://www.derstandard.de/story/2000096446917/ex-aussenminister-jeremic-serbien-ist-keine-demokratie-mehr>.

¹⁸ German Bundestag, printed matter 19/13509, 19th legislative period, September 24, 2019: Motion by the CDU/CSU and SPD parliamentary groups. Translated from: <https://www.bundestag.de/dokumente/textarchiv/2019/kw39-de-nordmazedonien-657402>.

¹⁹ “Tirana Platform means subordination to another country,” B92, March 8, 2017, https://www.b92.net/eng/news/region.php?yyyy=2017&mm=03&dd=08&nav_id=100711 “Tirana Platform means subordination to another country.”

²⁰ The Tirana Platform as gateway to “Greater Albania,” B92, March 30, 2017, https://www.b92.net/eng/news/region.php?yyyy=2017&mm=03&dd=31&nav_id=100912.

for creating a Greater Albania”.²¹ In any case, Edi Rama’s involvement and participation in the platform triggered alarmist warnings of the danger of a Greater Albania scaling model and proves the instrumentalization of Greater Albania by Russia, Serbia and ethno-nationalistic forces in the region as well.

As far as Kosovo is concerned, Edi Rama has left out no possibility of campaigning for recognition of the country. He publicly affirmed this in October 2016 at the Belgrade Security Forum by saying, “the sooner Serbia recognizes Kosovo’s independence, the better it would be for everybody.” But with his demand, “**Trepča** belongs to the citizens of Kosovo, irrespective of their nationality,” and that “nobody is allowed to take that away”,²² he initiated a heated discussion on whether Albania should be allowed to interfere in a bilateral dispute between Kosovo and Serbia. While on the one hand there were voices who thought that the Albanian prime minister had acted in Kosovo’s interest, on the other hand, for some, Edi Rama had overstepped his right to speak out on behalf of Kosovo and directly interfered in the domestic affairs of Kosovo. The then-Kosovar Foreign Minister Enver Hoxhaj was just as resolutely opposed to Rama’s interference in the fate of an independent country, as was Prime Minister Haradinaj. From this point on at the latest, bilateral personal relations between Edi Rama and Ramush Haradinaj became frosty.

In 2014 Kosovo and Albania signed a “Strategic Partnership Agreement,” in which both sides committed themselves to “strengthening cooperation and intensification of inter-government dialogue about all issues of mutual interest.” Though only a small part of the agreement has been implemented so far, the development of good neighborly relations and closer coordination between Pristina and Tirana are indisputable necessary and positive. However, there was another issue which caused astonishment, namely the **inclusion of a citizen from a neighboring country into the governmental structure**. Before this it was quite common for advisors from Albania to work for Kosovar prime ministers and vice versa. With Edi Rama’s decision to bring four Kosovars (with Albanian

citizenship as well) into his cabinet in October 2017, however, a completely different quality was achieved.²³ A month later, both ministers of foreign affairs, Ditmir Bushati from Albania and Beghjet Pacolli from Kosovo, signed a memorandum of understanding on cooperation in the field of foreign affairs.²⁴ Apparently driven by ethnic Albanian populism, in the same month Rama, according to the *Tirana Times*, called on the foreign ministries in Pristina and Tirana “to begin working on a common strategic draft that will unite Albanians by the year 2025”²⁵. The fact that this cooperation goes so far that on January 13, 2019, after the departure of Ditmir Bushati, Edi Rama appointed himself *de jure* Foreign Minister, while the Kosovar Gent Cakaj (albeit with Albanian citizenship) was appointed *de facto*, is remarkable. Edi Rama opted for this formula after President Meta refused to appoint Gent Cakaj as minister. Meta explained that Cakaj “clearly showed a lack of political, diplomatic, administrative and state experience, and has publicly expressed unacceptable views with regard to regional policy, namely on the so-called correction of borders between Kosovo and Serbia”.²⁶ The decision to award an important political office only nominally in any case leaves much room for interpretation regarding the leadership style of the Albanian Prime Minister. Several interviewees were quite critical of the inclusions. The reactions ranged from “Rama played the nationalist and populist card and wants to be the Prime Minister of all Albanians” to criticizing the appointment of ministers for education and foreign affairs, “which are important for the national identity of Albania.” Since January 2020 Albania has held the OSCE Chairmanship in Office, and at the latest then the Albanian Minister Cakaj became a problem, since a minister of Kosovo origin and inexperienced in the international arena would have led to major diplomatic problems with Serbia and the non-recognizing states (including the five EU states). To prevent this, Edi Rama appointed Ditmir Bushati as the Special Envoy of the OSCE Chairperson-in-Office. But obviously the Albanian example – as irritating this might be – is setting a precedent, because in Albin

²¹ <https://meta.mk/en/lavrov-the-eu-is-passive-in-regards-to-the-tirana-platform-and-the-violation-of-the-ohrid-framework-agreement/>.

²² Vucic-Rama: Clashing over Kosovo’s independence and Trepca, October 14, 2016, <https://www.serbianmonitor.com/en/vucic-rama-clashing-over-kosovos-independence-and-trepca/>.

²³ Hajrulla Ceku, vice minister of Tourism and Environment; Besa Shahini first deputy and since January 2019 minister of education, sports and youth in Albania; Valbona Shujaku, vice minister of Culture; Ilirjana Bajraktari, the vice minister for Health and Social Protection. See: Rama Hires Kosovo Ministers to Boost Albania’s Status, *BalkanInsight*, October 10, 2017;

<http://www.balkaninsight.com/en/article/analysts-see-albanian-pm-strategy-in-appointing-vice-ministers-from-kosovo-10-09-2017>.

²⁴ 12 Agreements Signed Between Albania and Kosovo on Albanian Flag Day, *BalkanInsight*, November 29, 2017; <https://www.balkaninsider.com/12-agreements-signed-between-albania-and-kosovo-on-albanian-flag-day/>.

²⁵ Nick Kampouris: Albanian and Kosovar Leaders Mull ‘Greater Albania’ by 2025, November 26, 2018; <https://eu.greekreporter.com/2018/11/26/albanian-and-kosovar-leaders-mull-greater-albania-by-2025/>.

²⁶ OSCE Press Review, January 11, 2019.

Kurti's cabinet in Pristina the former North Macedonian Ambassador to the EU, Blerim Reka, has taken over the post of Minister for European Integration.

Albania – Kosovo – cooperation

Kosovo and Albania are linked by the “patriotic highway”; they have signed agreements to remove trade barriers and strengthened their bilateral cooperation in various fields, such as joint meetings of the respective governments, the economy and culture. For one of our interlocutors in Albania, these joint government meetings are something quite normal: “The joint meetings of the cabinets are normal. It is also normal that the Albanian people approach us; it is also written in the Albanian Constitution²⁷ – which commits us.” There is thus also a certain paternalistic attitude and a self-conception that, as the motherland of the Albanians, Tirana must take care of the ethnic Albanians in the region. In fact, according to the results of a survey by the Kosovo Security Barometer of 2018, for 86.4% of respondents Albania is “Kosovo’s main strategic partner and ally. [...] A closer look into the main drivers and factors shaping public opinion toward Albania shows that the strongest element behind the positive perception is deeply rooted in common national, historical and traditional sentiments”.²⁸ This positive assessment of Albania's role was also reflected in a survey published in January 2020, according to which “a majority of about 70 percent believe that the increase in the role of Albania in Kosovo is a good improvement whereas 18 percent deem it as neutral”.²⁹ However, any new rapprochement between Tirana and Pristina is watched with Argus eyes in Belgrade and is almost reflexively seen as further steps towards a Greater Albania. This was last observed when at the beginning of December 2019, Kosovo left the energy transmission system operator and reached an agreement for a joint power supply system with Albania’s system

(to enter into force in April 2020). Kosovo will therefore decouple itself from the Serbian transmission system operator EMS. Serbia called on the international community to stop the creation of a “Great Albanian energy union”.³⁰ The reaction from Belgrade to the announcement in May 2019 that border controls between Kosovo and Albania would be removed in the future was equally strong. According to the director of the Serbian government Office for Kosovo Marko Đurić, such an agreement would show the true “Greater Albanian nature of the Pristina regime”.³¹

There is also a lot of populism involved in all this, which certainly fits into the image of a typical Balkan machismo and has shown more symbolic power than actual implementation (so far at least). This was the case when in 2019 Edi Rama envisioned becoming the President of all Albanians: “Why not a single President, as a symbol of national unity and joint national security policy?” and stated in 2015 that the joining of Kosovo and Albania was “inevitable and unquestionable. The question is how it will happen. Will it happen in the context of the EU as a natural process and understood by all, or will it happen as a reaction to EU blindness or laziness”.³² Kosovo's President Thaçi also played the populist keyboard and dreamed of unification between Kosovo and Albania in June 2019: “Comrades-in-arms that I see in this part of Albania, comrades-in-arms who live in Kosovo, we will live together in freedom and together in a near future in a single Kosovo-Albanian state,” he said.³³

Thaçi's words reflect the spirit of the former Kosovo Liberation Army fighter, who had come under increasing pressure from Albin Kurti's “Vetëvendosje”, which called for a change of the system and an end to the previously ruling political elite. With Albin Kurti, a new politician entered the stage in Kosovo, who in the first years after independence rejected Kosovo's statehood, which he saw as a compromise, in order to form a multiethnic state and continued to call for

²⁷ The preamble of the Albanian Constitution states: “with the centuries-old aspiration of the Albanian people for national identity and unity.” And Art 8 / 1 stipulates: “The Republic of Albania protects the national rights of the Albanian people who live outside its borders.”

²⁸ Kosovar Centre for Security Studies: Kosovo Security Barometer. De-Constructing Public Perceptions. Kosovo's foreign policy and dialogue with Serbia; Pristina, December 17, 2018; <http://www.qkss.org/en/Reports/KSB-Special-Edition-De-constructing-public-perceptions-Kosovos-foreign-policy-and-dialogue-with-Serbia-1175>, p. 12.

²⁹ AIIS and HSS public opinion on foreign policy: Albania's relations with Serbia, Kosovo and N. Macedonia. Tirana Times January 13, 2020, <http://www.tiranatimes.com/?p=143771>.

³⁰ Euractiv, December 4, 2019.

³¹ Haradinaj's statement shows the Pristina regime's tendency for Greater Albania, December 30, 2018; <http://rs.n1info.com/English/NEWS/a448290/Haradinaj-s-statement-shows-the-Pristina-regime-s-tendency-for-Greater-Albania.html>.

³² Quoted from: Darko Janjevic (with AFP): Albania's Edi Rama floats joint president idea in Kosovo, Deutsche Welle, February 19, 2018; <https://www.dw.com/en/albanias-edi-rama-floats-joint-president-idea-in-kosovo/a-42642058>.

³³ Thaçi's Pan-Albania Union Plea Scorned as Populism, BalkanInsight, June 3, 2019; <https://balkaninsight.com/2019/06/03/thacis-pan-albania-union-plea-scorned-as-populism/>.

unification with Albania.³⁴ Vetëvendosje, founded in 2005 as a leftist-nationalist movement, had unification with Albania firmly in its program. Albin Kurti never abandoned this dream of uniting Kosovo with Albania, but the more realistic a Vetëvendosje victory in the early parliamentary elections in Kosovo in October 2019 became, the more Kurti tried to present EU integration and unification as two complementary projects: “October 6 will be the moment when Kosovo embarks on a path towards economic development and the rule of law. These will strengthen Kosovo, bringing closer both the European Union and the unification with Albania. They are not competing projects; they do not hinder each other”.³⁵ The fact that Albin Kurti had ultimately removed unification with Albania from his election program and instead concentrated on governance enabled him to win the elections on October 6, 2020, according to experts from the region. In the meantime, it has advocated replacing the strategic cooperation agreements between Albania and Kosovo by a treaty and lifting border controls between the two countries for the greatest free movement of goods as possible and for an economic union.³⁶

Vetëvendosje’s Victory – Albanian Spring?

Albin Kurti has been Prime Minister of Kosovo since February 4, 2020. The Vetëvendosje (VV) movement he founded in 2005 will conduct the affairs of government in a coalition with the Democratic League of Kosovo (LDK). Kurti began his political career as a student leader. His movement was a typical anti-system movement. It politically agitated and mobilized people mainly through protests inside and outside the parliament – including the tear gas attacks in the Kosovar National Assembly in protest of the border agreement between Kosovo and Montenegro. His election victory in October 2019 has meant a generation change and a heavy damper for the previous political elite of the KLA generation. As Remzi Lani from Tirana succinctly phrased it: “The Elections liberated Kosovo from the Liberators”.

With a clear focus on political renewal, the establishment of the rule of law, the fight against

corruption and with an orientation towards social welfare, overcoming unemployment and economic development, VV has given many citizens in Kosovo renewed hope for a better future. Albin Kurti’s VV challenged the whole system with his “clean hand narrative.” In the beginning, VV was a left-wing nationalist movement, which has since moved towards the political center and abandoned fundamentally ideologically radical positions. This also includes the above-mentioned program for a Greater Albania, which is still valid, and which causes much concern in the international community. And yet it will be interesting to see, one interlocutor told us, which direction Kurti will take – whether he will become a “Tsipras” or a “Varoufakis.” “If Varoufakis, he will not stay long. Tsipras was a real change maker.” Ambitions and expectations are equally high. It is about nothing less than VV aiming at a new political and social model, with a new ethical dimension. It remains to be seen whether VV will succeed and approach the promised changes with realism and stick to the narrative: “we do as much as can be achieved.”

Many hopes are pinned on the ambitious plans to free Kosovo from the trap of a captured state and to build a modern state. Albin Kurti’s electoral success is therefore also being carefully observed in neighboring countries and is seen as an opportunity to overcome old, muddled political structures, mostly perceived as highly corrupted. The talk of an “Albanian Spring”, which could originate in Kosovo, made the rounds, such as in North Macedonia, where the mayor of Gostivar, Arben Taravari, euphorically called in mid-September 2019 for support of VV in Kosovo:

“Starting with Kosovo and continuing to North Macedonia, the action has begun, the Albanian Spring has begun! In its name, I urge all Albanians in Macedonia to support Vetëvendosje! in Kosovo. With the victory in Kosovo, it will be the biggest step towards saving our families from a cancer-infected government that threatens our lives. May Vetëvendosje! win in Kosovo, let the sun come out for Albanians”.³⁷

Albin Kurti himself chose the big words of an Albanian Spring, which radiated as far as Albania, during a

³⁴ Eraldin Fazliu: New chapter: What a left-wing victory means for Kosovo; October 8, 2019; <https://www.aljazeera.com/indepth/features/chapter-left-wing-victory-means-kosovo-191007084722337.html>.

³⁵ “Albanians Need Both Unification and EU Integration,” Albanian Daily News, September 18, 2019; <https://www.albaniandailynews.com/index.php?idm=35556&mod=2>.

³⁶ Kurti: Albania is against the territory swaps between Kosovo and Serbia, 28 October 2019, <https://balkaneu.com/kurti-albania-is-against-the-territory-swaps-between-kosovo-and-serbia/>.

³⁷ Albanian Spring has already begun; Taravari: New Kosovo with Kurti as leader,” September 16, 2019, Tanjug; https://www.b92.net/eng/news/politics.php?yyyy=2019&mm=09&dd=16&nav_id=107253.

speech in February 2019 in Tirana, when he said in a debate with students that the current situation calls for Kosovo and Albania to prepare for what he said would be an “Albanian Spring”.³⁸ It is no wonder that Albanian Prime Minister Edi Rama also carefully observed Albin Kurti's activities. The two have not been on good terms since the discussion about the land swap. What also came up in Tirana is that Albin Kurti appeared in person at the student demonstrations in Tirana in January 2019 and “was campaigning against the Minister of Education and the Minister of Foreign Affairs,” one interviewee criticized. In addition, since 2018 VV has opened a branch in the Albanian capital but could not be registered as a party there because Albanian legislation does not allow it. Asked in an interview whether the VV branch in Tirana would become a real political alternative in Albania, Kurti replied: “Many young volunteers, excellent and positive in spirit, have come from Albania to help Vetëvendosje win in the elections in Kosovo. It is up to them to guide our organization in Albania. I am convinced that they have the energy to build a good organization that helps Albania and the political climate there”.³⁹ It is the young generation on whom Kurti focuses. Asked whether it would be good if VV were also registered as a political party in Albania, one third of the respondents confirmed, according to a survey by the Albanian Institute for International Studies and the German Hanns-Seidel Foundation.⁴⁰ “There is no serious political movement, but if the Albanian question is used propagandistically, things could become more serious,” we were told. “Especially if Albin Kurti in Kosovo can show successful improvements in the economy and the fight against corruption.”

Pan-Albanian Sentiments – looming Greater Albania?

The construction of new highways connecting Albania with Kosovo, North Macedonia, Montenegro, Serbia, and the rest of the Balkans have a critical role in

transforming relations between neighbors and bringing the divided Albanian population in the region closer together. Albanians are coming out of their relative isolation and are becoming a part of the region, Europe, and the world. On the one hand, the highways contribute to opening the minds of Albanians and to cultivating a sense of belonging to Europe; on the other hand, they enable deeper connections among the Albanian populations in Albania, Kosovo, and North Macedonia.⁴¹ An opinion poll by the branches of the Open Society Foundation in Pristina and Tirana illustrates the interaction between the citizens of both countries: whereas 88.7% of Kosovo Albanians have visited Albania, only 31.6% of Albanian citizens have visited Kosovo.⁴²

Pursuing Greater Albanian goals is a popular narrative and up to now has primarily been an emotional political issue. Frederik Wesslau characterized the talk of unification as a “pipe dream” which is useful for both Albanian and non-Albanian politicians looking to rally their voters.⁴³ Edi Rama, Hashim Thaçi and Albin Kurti have made use of this dream in the recent past. On the other hand, Serbia and Russia are pulling the ghost of Greater Albania out of the bottle whenever it suits them. And yet it is interesting that, especially among young people in Albania, the feeling that “we are one people” is gaining importance, as one interview partner explained to us. Here the cultural community plays a role, because many pop stars are Kosovars. Common history, traditions and culture play an important role. The cultural togetherness of the Albanians and thus also a romantic version of a Greater Albania is not only reflected in cross-border pop music. There is also great approval for the introduction of joint curricula and textbooks in Albania and Kosovo: 67.9% of Albanians and 58.2% of Kosovars would expressly welcome this.⁴⁴ The idea of Albanian and Kosovo football federations should also be seen in this context, “pushing UEFA to endorse a new joint football competition named after the revered saint of ethnic Albanian origin, Mother Teresa”.⁴⁵

³⁸ UNMIK Media Monitoring, February 6, 2019.

³⁹ Albanian Daily News, September 18, 2019, <https://www.albaniandailynews.com/index.php?idm=35556&mod=2>.

⁴⁰ AIIS and HSS public opinion on foreign policy: Albania's relations with Serbia, Kosovo and N. Macedonia. Tirana Times January 13, 2020, <http://www.tiranatimes.com/?p=143771>.

⁴¹ Antoinette Primatarova/Johanna Deimel: Bridge over troubled Waters? The Role of the Internationals in Albania; Centre for Liberal Strategies, October 12, 2012, p. 41; http://www.cls-sofia.org/uploads/files/Bridge%20Over%20Troubled%20Waters_The%20Role%20of%20the%20Internationals%20in%20Albania.pdf.

⁴² Kosovo Open Society Foundation/Open Society Foundation for Albania: Kosovo – Albania. Interaction, knowledge, values, beliefs, cooperation and unification; Pristina, Tirana, 2019; https://www.osfa.al/sites/default/files/permbledhjet_e_gjetjeve_eng.pdf.

⁴³ Darko Janjevic: Greater Albania – bogeyman or a pipe dream?, Deutsche Welle, May 4, 2017, <https://www.dw.com/en/greater-albania-bogeyman-or-a-pipe-dream/a-38705227>.

⁴⁴ Kosovo Open Society Foundation / Open Society Foundation for Albania, loc. cit.

⁴⁵ Jakob Weizman: Albanian, Kosovo Football Chiefs plan joint Cup Honouring Saint, BalkanInsight, January 30, 2020;

It becomes more differentiated, however, when it comes to the respective state identity, as Ilir Kalemaj has pointed out in an analysis by the Friedrich Ebert Foundation. Especially for the Kosovars, the question of their own Kosovar identity is important: “This up-to-date discussion about the identity of a Kosovar nation includes both an internal and an external dimension. The internal one has to do with Kosovo being an inclusive or exclusive entity vis-à-vis its non-Albanian ethnic groups, while the external aspect is directly related to the presumed relationship Kosovo should have with Albania”.⁴⁶ And apparently the Albanians in North Macedonia also feel a sense of belonging to their state. In this context Kalemaj quotes Shkelzen Maliqi, who stressed that “Albanians of Macedonia do not refuse to be citizens of Macedonia, but they are categorically against a Macedonian nationality”.⁴⁷ We also encountered this assessment in our talks with representatives of the Albanian parties: “We care about the country. We have shown statehood behavior. We need a better country and that the Albanians can live in a better country,” one interlocutor emphasized.

But how do the citizens approach the question of a unification and of a Greater Albania? A 2010 poll, conducted by Gallup in cooperation with the European Fund for the Balkans, showed that 62% of respondents in Albania and 81% in Kosovo supported the formation of a Greater Albania.⁴⁸ According to an opinion survey conducted by Epoka University in Tirana in December 2011, 73% of respondents wanted Albania and Kosovo to unite, while 70% wanted Albania, Kosovo, and Macedonia to unite. Asked whether Kosovo and Albania will unite in the next 10 years, only 40% answered “yes” and “most probably yes,” and only 26% gave the same answer regarding the unification of Albania, Kosovo and Macedonia.⁴⁹ So, while support for unification in both Albania and Kosovo in the years 2010-2011 was still very high, the latest Open Society survey of 2019 shows a massive decline. When asked: How in favor are you personally of national unification? only 37.4% of Albanians and 29.4% of Kosovo-Albanians responded “very much”.⁵⁰ For the majority of citizens the Greater Albania dream seems

to be increasingly over. They are obviously relying on their state, are more realistic and hope for a better future within their countries, for more rule of law, democracy and economic prosperity. Albin Kurti has encouraged the Albanian people to believe that change is possible.

Conclusion

The Greater Albania ghost has been increasingly brought out of the bottle in recent years. As illustrated above, there have been several occasions on which the fears of redrawing borders in the region and at the same time pan-Albanian unification dreams have been nourished. Increased regional cooperation in various fields – economy, energy, culture, politics etc. – is entirely in line with European integration. Albania already is and soon North Macedonia will be member of NATO and in Kosovo KFOR is still present. Not least because of the NATO membership a union to a Greater Albania is extremely complex for security reasons.⁵¹ In the excellent analysis on “Deconstruction of the idea of unification” presented by the Kosovar think tank KIPRED in February 2020, the authors come to the conclusion that “the moves for unification would question not only the sustainability, but also the very existence of the two states. Such an action would put into question the key interests of the West, given that the two countries would become “Trojan horses” of Russia, whose actions in the international scene would be legitimated and would take a new momentum”.⁵²

In Kosovo the power struggle between Prime Minister Kurti and President Thaçi is in full swing. While Thaçi is again negotiating behind the scenes with Serbian President Vučić and the US Special Envoy Richard Grenell in Washington about an agreement between Belgrade and Pristina,⁵³ which is still to provide for territorial “corrections”, the Kosovo Assembly adopted firm positions on 13 March 2020: The resolution clearly states, inter alia, that it is the government to lead the dialogue with Serbia with the result of mutual recognition. And, that “the Constitution, state sovereignty, territorial integrity

<https://balkaninsight.com/2020/01/30/albanian-kosovo-football-chiefs-plan-joint-cup-honouring-saint/>.

⁴⁶ Ilir Kalemaj: Albanian – Kosovo relation: Quo vadis?; Friedrich Ebert Foundation, Tirana 2015; <http://library.fes.de/pdf-files/bueros/albanien/11322.pdf>.

⁴⁷ Ilir Kalemaj: Albanian – Kosovo relation, opit cit, p. 6.

⁴⁸ http://www.balkan-monitor.eu/files/Gallup_Balkan_Monitor-Focus_On_Kosovo_Independence.pdf.

⁴⁹ Center for European Studies, Epoka University, Tirana: “Albanian Public Opinion perceptions of Socio-Cultural and Foreign Policy Issues,” Epoka University Press, December 2011.

⁵⁰ Kosovo Open Society Foundation/Open Society Foundation for Albania: Kosovo – Albania. Interaction, knowledge, values, beliefs, cooperation and unification; Pristina, Tirana, 2019; https://www.osfa.al/sites/default/files/permbledhjet_e_gjetjeve_e_ng.pdf.

⁵¹ See again: Deconstruction of the Idea of Unification: The Future of Relations between Kosovo and Albania, KIPRED, Special Publication, February 2020; loc. cit.

⁵² Deconstruction of the Idea of Unification, opit cit, p. 60.

⁵³ Vucic, Thaci hold meeting in Washington, Newsroom, March 3, 2020; <https://balkan.eu.com/vucic-thaci-hold-meeting-in-the-us/>.

and unitary character of Kosovo is one and indivisible and none has the mandate to dialogue or negotiate on Kosovo's territory, sovereignty, constitutional order and unitary character".⁵⁴ President Thaçi exerts enormous pressure on the government, taking advantage of the difficult relationship between some LDK deputies and the government partner VV. Another motive is, as Shaun Byrnes states in his analysis that "He [Thaçi] would like to bring down the Kurti government to protect himself and his corrupt cronies from Kurti's effort to root out pervasive corruption".⁵⁵ Likewise, it has so far played into Thaçi's hands that the EU with its new setup has not yet been able to establish a clear and strong political force and counterweight to US initiatives.

The "Albanian factor" (as well as the "Serbian factor") becomes problematic when it is used in an ethno-nationalistic way. As the surveys show, the idea of a Greater Albania now finds far fewer supporters in Kosovo and Albania than it did ten years ago. The threatening backdrop of a Greater Albania is brought up when there is a feeling of exclusion and rejection of the country and of the "Albanians." This is about "us" against "the others," which as a political narrative conveys self-esteem. The intensification of political polarization and the associated institutional crisis in Albania, combined with a lesser influence of the EU on Albanian politics – also brought about by the EU's decision in October 2019 not to start EU negotiations – could give the issue a (renewed) boost. The land swap discussion has made it clear that whenever the carrot of European integration loses its appeal and the EU and its member states are preoccupied with their own rifts, space is made available for ethno-nationalistic games in the region. Apologists of the decline of the European Union use every opportunity to exploit the issue of an ethno-national re-organization of the Western Balkans region. It is therefore not surprising that Timothy Less, in the context of the European Council of October 2019, also spoke of a fundamental disinterest of France in EU enlargement and even went so far as to claim: "European integration has been the West's device for displacing the Balkan peoples' historical quest to establish nation states, of the kind that prevail in Western Europe".⁵⁶

Kosovar President Thaçi has described "unification as a natural reaction to the failure of the European Union integration process".⁵⁷ For Kosovo, EU integration is a distant prospect, but the feeling of unjustified exclusion and isolation caused by the visa regime is a core element that fuels considerations of unification. Greater Albania serves as a threatening backdrop to the international community and the European Union. Kosovar politicians, as well as the new Prime Minister Albin Kurti, warn of the danger of Kosovo "being left out." The reactions in Pristina regarding "the failure to keep the promise of visa-free travel" after the border demarcation with Montenegro are an indication for the deep disappointment. Kurti has not abandoned the Greater Albania idea, but he has softened it and made a priority of building a functioning state. He needs to implement rapid change to meet citizens' high expectations. If Kurti does not succeed in giving the (young) people hope of a functioning state and "a normal life," then even more will leave the country, and others will become pan-Albanian again.

The mainly "slumbering" danger is when irresponsible politicians think they want to break out of the corset of "the EU-integration context" and populistically mobilize a widespread dissatisfaction of the people in these countries with ethnic-nationalist slogans. Then there is an enormous potential for political mobilization in "being Albanian." The best recipe against Greater Albania is the opening of EU accession negotiations with Albania and North Macedonia in 2020, visa liberalization for Kosovo and the integration of the whole region into the EU in a mid-term perspective. It is in the interest of all major players to avoid the risk of ethno-nationalistic forces gaining significant support for their goals, e.g. land swaps, border changes or "Greater" visions. However, if EU membership is not achieved in the foreseeable future or if it is moved infinitely far away, there will be little chance of preventing pan-Albanian or pan-Serbian or other forms of territorial re-organization dreams from gaining momentum. Albin Kurti brought it to the point with his urgent request: "Bail us out and get us into the EU!"⁵⁸

⁵⁴ UNMIK Media Observer, Morning Edition, March 16, 2020.

⁵⁵ Shaun Byrnes: A bad deal, posted by Daniel Serwer March 13, 2020; <https://www.peacefare.net/2020/03/13/a-bad-deal/>.

⁵⁶ Timothy Less: EU Enlargement: The Brexit Fallout, BalkanInsight, October 17, 2019; <https://balkaninsight.com/2019/10/17/eu-enlargement-the-balkans-brexite-fallout/>.

⁵⁷ Perparim Isufi and Emirjeta Vllahiu: Thaci's Pan-Albania Union Plea Scorned as Populism, BalkanInsight, June 3, 2019; <https://balkaninsight.com/2019/06/03/Thacis-pan-albania-union-plea-scorned-as-populism/>.

⁵⁸ Interview with Albin Kurti in: Der Standard, October 5, 2019; <https://www.derstandard.de/story/2000109454503/politiker-kurti-holt-uns-aus-der-patsche-und-bringt-uns->

Today's Albania: Modernization between Progress and Persistence

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Abstract: Prime-Minister Edi Rama's major political objective with his first government in 2013-2017 and his second government since 2017 is the rapid modernization of state and society: *"Albanians should not need to leave their country in order to live a normal life!"** In the center of the government's policy has been and is the fight against the widespread informality and corruption, and the establishment of rule of law on all levels of state and society. A series of political initiatives were taken which are supposed to change the functioning of the state and the role of its institutions fundamentally and will catapult the country into the future. But for these changes to happen, manifold challenges will have to be met, among which is the strong persistence of the past, which still determines the present.

Enforced modernization: The ambitious reform of the judicial system

It started with the fight against the illegal use of electricity by a high percentage of consumers and continued with various programs to improve the payment of taxes. It included the destruction of illegally constructed buildings. Initiatives were launched to facilitate merit-based public employment and improve public procurement. A so-called decriminalization law, initially proposed by the opposition, was adopted in Parliament in 2015 to guarantee the integrity of elected officials and prevent persons with a criminal background from becoming elected and exercising public functions. In the words of the then US ambassador Donald Lu *"...this law is the toughest law in Europe against criminals in politics."*¹

In 2014, the Albanian Assembly established a special commission on Judicial Reform which analyzed the numerous problems in the judiciary and proposed various legal amendments, including changes in the constitution, with the functioning and consolidation of the rule of law as its final goal. The amendments to the constitution were approved unanimously in Parliament in summer 2016. The reform and the constitutional amendments attempt to stop the rampant corruption in the arena of justice and break the bonds of judges and prosecutors with politics and crime. Various institutions of the judicial system were newly established, redesigned and their functioning re-defined. This reform includes the establishment of a new Special Anti-Corruption Prosecution (SPAK) for investigating organized crime and crimes committed by senior state officials, with the Anticorruption

Investigation Bureau (BKH) as its operational arm. Further initiatives are planned, like the vetting of the police and security forces and a so-called Anti-KCK² ("grab what you can") which establishes specialized institutions and provides legal instruments for the fight against money laundering and the use of illegal assets in the economy. It will allow for the impounding assets and capital of convicted persons, especially from organized crime.

Without going into the judicial details, it is obvious that the crucial part of this reform package is the *Law on the Re-Evaluation of Judges and Prosecutors in Albania*, known as the *Vetting Law*. The vetting law regulates the re-evaluation process of all judges, prosecutors and legal advisors – more than 800 persons in total. It is based on three criteria: The assets assessment requires the declaration of all assets, including those of family members. The background assessment verifies whether the person has or has had inappropriate contacts with people involved in organized crime. The proficiency assessment evaluates if the subjects have performed their ethical and professional activities in compliance with the legislation, starting from the year 2006. The vetting process is assisted by the International Monitoring Operation (IMO), a commission supported by the European Union (EU) with experienced international experts in the judicial arena. The citizens of Albania are invited to contribute to this process and to denounce corruption anonymously.

Given the state of the justice system which has been characterized by strong political influence and

¹ Cited in Albania Parliament Bans Criminals From Politics, Balkan-Insight, December 18, 2015; <https://balkaninsight.com/2015/12/18/albania-adopts-decriminalization-of-politics-law-12-18-2015/>.

² The abbreviation KCK stands for Kap Cfare Kapeshe (Albanian), meaning "grab what you can".

widespread corruption,³ and a high degree of inefficiency, this reform project is been considered a key for modernizing the country and is a condition for the functioning of democracy and development in Albania. It is, also, crucial for successful integration into the European Union – the main goal of the vast majority of the society, including all relevant political forces in Albania. It came as no surprise when a poll, commissioned by the US-Embassy in Tirana before approval of the judicial reform, revealed that 91% of the Albanians supported the proposed reforms.⁴ The reform package was applauded by the European Union and the US-government, both of which promised support, supervision, and advice.⁵

Challenges for the implementation of the judicial reform

Without any doubt, the envisaged reform of the justice system cannot be carried out just on the basis of the political will of the government alone. The Bertelsmann Transformation Index (BTI) 2018 for Albania establishes that *“proper implementation requires the collaboration of a wide range of institutional actors – particularly independent institutions – which often have everything to lose from substantial reforms.”*⁶ In these particular circumstances a supportive international context and the preparations for the negotiation for the EU-accession represented the conditions *sine qua non* for any progress on the implementation of the reform package, since the national context and the diverging interests of relevant national actors created an unfavorable environment. As the BTI 2018 continues to analyze, *“an opposition prone to boycotts, a partisan presidency and the lack of independent state institutions have obstructed the implementation of reforms. Indeed, the big question here is how to reform institutions that are not interested in reforming.”*⁷

The legislative process was long and intensively disputed and would not have reached a result without the intensive and permanent facilitating pressure and support from international actors, with the US and the EU at the forefront. Knowledgeable interlocutors emphasized that the initiative for the vetting law came from the political leadership of the Socialist Party and was not supported by the EU-expertise at the beginning because of the many risks which are related with such a comprehensive reform-project. *“It was the Albanians who wanted to take on the fight against the untouchables,”* we were told.

The 2015 boycott of Parliament by the Democratic Party (DP) representatives and their veto of crucial reform proposals in 2016 delayed the legislative process. Even after passing the constitutional amendments in 2016, one of the most important laws that would enable vetting of personnel was suspended by the Constitutional Court,⁸ on the request of the DP. It was the Venice Commission’s review which led the Constitutional Court finally to rule that the law was constitutional in January 2017. The BTI 2018 describes the difficulties which accompanied the legislative process as follows: *“Well-organized political and institutional actors, who profit from the current system, have used every opportunity to obstruct meaningful progress. Actors opposing the reform are politically linked and keen to protect each other, and will likely continue to undermine the implementation of the reforms.”*⁹

The Vetting-process, based on the new laws, was started after several obstacles only in late 2017. Priority was given to judges from the top of the judicial system, the Constitutional Court and the High Court. By the end of 2019, approximately 200 out of 800 judges and prosecutors have been vetted, and more than half of those people vetted did not pass the re-evaluation and had to be dismissed. Most dismissals pertained to issues related to unjustified assets. Eight of nine members of the Constitutional Court and 15 of

³ See also Bertelsmann Transformation Index (BTI) Country Report Albania 2018, page 12: “Today, the judiciary is one of the most corrupt institutions, which is broadly believed to make decisions on the basis of who offers the highest bid.”

⁴ Mentioned in: Albania, the justice reform, August 4, 2016; <https://www.balcanicaucaso.org/eng/Areas/Albania/Albania-the-justice-reform-173149>.

⁵ Main laws of the justice reform package: Law no.8417 date October, 21, 1998: “Constitution of the Republic of Albania”, as amended; Law no.84/2016 “On transitional re-evaluation of judges and prosecutors”; Law no. 8577/2000 “On the organization and functioning of the Constitutional Court of the Republic of Albania” as amended; Law no. 8737/2001 “On the organization and functioning of the prosecution office in the Republic of Albania,” as amended; Law no. 95/2016 “On the organization and the

functioning of institutions for combating corruption and organized crime”; Law no. 115/2016 “Governance institutions of the judiciary”; Law no. 60/2016 “On whistleblowing and whistle-blower protection.”

⁶ BTI 2018 Albania, page 31.

⁷ Ibid, page 31.

⁸ On the request from DP, which considered the vetting law “to be a witch hunt” and which claimed, “that the method of electing members to the Independent Commission of Qualification – tasked with vetting justice reform – is biased to compromise government officials”. See: Albanian Court Stalls Vital Judicial Reform Law, in: Balkan Insight, October 26, 2016; <https://balkaninsight.com/2016/10/26/albanian-court-decision-jeopardize-country-chances-in-eu-10-25-2016/>.

⁹ Ibid, page 3.

the 18 members of the High Court had to be released from office. Originally the vetting process was expected to finish by 2022, however, given the numbers of persons who have been vetted so far, the vetting process may have to be extended until 2024.

The massive resignations and disqualifications of judges and prosecutors to date seem to confirm the necessity of the procedures established. At the same time, the process created the need to coordinate the vetting with the education, training and promotion of qualified substitutes, which did not go well at the beginning. With each dismissed judge or prosecutor, the continuation of judicial activities was interrupted. Unfinished cases started to pile up. Lastly, each dismissed judge or prosecutor also represents the personal fate of a person and his/her family, who after years of exercising their profession lost their jobs, often with difficulty accepting the ban, who might use all legal and other means to defend his or her interests.

In its 2019 Report on Albania, The European Commission assesses the overall process and the progress of the reform positively: *“The implementation of a comprehensive and thorough justice reform has continued consistently, resulting in good process overall. The new institutions for the self-governing of the judiciary, the High Judicial Council, the High Prosecutorial Council and the Justice Appointment Council have been established, representing a crucial step in strengthening of the independence and accountability of the judiciary. These concrete results have substantially strengthened the sector and consolidated independence, impartiality, professionalism, and accountability of the judiciary.”*¹⁰ Other groups have also followed with positive assessments, like many of the accredited ambassadors in Tirana.

However, there have been also observers like Rovena Sulstarova from the Institute for Democracy and Mediation (IDM) in Tirana who see the present state of the justice reform with concern and evaluate the results achieved until now differently: *“Five years later, little has remained of the tremendous announcements and huge, may be even unrealistic expectations that Albania could conduct such huge reform in a short period of time.”*¹¹ Rovena Sulstarova concludes: *“The delay in the establishment of new*

*justice institutions, the conflict of competences of the Prosecution of Serious Crime and the district prosecution offices, the non-functioning of the Constitutional Court and Supreme Court because of lack of judges, has created a serious bottleneck in the juridical system in Albania.”*¹² Asked about the delays in the reforms by the German weekly *Der Spiegel*, at the end of January 2020, Edi Rama compares the justice reform with a cancer-operation during which tumors have to be removed from the body of the deathly ill patient: *“Only after the operation the patient can again start walking.”*¹³

Most likely there have been and still are bottlenecks and obstacles on different levels of the management of the entire reform package and in different phases of its implementation, which require ongoing *“international birth assistance”* while from the more distant view of the European Union, the fact alone that the reform process has started in and of itself justifies an overall positive and encouraging evaluation. However, as the saying goes, *“not everything is in dry clothes, yet.”* This opinion is shared among most of the interlocutors whom we have met in Tirana.

A major challenge for the vetting process arose from the fact that the vetting was started at the very top of the Supreme Courts, including the Constitutional Court. The number of disqualifications of the people vetted and of those judges and prosecutors who quit their office on their own, to avoid the vetting process, was much higher than expected. Instead of originally expected 30-40%, up to now, 53% of the already vetted persons have had to be dismissed. Among others, this change has had the consequence that the Constitutional Court and the High Court do not have the required number of members to be operational, and have thus been dysfunctional for more than one year. In the present deadlock between the Presidency, the Parliament and the government, the functioning of the Constitutional Court is desperately expected. The rulings of the Constitutional Court, if accepted by all parts, represents most likely the only way out of the present institutional crisis since the chances are small that the two political blocks led by SP and DP will be capable of negotiating a political solution. In the present long period without a functioning Constitutional Court, the Venice Commission was

¹⁰ European Commission Albania 2019 Report, Brussels May 29, 2019.

¹¹ Filip Lukić: Vetting process in Albania – the marching failure, November 13, 2019 europeanwesternbalkans: <https://europeanwesternbalkans.com/2019/11/13vetting-process-in-albania-the-marching-failure/>.

¹² Ibid.

¹³ „Wir sind noch nicht vollständig reif für die Ausübung von Demokratie“ [We are not yet fully mature for the exercise of democracy]; Interview with Edi Rama by Keno Verseck; *Der Spiegel*, January 30, 2020; <https://www.spiegel.de/politik/ausland/albanien-regierungschef-edi-rama-kritisiert-eu-a-a3383c91-e7ba-4eb9-97dd-8ede1e98e4ff/>.

asked for its opinion on various occasions, without being in the position to substitute the Constitutional Court as the highest authority on matters concerning the Albanian Constitution.

In the current context of high-level political polarization, the implementation of the justice reform is facing serious threats and risks. The ability to implement such comprehensive reforms depends not only on the availability of the necessary technical expertise and organizational capacity to design and implement the reforms, but it requires political will and power as well as popular support and trust – in other words, a broad consensus at the political, societal, and public levels.

As one of our interlocutors emphasized “*the justice reform needs public trust. Only then the reform can have positive results*”. Fears of misuse of power by the political majority prevail among opposition forces, and an intensive debate arose about the process of vetting and the nomination of nearly every nominated and appointed member of the Higher Courts and of the leading positions in the justice system. Because of procedural matters, President Ilir Meta, who had delayed the nomination of new members of the Constitutional Court, requested in January 2020 the opinion of the Venice Commission regarding the constitutionality of two previously elected judges of the Constitutional Court.¹⁴

The impartiality of the newly established or reformed institutions will be a key-indicator of successfully implemented reforms. However, in a political climate of mistrust and confrontation, the risk is high that the very success of the “*operation*” will not be evaluated on base of facts but rather become a match ball of political and other interests. Trust in the *self-governing of the judiciary* seems to be generally low, given the experiences from the past and given the concern about the powerful position of the governing majority. The initiated reform of the judicial system remains a risky undertaking, particularly because of the political environment in which it is being implemented. The actual circumstances emphasize the obvious fact that the rule of law cannot be achieved without a functioning democracy.

The struggle for power: Political polarization as an obstacle for modernization

The high degree of political polarization and confrontation is detrimental to any substantial progress in the modernization process. The struggle for power is a common feature of any political confrontation. But when political adversaries convert into enemies and when a basic agreement on democratic rules and proceedings is eroding or even absent, then political controversy and competition have crossed the red line of fundamental requirements for the functioning of democracy.¹⁵ Albania finds itself at this stage at present.

While the government pursues its ambitious policy of enforced modernization, the main part of the political opposition remains outside of the democratic institutions and opposes the government in general and their justice reform in particular. The cleavages are neither between the rich and the poor, nor between ideologically founded political alternatives, but between those who control the resources of the state and those who do not. And within this struggle for power, and on both sides of the two political blocks, one finds the forces supportive to modernization and those forces relying strongly on political and mental patterns of the past. This political controversy for power, interrelated with the pressure for modernization on one hand and the persistence of traditional attitudes on the other hand, is not (only) a power game of the political elites, but it is embedded in the society which either supports or opposes government or opposition. A further and increasing part of the society seems to be indifferent or remains in general opposition against *the political elites*. These include those people who do not participate in elections anymore and/or have decided to leave the country as soon as possible. It appears difficult to clearly identify and weigh the size and importance of each of these segments of society and predict their capacity to impose their interests and their will onto the others. It depends on the power which each of the parts can mobilize and exercise.

The causes for the resistance against the government’s reform policies could vary: It could be grounded in the way *how* the government and the ruling elites pursue the reform projects and the alienating effect which accompanies enforced

¹⁴ Meanwhile, in February 2020, the Parliament has adopted a law which regulates the nomination of the members in the High Courts, including in the case that the President passes the established deadlines for the nomination process. See also the chapter 3.3.: The Office of the President in the centre of political controversy.

¹⁵ Steven Levitsky and Daniel Ziblatt analyze – primarily with reference to the US - the risks of systemic violation of democratic norms which guarantee the existence of democracy. Steven Levitsky / Daniel Ziblatt: *How Democracies Die*, New York, 2018.

modernization for some. It could be the slow speed in the advancement of the country on the way towards the European Union and the promised *normal life*. Another cause could be the resistance against changes which run counter to the interests of sectors of the society, and which may create the risk for some people to lose influence, privileges and power. And it could be all of these motives and interests combined.

In addition to the lack of consensus about the reform projects and its implementation between the competing political forces, a significant part of the society has a profound lack of trust in their own political leadership, which has been fueled by decades-long political polarization between the two major political blocks, led by the Socialist Party and by the Democratic Party. *The-winner-takes-all* is the historical experience of the people with politics in Albania, in the past as well as at present. Along it, a mentality which favors authoritarian regimes and a strong focus on power, where compromise and consensus are considered weaknesses, still prevails from the past.¹⁶

A comprehensive and ambitious reform of the justice system requires a basic agreement between major social and political actors about the general goals and the functioning of the reform process. The Priebe-Reports on the rule of law in North Macedonia from 2017 and in Bosnia and Herzegovina from 2019 emphasize the importance of building trust for a profound reform of the justice system which is valid for Albania and other countries as well: *“The ruling and the opposition parties should seek reasonable cross-party solutions and compromises.”*¹⁷

At present, such compromises and solutions are not in sight in Albania. On the contrary, various controversial events, all related to the struggle for power, have piled up during 2019 and have converted the political controversy into an institutional crisis of statehood, which is affecting the speed, quality, and sustainability of the modernization project in Albania – and the start of the negotiations for the accession to the European Union.

¹⁶ See: Ulrike Stein, Sarah Wohlfeld: Albania’s Long Road into the European Union. Internal Political Power Struggle Blocks Central Reforms, DGAP Analyse, September 25, 2012; <https://dgap.org/en/research/publications/albanias-long-road-into-european-union>.

¹⁷ European Commission: The Former Yugoslav Republic of Macedonia, Assessment and recommendations of the Senior Expert Group on systematic Rule of Law issues 2017, page 2: “Trust needs to be rebuilt”, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/news_corner/news/news-files/20150619_recommendations_of_the_senior_experts_group.p

The boycott of the Parliament and the return of parliamentary mandates by the major opposition parties

The struggle for political power reached new and higher levels at the beginning of 2019, with massive protest rallies by the opposition parties, nearly every fortnight, accompanied by violent clashes with the police. On February 22nd, 65 parliamentarians from the opposition, mostly from the ranks of the DP and the Socialist Movement for Integration (LSI), announced the return of their parliamentary mandates and decided to continue their opposition outside of parliament. While both big political parties, SP and DP, have had a record of boycotting Parliament from time to time, so far none of the parties has returned definitively the mandates and left the parliament. The collective relinquishing of the parliamentary mandates was justified in the eyes of the opposition leaders because, under the leadership of Edi Rama, the governing coalition presumably has captured the state and its institutions. The governing coalition was apparently misusing the resources and the capacities of the state in close cooperation with organized crime for their corrupt and criminal interests. A wiretapping scandal and its interpretation by the opposition forces seemed to confirm the allegations of vote-buying by the Socialist Party in some municipalities during the general elections of 2017 - an accusation which the opposition parties have put at the center of their anti-government campaign.¹⁸

The massive protest actions by the major opposition parties went violent again in spring 2019, when protesters tried to storm the Parliament with Molotov cocktails and firecrackers. Protesters and police officers were injured and buildings damaged. The protests in front of the Parliament building during the parliamentary sessions were justified by the leader of the DP, Lulzim Basha, as an *act of the democratic defense* against *“the occupation of the state by criminals”*: *There is a crime-assembly which has usurped the building of the Albanian Parliament!*¹⁹ The opposition demanded the establishment of a

df and Expert Report on Rule of Law issues in Bosnia and Herzegovina, Brussels, December 5h, 2019, page 5: “Rebuilding Trust;” <http://europa.ba/?p=66927>.

¹⁸ Prime Minister Rama refused to be personally involved but did not negate the existence of the practice of vote buying in Albanian elections by individual candidates from all parties. However, he insisted that it had never the dimension to effectively change the election results. See the interview published in: Der Spiegel, January 30, 2020, op cit.

¹⁹ See intellinews, March 3rd, 2019, <https://www.intellinews.com/opposition-denied-permission-for-protest-as-political-rift-deepens-in-albania-157284/>

technical government, early elections and comprehensive electoral reform. The political confrontation converted into expressions of frustration, fury, and hate. Words provoked more words, and soon the verbal confrontations of politicians and their supporters were beyond tolerable. After the demonstration on February 16, 2019, Lulzim Basha was quoted to have said: *“The 16th of February will be the last day in power for Rama. The regime must be overturned at all costs.”*²⁰

The violent protests and the return of the mandates have been strongly criticized by foreign embassies and the institutions of the European Union. *“These decisions and acts are counterproductive, go against the democratic choice of Albanian citizens and undermined the progress the country has made in the European Union path,”*²¹ said the then EU’s foreign policy chief Federica Mogherini. The then EU Commissioner for Enlargement, Johannes Hahn, and U.S. State Department Deputy Assistant Secretary Matthew Palmer criticized the violence during the protests: *“Aiming firecrackers and Molotov cocktails at police officers and public buildings are not peaceful acts. Those who engage in these violent activities are committing a crime and should be held accountable.”*²²

After the opposition resigned their mandates, the Central Election Commission in accordance with the law, filled as many as possible vacant parliamentary seats with listed substitutes. These substitutes were nominated from the candidate lists which the opposition parties had presented to the electoral authorities before the last parliamentary elections in 2017. As a result, 39 seats were assigned and occupied by new parliamentarians.²³ Now, with a total of 122 out of 140 members, the Parliament continues to function fully. *“The quorum for the full functioning of the Parliament is maintained,”*²⁴ the EU Commission stated in its country report 2019. Despite the fact that the new parliamentarians were members of the very opposition parties which had left the Parliament, the successors were criticized for accepting the mandates and de-authorized by their respective parties, the Democratic Party (DP) and the Socialist Movement for

Integration (LSI). From that moment onwards, there exists an extra-parliamentary opposition with the leadership of DP and LSI and parallel the parliamentary opposition formed by individual personalities with de-facto no or little political connection to neither the extra-parliamentary opposition nor any other party affiliation which would provide them with political backing in the society.

In the perception of some of our interlocutors, the Parliament has lost its legitimacy. In their eyes, the new parliamentarians are only representing themselves and are political lightweights. While some of the new parliamentarians have engaged themselves actively in the parliamentary work, among other issues, in the electoral reform, they still suffer from insufficient recognition: The majority in Parliament does not need them, and the extra-parliamentarian opposition ignores them. However, there was and there is some support from international actors for the newly formed parliamentary opposition, among others by the US-Embassy. Since the withdrawal of the opposition from Parliament has not found any support or understanding from the international community there is some political pressure to recognize the legitimacy of the Parliament in its present composition, which is, among other things, of importance to fill of the vacancies in the High Courts and for the forthcoming electoral reform. For the very same reason, the extra-parliamentary opposition pressured for the establishment of a neutral platform (outside of parliament) as the place for any major political decisions between government and “the opposition” (referring exclusively to the extra-parliamentary opposition), and for an international mediation of the respective reform processes. The now extra-parliamentarian opposition does not recognize the legitimacy of the Parliament and Lulzim Basha expressed his view that *“any laws passed by the Albanian Assembly were null and void, as the legislative had been dissolved on 18 February 2019, the day when the opposition resigned their MP mandates.”*²⁵

²⁰ Police and Protesters clash outside Albanian Parliament, France 24, February 16, 2019 <https://www.france24.com/en/20190216-police-protesters-clash-outside-albanian-parliament>

²¹ European Western Balkan, Magherini and Hahn: The Government of Albania and the opposition to engage in constructive discussions, February 22, 2019,

<https://europeanwesternbalkans.com/2019/02/22/mogherini-hahn-government-albania-opposition-engage-constructive-discussions/>.

²² S. Embassy in Albania, Interview of U.S. DAS Matthew Palmer with Journalist Muhammed Veliu, Top Channel, June 8, 2019,

<https://al.usembassy.gov/interview-of-u-s-das-matthew-palmer-with-journalist-muhamed-veliu-top-channel/>.

²³ The new parliamentarians formed three parliamentarian groups: Democratic parliamentary group, the Independent parliamentary group and the parliamentary group Right-wing.

²⁴ EU Commission – Commission Staff Working Document, Albania 2019 Report, page 4.

²⁵ Panorama, February 18, 2020: “Më njohu me fakte tronditëse” / Basha zbardh takimin me Presidentin Meta [“Introduce me to shocking facts” / Basha discloses meeting with President Meta]. <http://www.panorama.com.al/lajm-i-fundit-me-njohu-me-fakte-tronditese-basha-zbardh-takimin-me-presidentin-meta-rotacioni-i>

While many people may not be bothered with the actual situation in the Parliament, given the many challenges and shortcomings of politics and in day-to-day life in Albania, such a situation damages heavily the image of Albania abroad, especially at a moment when the country knocks at the door of the European Union and the decision about the next step in the accession process is on the international agenda. Declaring the leadership of the opposition parties at fault for this situation, as the ruling majority does, will neither solve the problem nor improve the international perception and reputation of the country. On six occasions, Prime Minister Rama invited the opposition leader Lulzim Basha for dialogue, which the latter has either refused or ignored. Basha was willing to speak with the governing party, but only on the condition that Rama would be excluded from the dialogue.

The Westminster-Foundation undertook a comprehensive comparative study in Western Balkan countries about the boycott of Parliament. In the case of Albania, it concluded: *“a parliamentary boycott is to be considered more of an instrument to promote instability and a threat to democracy, rather than a measure of last resort to uphold the democratic system.”*²⁶ With their political actions – and their consequences – the political opposition contributed significantly to the very dangers and risks against which the opposition pretends to fight. By departing from the democratic institutions and renouncing their democratic rights and obligations, the opposition left the state in the hands of the governing coalition. It is them, who ultimately put in danger the democratic development in Albania.

While the formal and legal functioning of the Parliament is guaranteed without doubt, at present, there remains the shadow of a democratic deficit in the institutional setting of the state in Albania. The most recent withdrawal from Parliament is a culmination point in the long history of the abuse of the parliamentary boycott as the ultimate weapon for escalating the political conflict and the struggle for power in Albania, which hampers the democratic development and the relations in-between the democratic institutions of the state, because *“the functioning of Parliament is directly connected to the quality of the rule of law and of democracy.”*²⁷ The

Constitutional Court of Albania passed several decisions regarding the parliamentary boycott. In a decision from 2012 the Constitutional Court established: *“the boycott of Parliament, for whatever reason is an anti-constitutional action, unacceptable to the rule of law. The participation of MPs in the normal functioning of the Parliament is obligatory in the constitutional sense, for the forming of the collective mandate of Parliament and the political will of the voters.”*²⁸

The boycott of local elections by the major opposition parties and the postponement of the elections by the President

The Democratic Party of Albania (DP) and the Socialist Movement for Integration (LSI), under the leadership of Lulzim Basha and of Monika Kryemadhi - who took over the leadership in LSI when her husband, Ilir Meta, became President of Albania - continued a series of violent protests in front of the Parliament and the Office of the Prime Minister and announced in late April 2019 that their parties will boycott the local elections which were scheduled for June 30th, 2019. The two parties signed an agreement, together with some smaller parties, in which they pledged not to participate in future elections until conditions are met for the free and fair conduct of elections. According to them, the only way for this election reform to happen would be the creation of a transitional government with a special mandate and early parliamentary elections. The deadline for registering for the elections expired with 43 political organizations expressing their interest in participating in the local elections – but none of the major opposition parties. Prime Minister Rama expressed his view that the opposition intended to negatively affect the launch of membership negotiations with the European Union. *“It is done to show to Europe that this country isn’t stable, that this country does not deserve to be taken seriously.”*²⁹

Three weeks before the date of the elections, President Ilir Meta postponed the local government elections, raising *“concerns for the public safety and*

pashmangshem-rames-ia-thashe-para-1-muaji-per-hir-te-stabilitetit-une/.

²⁶ Westminster Foundation for Democracy: Parliamentary Boycotts in the Western Balkans, 2019; <https://www.wfd.org/wp-content/uploads/2019/07/WFD-WB-Boycotts.pdf/>, page 9.

²⁷ Ibid, page 10.

²⁸ Constitutional Court of the Republic of Albania: Decision No.25 dated 08.05.2012 (V-25/12).

²⁹ Euronews, June 22, 2019; AP Interview: Albania PM says opposition ruining EU chances, June 21, 2019; <https://apnews.com/b154da53002c405fb89531beb9956bbd>.

his constitutional responsibility to protect pluralism".³⁰ The Parliament dismissed the presidential decree, and the Central Election Commission continued the preparations for the elections on the scheduled date, June 30th. The Electoral College denied the right of the President to postpone already scheduled elections. President Ilir Meta, taking more and more side with the opposition leadership, warned a few days before the elections that *"full membership negotiations with the European Union wouldn't open if Albania held Sunday's elections without opposition."*³¹

Despite ongoing protests by the opposition, which included roadblocks, hampered electoral administration, clashes between municipal and state police in some opposition-governed municipalities, the burning of voting materials, and damage to and arson of public buildings where the voting was supposed to take place, the elections were finally conducted, generally peacefully. In 2015, candidates for the Socialist Party had won the mayoralty in 44 out of 61 municipalities and 63% of the votes for the city councils; the turnout in 2015 was 48%. In June 2019, the Socialists ran uncontested in 31 out of the 61 municipalities and obtained in all municipalities but one an absolute majority in the city councils. 60 out of 61 municipalities became governed by mayors from the Socialist Party and their coalition partners. The turnout in the elections reached 23% of the electorate officially, ranging from between 10% to 40% in various municipalities. The opposition claimed that the turnout was just 15%. A number of oppositional mayors refused at first to hand over their offices to the newly elected mayors, but did so later.

The ODIHR Election Observation Mission's Final Report stated: *"The 30 June local elections were held with little regard for the interests of the electorate [...] Political confrontation led to legal uncertainty, and many decisions of the election administration were taken with the political objective of ensuring the conduct of elections [...] Voting was conducted in a general peaceful and orderly manner and counting was assessed positively. The atmosphere of legal uncertainty and standoff among key institutions undermined public confidence in the legitimacy of the elections."*³²

A few days before the election date, President Ilir Meta had announced a new date for the local

government elections on October 13th and suggested to combine it with general elections. The Constitutional Court, the last instance to decide on this matter was, as explained above, not functioning yet. The parliamentary majority decided to establish a committee to investigate potential violations of the Constitution committed by the President with his decree regarding the postponement of the elections, and sent a request for the opinion of the Venice Commission on this matter.

The Opinion of the Venice Commission on the request of the Parliament regarding the constitutionality of the change of the date for the local government election by the President was expected amid a climate of high political tension, which was interrupted only by the summer holidays in August 2019. The Venice Commission's response in October 2019 was full of understanding for the special circumstances and the motives of the President, although it did question his constitutional authority to change the already established date of the elections. The final decision on this matter will, now, depend on the Constitutional Court's ruling, which cannot be expected before middle of 2020.

The Office of the President in the center of the political controversy

President Ilir Meta, who in the past had kept some distance from his political provenience, and who had presented himself in public and internationally as a senior statesman who stands above the quarreling and the fighting of the political contenders, has turned himself under the pretext of defending political pluralism de-facto into the role of the defender of the opposition, hereby undermining the function of the Office of the President as an independent state institution. Provoked by the President's attempt to utilize his constitutional role in the nomination of the constitutional judges for apparently political purposes, delaying hereby the process of making the Constitutional Court function again, the government, through its majority in Parliament had initiated a law which would strengthen the latter's (already established) role in the nomination process. Opposing this initiative of the Parliament, on February 19, 2020 President Ilir Meta informed the chair of the

³⁰ OSCE, Republic of Albania, Local Elections 30 June 2019, ODIHR Election Observation Mission, Final Report, Warsaw, September 5, 2019, page 1.
<https://www.osce.org/odihr/elections/albania/429230?download=true>.

³¹ thepublicradio.org , June 27, 2019.

³² OSCE, Report of Albania, Local Elections June 30, 2019, ODIHR Election Observation Mission, Final Report, page 1.

Democratic Party, Lulzim Basha, about “an attempted coup d’état” of the governing coalition, and announced his leadership in “crashing the coup”³³ and the organization of a massive protest on March 2nd. He went even as far as stating that “he was ready to dissolve the Parliament if he was asked to do so by the Albanian people in the 2 March protest rally.”³⁴

According to the Albanian Constitution, the Presidential Office represents the unity of the state and represents the highest of the independent institutions of the state. However, throughout the long period of the country’s transition, the implementation of the separation of powers has been a continuous challenge. The BTI 2018 refers to this experience when it concludes: “The presidential office, where five out of six post-communist presidents were DP-nominated, has continuously been an instrument of state capture. During the period under review, the political services of the presidential office included several dimensions: contested nominations, objection to major legislative reforms, instigation of politically driven conflicts and politically motivated allocation of state medals.”³⁵

In the conflict with the ruling majority and the return of major legal reforms passed by Parliament, the Presidential Office has followed the line of the DP and the LSI by vetoing all major pieces of legislation, including the law on administrative territorial reform, the law on international agreements, audio-visual media law, the law on property, the law on higher education and the law on tourism. The justification by the President for the rejection of major legal initiatives of the governing majority in Parliament was often accompanied with the accusation of apparent government’s intervention into the independent competences of the President.

The desperation of the political opposition

As a result of the local government elections in June 2019, the governing Socialist Party controls now not only the Parliament, but also all but one of the 61 municipalities. The opposition lost its remaining power base which it had previously in Parliament and in 45 municipalities plus the representation in the local

assemblies of the municipalities. The loss of the municipal power bases represents a heavy blow to the opposition parties, regarding their political influence as well as the functioning of their parties’ structures, since it is the connection with political power which guarantees the survival of the parties’ relevance to quite an extent.

As a consequence, the radicalization of the opposition and the intense political climate continues. Regarding the judicial reform package, many of our interlocutors believe that the re-establishment of the higher courts and the filling of the vacant positions are again a playing field for political interests, with the government in a better position thanks to its nearly absolute power and control over most state institutions. The concern is that the main objective of the justice reform, namely the establishment of a justice system which is independent from the influence of political parties, might not be achievable under these circumstances. Ilir Meta’s comment “instead of the rule of law we have now the rule of the majority”³⁶ is part of the opposition’s propaganda, but the present political circumstances and the power relations in Albania give some reasons for this concern.

It appears that the opposition parties by their decision, now, outside of the Parliament and deprived of their political power base at the municipal level, has put them with the backs to the wall and into the political offside. It appears to be a political kamikaze-course which may even end in self-destruction. As we heard from our interlocutors, the party’s internal power base of Lulzim Basha remains intact. His capacity to mobilize his supporters was documented throughout 2019. How long this will continue, nobody knows at the moment; “Basha needs to hold the momentum high,” we were told.

The leaders of the opposition may have miscalculated the capacity of the government to remain in power and ensure the necessary numbers for the functioning of the Parliament. Above all, they certainly miscalculated the international support for their cause which did not materialize. The suicidal withdrawal from their political power-base in the state institutions was most likely one of the last cards for the DP/LSI-leaders. It

³³ Panorama, February 18, 2020: „Presidenti takim me kryedemokartin Basha [...]” [President meets with Basha]; <http://www.panorama.com.al/lajm-i-fundit-presidenti-takim-me-kryedemokartin-basha-zbardhen-detajet-cfare-i-kerkoi-zyrtarisht-meta-beri-te-qarte-se/>.

³⁴ Panorama, Feb. 24, 2020: „Nëse ma kërkoni qytetarët do ta shpërndaj Parlamentin!” [If the citizens ask for it I will dissolve Parliament] <http://www.panorama.com.al/nese-ma-kerkojne-qytetarët-do-ta-shperndaj-parlamentin-meta-flet-per-tubimin-e-2->

[marsit-nese-do-te-kete-dhune-pergjegjesi-e-qeverise/](http://www.panorama.com.al/marsit-nese-do-te-kete-dhune-pergjegjesi-e-qeverise/); See also: Tema, Feb. 24, 2020: Ilir Meta: Nëse ma kërkoni qytetarët, do ta shpërndaj Parlamentin menjëherë më 2 mars. [If the citizens ask for it, I will dissolve Parliament immediately, on March 2]; <https://www.gazetatema.net/2020/02/24/ilir-meta-nese-ma-kerkojne-qytetarët-do-ta-shperndaj-parlamentin-menjehere-me-2-mars/>.

³⁵ Bertelsmann BTI 2018, Albania Country Report, Page 11.

³⁶ Exit.al, August 2nd, 2019.

could be understood as recurring to a self-fulfilling prophecy, since with this radical move of the opposition forces, the de-legitimization of state institutions like the Parliament and the local government seems to be confirmed. Their last resort might be, like before in the elections in 2017, to threaten their non-participation in the general elections of 2021 and force the government with international support, as soon as possible, to establish a technical government with the inclusion of the opposition parties in the executive.

The narrative of the political opposition that its leaders will boycott the corrupt state and its institutions and engage in the fight against organized crime and corrupt politicians who have captured the state - therefore becoming an opposition whose leaders are *with the people* - have convinced only their closest allies and supporters. The limited acceptance and support of this narrative is related to the fact that it is well known that DP and LSI are belonging to the political establishment since decades, and that their leaders are deeply involved in all the characteristics of governance in Albania, including the very same sins which in their narrative are the exclusive monopoly of Edi Rama and his government.³⁷ The current DP leader, Lulzim Basha, was member of the Sali Berisha-lead governments and the list of accusations and suspicions against him personally in his capacity as Minister of Construction (responsible for *the Patriotic Highway*), as Minister of Interior during the violent clashes of 2011, and as Mayor of Tirana spoil the painted narrative of a “fighter against the mafia, against corruption and against organized crime, and against the manipulation of elections, as the only savior of rule of law and democracy”.

Some interlocutors noted that Lulzim Basha meanwhile may have regretted his decision to leave the Parliament and suggested that “*he gave up with violence after he received strong messages from the U.S. and from Germany.*” Some interlocutors attribute his more aggressive posture on increased pressure from inside the DP because of the loss of access to the resources of the state; some others mention the former DP-leader Sali Berisha as “*the strong hand, which still determines the course of the DP-leadership*”. We were told that “*Basha is more open for mediation*”. Others express more skepticism; Lulzim Basha’s only obsession is “*to do as much damage to the government as possible.*” This fact seems to be confirmed when we learned on January 31, 2020 that

the Democratic Party filed a lawsuit in the newly established Special Anticorruption Prosecutor’s Office (SPAK) against some SP-Mayors and Ministers in regards to the consequences of the November 26, 2019 earthquake. They were charged with abuse of power, manslaughter, violation of equality in public bidding procedures, and passive corruption.

The power of the majority

On the side of the majority, the enormous accumulation of power at all levels of government has the potential to be an additional burden rather than a lucky opportunity. The majority faces problems filling all the political positions with adequate personnel, especially after the electoral victory in the municipalities. Because of the withdrawal of the opposition from the state and all levels of governance, the SP is de facto obliged to exercise a one party regime in most of the municipalities, which makes the SP and their allies responsible for all governance problems and risks at the local level, without challenges from the supervising central state which had always been a correcting power especially when under the control of the competing political force. The system of checks and balances is out of service under these circumstances. The nearly absolute power of the Socialist Party at the national as well as the local level of the state allows speeding up the reform process and the rapid modernization only if the risk of misuse of all kinds can be minimized and controlled through appropriate mechanisms. The temptation may appear to the ruling majority to “*use the power in the interest of the people,*” in which the objective sanctions the means.

Without opposition and a functioning control of the government, the risk of misuse of power and of corruption increases. We were told by interlocutors that the economic oligarchs and potentially also organized crime which need political protection for their business may exercise their pressure now even more towards those who are in the sole control of political power. At the same time all those who consider themselves as losers of the judicial reforms and the modernization policies may turn their support towards the extra-parliamentary opposition in desperate hope for revision and a change of power. The political polarization and the unequal distribution of power may widen the cleavages in society. Through its very policies, the opposition runs the risk of

³⁷ See BTI Albania 2018, referring to DP-lead governments in the past: They “consolidated a system of party patronage around key DP

leaders, reducing all levels of judiciary to a politically controlled structure serving specific party agendas.”

becoming the political force *in defense of the past*, including the traditional forms and patterns of political management, while leaving the leadership for the modernization of state and society – the future – exclusively to the governing party.

Edi Rama is on the climax of his power. There is little opposition within his party. The ministers in the government are selected with loyalty as one of the key requirements. Some of the government ministers came from civil society and professional sectors; they have no power base within the party and their executive power depends solely on the positive evaluation of their performance by the Prime Minister. Many of them are women, who Edi Rama considers more loyal and reliable than men. The candidates for the Parliament were hand-picked and their political fate as parliamentarians depends primarily on the Prime Minister and President of the SP. The old guard of the political leadership of the SP, which counts on some political support in the party structures and in public is, with few exceptions, not included in the government but sits in the Parliament.

The present political emergency appears to justify strong centralist tendencies for all parties, to the disadvantage of liberal or moderate elements within its leadership. The already mentioned comparative study from the Westminster Foundation emphasizes as one of its general conclusions regarding the impact of boycotts on the political parties that *“boycotting has greatly damaged liberal groups and moderate politicians in political parties,”* and continues to characterize the political leadership in Albania as *“traditionally built on strong vertical hierarchies focused on one-man-rule.”*³⁸ In the perception of some of our interlocutors, Prime Minister Edi Rama shows increasing “signs of arrogance of power” and little tolerance towards divergent opinions. His style of communication appears aggressive and impatient to some others. On the other side, given the present political situation in Albania and the lack of institutional formats and proceedings in which to negotiate solutions and overcome political blockages by the opposition, there might hardly be an alternative to a strong-handed political leadership and enforced modernization, if the ambitious reform objectives have a chance to be achieved at all. Without any doubt, Edi Rama is exercising strict control over the performance of his government and is strongly committed to putting forward his ambitious reform

package. However, the risk is high, that under such circumstances and with power concentrated in few hands, the distance from determined leadership to autocratic governance is small and fluid.

The role and the influence of the “international factor”

An important factor and player with a strong influence on the developments in the political sphere is the international engagement in Albania through the ambassadors on site and other representatives of international organizations and politicians, especially those from the European Union and the United States. *Washington* and the capitals in Europe are reference points in public debates and political controversies. The importance of the international partners is not only owed to the enormous economic and financial support which Albania receives from these countries. It is also linked to the first objective of the vast majority of Albanians, namely, integration and access to the European Union and the Western alliances as soon as possible. As understood by the people, *Normal life* is only achieved when Albania has become part of the European Union, as some interlocutors emphasized. The role of the international factor receives additional weight because many Albanians have more confidence in “the internationals” than their own political leadership. For this very reason, the Albanian politicians and their parties make extraordinary efforts to gain support and applause from *Brussels, Berlin, or Washington* and other relevant international actors. National politicians strive for recognition and support from the internationals as a valuable asset and as a substitute for the limited trust received from within the Albanian society.

We noted already the importance of international engagement for advancing the judicial reform or the prevention of violence related to the local government elections. The international engagement is not limited to aid and technical assistance, but it is often very political. On various occasions, it was the physical presence and the verbal interventions and threats of ambassadors and their direct contact with the political actors in the country which facilitated a breakthrough in settling conflicts, generating a majority for the justice reform laws in the National Assembly³⁹ or halted violent clashes between political competitors.

³⁸ Westminster Foundation for Democracy, *Ibid*, page 29.

³⁹ “From 2016 to 2017, the voting of the justice system reform was a hallmark of international pressure on Albania and of the internal

political debate”, in: Westminster Foundation for Democracy, *ibid*, page 24.

Yet, many of the clashes between the ruling majority and opposition in Albania in the recent past have only been settled thanks to international political engagement and intervention,⁴⁰ mostly from the United States and the European Union.

A similarly important role is played by the political families - the Party of European Socialists and the European Peoples Party - and their representatives who visit Albania or receive their political friends in Brussels and other European capitals. Of particular importance in this context were and are the close contacts between the leadership of the Democratic Party of Albania and the Christian Democratic Union (CDU) in Germany which resulted in the inclusion of most of the concerns of the Albanian opposition as “conditions” for the start of the accession negotiations between the European Union and Albania in the decision of the German Bundestag from September 2019. Frequently Lulzim Basha and Ilir Meta claim co-responsibility for this position in the German Bundestag and present “*the nine conditions*” of the Bundestag as justification for their own political causes and their position in the conflict with the Albanian government.

The well-intended efforts of international political friends, like the MPs from the German CDU, to facilitate with their support political dialogue ran the risk of being utilized by the Albanian political leaders in their struggle for power and the internal political confrontations.⁴¹ Experiences from the past as well as in the present situation allow for the conclusion that – in this case - the DP consciously strives for the internationalization of the conflict with the political opponents in Albania, in order to achieve an externally moderated settlement of the conflict which the party by itself would never be able to obtain. This strategy is based on the awareness that the government depends also on international support and is, therefore, more open towards the wishes of international actors.

The international actors fear nothing more than instability in the Balkan region which is indicated by its fragile situation and numerous conflicts. It is only for these circumstances and strategic considerations as well as the expected results from the

internationalization of the political conflict that the DP and its leadership could have opted for the withdrawal from the political institutions in Albania – more than two years before the date for the next general elections – which otherwise would be a suicidal act of self-destruction.

As these considerations indicate, there is obviously some level of external co-responsibility for the political actions of the Albanian opposition, in particular on the side of the international political allies of the opposition. From some interlocutors reference was made to the critical stand of the German MPs – including those from the CDU - with regards to the boycott of the Parliament and the non-participation in the local government elections. As it appeared so far, the related pressure on the political opponents, particularly on the opposition, was not successful. Given the present desperate situation and the high expectations of the Albanian extra-parliamentarian opposition from their international political friends, stronger and more decisive influence on the opposition’s strategy would be possible and desirable. Without doubt, the situation will soon appear in which settling of the present conflict will require comprehensive international engagement.

In the political controversies and because of the Constitutional Courts not functioning, the Venice Commission of the Council of Europe is perceived in Albania as the highest authority in all matters concerning judicial controversies. Their “opinions” and *Amicus Curiae-Briefs* are frequently requested from both, the ruling majority as well as the opposition. Not unexpected, the conclusions of the Venice Commission are regularly interpreted by both sides as supporting their respective cause. In any case, the value of their *opinions* is based on the fact that neither side can ignore it. The Venice Commission is obviously an important normative reference point – which by itself represents an asset in a political context which is characterized by the lack of *common ground*.

⁴⁰ “All major political compromises were externally imposed deals, including: the first large-scale compromise between the ruling majority and the opposition resulting in a coalition government followed by early elections; the second large-scale compromise of 1998 resulting in the suspension of political strife because of the Kosovo situation complemented by the compromise of 2002 on the consensual president; the 2015 compromise on decriminalization and the 2017 compromise on the inclusion of a few technical

ministers appointed by the opposition in the SP-led government. These were successful because of the lack of ways out at the internal level, rather than actual examples of dialogue between political elites”, in: Westminster Foundation for Democracy, *ibid*, page 27.

⁴¹ “The parties at the EU level have supported, regardless of their reservations, the boycotts staged by their Albanian allies, thus indirectly legitimizing this practice and promoting the leaders responsible for it”, in: Westminster Foundation for Democracy, *ibid*, page 28.

The variety of protests

Following the chronology of events with the intensification of political tensions we note a significant number of mass demonstrations and protests during the past year. With simultaneous protests in other cities in the Balkans, like in Podgorica, in Belgrade and in Banja Luka, some observers saw even “a general uprising of citizens against corrupt and repressive governments” and declared a *Balkan Spring*.⁴² However, such a general designation is inadequate, at least in the case of Albania. Most of the protests in Albania are part of the political power struggle between the two main political blocks, in this case especially those of the political opposition, to which this study has referred already. The numerous participants in those political protests indicate above all the organizational capacity of the party in mobilizing desperate party supporters who strive for a regime change, with the expectation to benefit from their party’s takeover of the government. Many demonstrators get paid or receive other promises for their participation. These protests are also used to demonstrate the strength of the party leader’s capacity, vis-à-vis potential competitors inside and outside the party.

While the political protests of the extra-parliamentary opposition continue on a regular basis – meanwhile with the active participation and even leadership of President Ilir Meta - there have been other protests in the country which arose from dissatisfaction in concrete situations, initiated by directly affected citizens. Most notably were the student protests end of 2018 and beginning of 2019, which converted into a genuine movement with protests in different university cities in Albania. At the beginning, the students protested against high fees. They then widened their protest against the general situation at the universities and against the higher education law from 2015 and its consequences. The law opened public funding to private universities and worsened the quality of the public universities as well as other educational institutions, given the government limited funding for education to less than 3% of the GDP.⁴³ The students demanded an increase of 5% of the budget for education and improvements to the quality of

education and the university infrastructure. The student protests generated public interest and support.

Concerned about the obvious dissatisfaction of the younger generation with the educational system and the perspectives for the future, the government under the leadership of Edi Rama tried to establish a dialogue with the students. The opposition, in an effort to utilize the protest for their political cause, expressed solidarity with the students. The leadership of the protests, however, was keen to stay independent of political interests and distanced themselves from efforts by the political parties to co-opt them. The protests were widely understood as a protest against the political establishment “*which betrayed the youth,*” as one of the student activists explained at a conference in Berlin: “*There is no alternative in the system. People have to take the power. Parties are criminal organizations, corruption is the most lucrative business, and Rama did not listen to the students.*”⁴⁴

This characterization appears to be quite typical for many young people who, under the influence of the political propaganda and the ongoing polarization, apparently do not expect much from their government and their politicians. The student protests indicate a strong underlying dissatisfaction and little hope for a change with the *present system*.⁴⁵ The protests had the potential to widen into a manifestation of general dissatisfaction with the present situation in the country. This provoked the personal involvement of Prime Minister Edi Rama, who had expected that young, qualified people are the prime supporters of his modernization efforts. He personally went to meet with and discuss with the students on various occasions and realized the importance of maintaining a constructive relationship with youth. He made various concessions to their demands and criticized the university administration strongly for its responsibility for some of the criticized deficits. He blamed his own party for “*losing touch with reality.*”⁴⁶ A major reshuffle of the government – including the minister for education - was done by end of 2018 and beginning of 2020, for various reasons, but also because of the protests and the objective to improve the performance of the administration. The demands

⁴² A critical review of the protests in the Balkans and the denomination “Balkan Spring” presents Max Braendle in: *Bonjour tristesse auf dem Balkan?* In: *Internationale Politik und Gesellschaft*, June 17, 2019 (in German language).

⁴³ *Nature Research Journal*, “mass student protests bring down Albanian science minister”, January 16, 2020 <https://www.nature.com/articles/d41586-019-00144-7>.

⁴⁴ Public Panel Discussion: “Never give up! Albania between reforms, political standoff and EU ignorance”, Heinrich Boell-Foundation, Berlin, November 26, 2019.

⁴⁵ See also Friedrich-Ebert-Foundation: “Albanian Youth 2018/2019”; <https://www.fes-tirana.org/e/study-albanian-youth-20182019/>.

⁴⁶ Cited in “Albania PM Axes Seven Ministers After Protests”, *Balkan Insight*, December 28, 2019.

of the students were partially met by the government,⁴⁷ which can be considered a success of the student protests and as indication of an increased sensibility of the governing elites regarding the situation of the students.

A further series of protests was related to the construction of a long-ago planned ring road in the city of Tirana and the destruction of houses along the route of the planned street. Among these buildings were illegally as well as legally constructed buildings, many of them for commercial purposes. Although the government assured the protesters that the legal owners would be compensated, the protests continued with the blockage of the road and the construction sites. These protests resulted in a partial repeal of the tender for the construction since the previous proceedings had been inadequate.

Another and still ongoing protest is directed against the demolition of the National Theatre in the center of Tirana, to generate space for a new theatre building and various shopping and office buildings, to be constructed in Public-Private-Partnership, with participation of the Danish star-architect Bjarke Ingels. A group of intellectuals and artists formed the *Citizen's Alliance for the Theater*, who advocated considering the building constructed in 1938 as a monument of national heritage and sharply criticized the authorities for their plans. Meanwhile, the municipality announced that the National Theatre would not be built in public private partnership but with public funds only, which de-escalated the ongoing protest for the time being.

In both cases the resistance against the construction projects was accompanied with accusations of corruption and the favoring of enterprises and oligarchs close to the governing parties. In both cases, the political opposition has given support to the protest and the demands of the protesters, promising to reverse all related decisions of the government as soon as the opposition would have taken over power. On the other side, the responsible state institutions

under the direction of the governing parties keep insisting that the proceedings agree with all legal provisions and that both projects are to the benefit of citizens. They accused the opposition parties of misusing the issues of concern for their narrow political objectives and express their intention to pursue their projects without further delay.

The protests can be interpreted, also, as resistance against projects of enforced modernization which appear to destroy the acquainted environment and alienate people from what has become part of their urban identity, like the case of the National Theatre. In times that lack orientation and confidence, the desire to maintain what is well known may rise, as does the concern about the unpredictability of change and what may result from it. With reference to the increasing number of newly constructed high and modern buildings, with facades in steel and glass, in the center of the city of Tirana, one of our interlocutors expressed his concern as follows: *"The facade of these high buildings throws shadow on our spirit"*.

The exchange of arguments continues. While the modernizers claim that the building material of the old theatre-building is made of highly flammable material, the opponents of the demolition argued with the perfect conditions for acoustics and lighting of the construction material used.⁴⁸ The debate about this project continues and appears to be a symbol for a more fundamental conflict, arising from enforced modernization versus a strong sentiment of persistence, which includes both the issue of identity as well as a genuine resistance against changing rules and conditions for living. The protests may, therefore, also arise from habitual forms of the management of needs and interests in the daily struggle for survival of wide segments of society, as it may be the case with illegally constructed buildings on space reserved for the ring-road: You strive for a solution for your individual problems, including disregarding legal and formal obligations.⁴⁹ The policies of the government, enforcing standardization and formalization, e.g. the rule of law, come unprepared for many people and

⁴⁷ The government increased the student representation on the university boards, cut the undergraduate fees into half, cancelled the fees for overdue exams, will issue student identification cards, pledged the creation of a system to evaluate teaching performance, promised to impose fines for plagiarism, agreed to renovate the dormitories at the university campus and to increase the numbers of scholarships.

⁴⁸ Albania – Decades of Architecture in Political Context, catalogue published at an eponymous exhibition in the exhibition center of the Vienna Insurance Group AG, Curator Adolph Stiller, Vienna, October 10 – November 22, 2019, page 92-96: "It is becoming a case on how the city is to be developed transparently and only in the public

interest, maintaining its cultural heritage and safeguarding its identity".

⁴⁹ There have been further protests in this category when the government enforced the payment of electricity bills and fought against the wide spread "free-use" of electricity via illegal connections to the electricity grid (which is a criminal offence in Albania), or when the government ordered the demolition of illegally constructed houses in different cities of the country, or when the government decided in April 2018 to impose a toll payment for the use of the highway from border with Kosovo to the coast. Frequently, the implementing agencies of the state executed their orders with little regard and sensitivity Vis a Vis the directly affected persons, which, in return, fueled further protests.

often appear arbitrary, partially because of the way in which these policies are implemented. In addition, the permanent accusations of the opposition against the government contribute to de-legitimizing these policies in the eyes of many people, especially for those people who are experiencing these changes of the rules as a threat to their living conditions and economic situation.

The anti-defamation laws and the situation of the media

A further public controversy during the recent months concerns the “*anti-defamation laws*” of the government which have been passed by the Parliament in December 2019 but returned as unconstitutional in January 2020 by the President. The laws pretend to stop fake news and slander and regulate “*a jungle that produces hate, misinformation and despair*”, as Prime Minister Edi Rama told the Parliament.⁵⁰ It empowers the Albanian Media Authority and the Media Authority of Electronic Media and Postal Communication to receive complaints about news websites, demand retractions, impose fines and suspend their activity.

President Ilir Meta returned the law to the Parliament for reconsideration. In his opinion it violates the constitution and “*it puts the media under political control*.”⁵¹ The laws provoked significant protest from national and international human rights, media and journalists’ organizations, which considered the laws as a tool for online media censorship. In the name of other organizations, the European Centre for Press and Media Freedom demands in a joint statement that the “*government should withdraw anti-defamation legislative package introducing state regulation of online media outlets*.”⁵² The media organizations argue that “*the laws go against international best practices that aim at the self-regulation of online media*.”⁵³ The European Peoples Party supported the stand of the Democratic Party that the freedom of the media is in serious danger in Albania. While Prime Minister Edi Rama claims that the laws have been prepared in close

coordination with the OSCE and that some last minute changes have been included because of concerns expressed by international organizations. Dunja Mijatović, the Council of Europe’s Commissioner for Human Rights stated in December 2019: “*these draft laws are in urgent need of improvement*” and urged the Albanian Parliamentarians “*to bring them in line with the Council of Europe standards*.”⁵⁴ The majority in the National Assembly postponed a vote to overturn the veto of the President in January 2020 and decided to wait for the Venice Commission’s opinion on the media laws.

In this context, it should be noted that efforts to control the abuse of internet media are not only an Albanian preoccupation. How to maintain and protect the freedom of speech and the positive role of internet media, and at the same time protect the public and individuals against the misuse of that very media remains a challenge in many countries, including in Germany. It is too easy to denounce any effort to standardize and control as an attack against the freedom of media. Whoever has a chance to follow the media debates in Albania realizes that communication via internet has become an influential and frequently used tool for personal attacks, hate speech, and the spreading of rumors and unfounded news. As the BTI-Report 2018 states: “*A problem which lays outside media regulation involves mysteriously financed internet forums that serve as a channel of denigration, unsubstantiated accusations and counter-accusations with a clear political line*.”⁵⁵

The use of internet media for fake news has recently become an issue of public concern in context with the earthquakes in November 2019 when ungrounded warnings of another major stroke were aired provoking public panic in some places. Emirjon Senja establishes in her article *Albania: Media and the Business of Disinformation* that online media outlets which are not part of a larger media group, notoriously lack financial resources, which makes them dependent on various, including questionable, sources of funding. Their capacities are low to improve professional standards and to verify the information they

⁵⁰ Reuters World News „Albania passes anti-slander law despite media protest calling it censorship“, December 18, 2019.

⁵¹ Gjergj Erebara: „Albanian President Blocks PMs Anti-Defamation Laws“, Balkan Insight, January 13, 2020; <https://balkaninsight.com/2020/01/13/president-turns-down-albania-controversial-anti-defamation-law/>.

⁵² See: European Centre for Press and Media Freedom: Albania: Government should withdraw “anti-defamation” legislative package introducing state regulation of online media outlets; Joint statement from July 26, 2019; <https://www.ecpmf.eu/joint-statement-urges-albania-to-drop-new-libel-law/>.

⁵³ Ibid.

⁵⁴ Council of Europe, Commissioner for Human Rights; statement of December 17, 2019: “Commissioner urges Albania’s Parliament to review bills which restrict freedom of expression”. https://www.coe.int/en/web/commissioner/test/-/asset_publisher/sEDlJdv8HZn/content/commissioner-urges-albania-s-parliament-to-review-bills-which-restrict-freedom-of-expression?_101_INSTANCE_sEDlJdv8HZn_viewMode=view/.

⁵⁵ BTI Report Albania 2018, page 10.

disseminate. *“This environment creates fertile ground for the proliferation of fake news and other forms of untrustworthy journalism.”*⁵⁶

The formation of public opinion in Albania depends above all on the traditional mass media. They influence the way facts are viewed and debated in the society. Given the high number of media outlets, it could be expected that independence of the media and pluralism are guaranteed in Albania. However, the concentration of major media outlets’ ownership in the hands of a few powerful families with related interests in diverse business fields results in *“undue influence on the media, which changes based on the owner’s political and economic interests”*⁵⁷ and directly affects the editorial line of the outlets, *“turning many outlets into networks that distribute government propaganda and disinformation campaigns.”*⁵⁸

“You have free media, but you do not have free journalists” is a saying among the expert community in Tirana. It describes the high number and the diversity of media outlets including social media, but it refers also to the fact that journalists work under difficult conditions. Their productions have to be in line with the interests of those who own the media. With the exception of a few, jobs in journalism are neither well paid nor safe. A major threat to the *freedom of media* is based, therefore, in the particular structure of media ownership and their closely related economic and political interests. It is not an exception from the rule that oligarchs and big company owners, among others in construction, own and make use of their ownership in the media in support of their business and political interests.

As a consequence, the potential role of the media as a so-called fourth power, as watch dog or as a space for independent analysis and thought is rather limited. Media in Albania, and most of the journalists working in these media, are an instrument in the hands of the powerful and their networks of alliances for achieving or defending power. To quite an extend, the media in Albania are captured by particular interests. “The

Independence” of the media is, therefore, not primarily at risk because of the anti-defamation laws regarding online media outlets but much more so because of the *“the intermingling of powerful business, political and media interests.”*⁵⁹ At present, the majority of the mass media find themselves in the role of instruments and tools for the struggle of power rather than contributing to the strengthening of democracy. There is an urgent need for free, independent and professional journalists who could and should have a decisive role in preventing polarization, violence and in conflict resolution in Albania.⁶⁰

The limited space for alternative social actors

The civil society has had little success in liberating itself from the dominance of the political power struggle and becoming an independent factor with relevant influence on the political and social development of the country. Legal and institutional frameworks have been created. However, weak institutional capacity, NGO-personnel incorporated into public institutions and the reduction of donor funding have limited the impact of civil society organizations despite the establishing of the National Council for Civil Society in 2015 and other forums with civil society participation.

In general, civil society still suffers from lack of resources and political cooptation but above all from the omnipresent and dominant political power-struggle which narrows dramatically space and opportunity for engaging into their concerns. There are various other groups of societal actors which are relevant in the context of the political controversies and the struggle for power between the two main political blocks in Albania. Important actors are the owners of different businesses in the country. Some few personalities have accumulated enormous wealth and a wide range of investments in different sectors of the economy. These oligarchs command wide-reaching influence, including in the political sphere. They use a variety of instruments and strategies to

⁵⁶ Transitions Online newsletter, February 24, 2020 [https://www.tol.org/client/article/28770-albanian-media-and-the-business-of-disinformation.html?utm_source=TOL+mailing+list&utm_campaign=29769f9ab2-](https://www.tol.org/client/article/28770-albanian-media-and-the-business-of-disinformation.html?utm_source=TOL+mailing+list&utm_campaign=29769f9ab2-EMAIL_CAMPAIGN_2020_01_23_10_50_COPY_01&utm_medium=email&utm_term=0_35d0a711b5-29769f9ab2-298036906)

[EMAIL_CAMPAIGN_2020_01_23_10_50_COPY_01&utm_medium=email&utm_term=0_35d0a711b5-29769f9ab2-298036906](https://www.tol.org/client/article/28770-albanian-media-and-the-business-of-disinformation.html?utm_source=TOL+mailing+list&utm_campaign=29769f9ab2-EMAIL_CAMPAIGN_2020_01_23_10_50_COPY_01&utm_medium=email&utm_term=0_35d0a711b5-29769f9ab2-298036906).

⁵⁷ BIRN/Reporters without Borders, Media Ownership Monitor Albania (Albania.mom-rfs.org)

⁵⁸ Ibid.

⁵⁹ Freedom House, Freedom in the World 2019 Albania: “The intermingling of powerful business, political and media interests

inhibits the development of truly independent news outlets; most are seen as biased towards either PS or the DP”. <https://freedomhouse.org/report/freedom-world/2019/albania>.

⁶⁰ UNESCO World Press Freedom Day 2019, Media for Democracy: Independent and professional journalists, along with an independent judiciary, play a key part in preventing the capture of state power for private purposes. When these groups are protected, they can help ensure accountability of power holders and duty-bearers for protecting human rights and for progress on sustainable development”;

https://en.unesco.org/sites/default/files/concept_note_wpfd2020_final.pdf.

safeguard their interests and their wealth, as already mentioned in different parts of this paper. The lack of financial resources for political organizations and of politicians required for their activities, especially in phases of elections, provide an opportunity for alliances between economic and political interests which result unavoidably in dependencies which potentially damage democracy and certainly fuel suspicion and mistrust in society.

The events and the various stages of increasing political confrontation in the past year point out to the destructive potential of the ingoing polarization which limits drastically the chances for successfully reforming and modernizing the state and society in Albania. Even if the accumulated power of the governing coalition manages to push through the ambitious judicial reforms, it will – in a climate of widespread mistrust and frustration - lack the support and the confidence in wide parts of the society which are indispensable for the sustainability of the aspired changes. The project of future – the modernization – is a hostage of the ongoing persistence of the past, represented by the combined forces of a backwards looking opposition, the “*grab it all*” political and economic elites, and the ignorance of those who do not care.

Political culture and the legacy of the past

The causes of political polarization are closely related to the political culture and the ongoing strong influence of traditional patterns of behavior and attitudes. *“In line with the structure of a traditional society, Albanians have a strong sense of traditional forms of solidarity such as family and regional or clan loyalties. These traditional forms of social capital have been precious to sustain networks of cooperation and support during difficult phases of transition and meager social welfare mechanisms. But, they do undermine the creation of a more civic culture of participation and solidarity beyond the narrow links based on blood, family or clan structures.”*⁶¹

Like in other democracies, the struggle for power is the struggle of competing interests, based on a set of rules and procedures. However, the particular circumstances and conditions are different from country to country. As one of the poorest countries in Europe, in Albania the process of transformation from a communist dictatorship in a closed society to a democratic system and a market economy with an

open society was and is a long process in which traditional forms of social and political organization often remained functioning while modernizing efforts were slow to establish themselves. For quite some time, *the simultaneity of the non-simultaneous* was and is characteristic of the development of state and society, with phases of more rapid progress towards a modern state as well as back-steps, and this characteristic duality was and still is unequally spread over the country – the capital and the big cities inclined to faster modernization in comparison with the countryside and the smaller cities and villages. The internal migration from the countryside to the big cities – so-called *rurbanization* - resulted in an obvious simultaneity of traditional and rural forms of individual and social organization with the approaches and attitudes of a modern city. In the academic discourse this phenomenon is described as *partial modernization* which presents a challenging situation to citizens and politicians alike, since *the old* patterns still remain while *the new* forms and standards already have started to exist.

This apparent contradiction of coexistence is characteristic also of exercising political power which can be emancipatory, democratic, and progressive and at the same time centralistic, authoritarian and impeditive. This idea is re-enforced by the expectations for strong leadership and a lack of patience by the supporters and voters, and their frustration with slow and insufficient delivery of public goods. A high level of personalization describes the relationship between a politician and his or her supporters. The fact, that whoever holds the power in the state and its institutions controls in one way or another the access to public goods – employment, contracts, permits, social and other benefits, protection against prosecution and punishment – offers in the perception of his/her supporters, voters, friends and family members the potential opportunity for privileged treatment by the political elite.

In Albania, as in most countries of the Balkans, the state is the biggest employer. More than 100,000 people are employed in public institutions. An apparent contradiction seems to be that the weaker the state and its institutions, the lower and the fewer the standards of proceedings, the more power those in charge have and the higher the temptation to make use of it in favor of his or her clientele and for him- or herself. This situation also illustrates the strong correlation between politicians in power and their clientele. This correlation can be patriarchic in

⁶¹ BTI Report 2018 Albania, pages 18/19.

character – a job for the vote - and it can also reflect mutual interests, for example between politicians and entrepreneurs who support the political campaign in return for economic privileges.

Parties have been considered to be the potential gate-keepers for the access to employment, contracts, and to other privileges. Because of these potential benefits of power and the related expectations among many people, even with the best intentions, it has remained quite challenging for politicians and for political parties not to follow this pattern and to escape the *clientelistic trap*. And because of that, the chances were small to become a successful politician and part of the political leadership without accepting largely *the rules of the game*.

In addition, the distinction and the difference between being supportive among family members and friends on one hand and of being supportive on a political level on the other hand remained often fluid. A politician might help a relative or a friend to find a job even without receiving anything in return. In circumstances of widespread mistrust vis-à-vis any *other* than those with whom one is familiar, the employment of relatives was and often still is seen not only a “family responsibility” but also a matter of safety and control in political as well as economic endeavors.

It seems normal to search and to know somebody who helps to solve a problem and find the way *to get an issue settled* in many societies, not only in Albania. Given the weak institutions and complicated proceedings with little standardization at the *official level* many people still turn to and prefer an informal arrangement with the relevant stakeholders. The frequent criticism of *the political elites* for their apparent strong involvement in corruption and clientele schemes such as, for example, vote-buying in elections which is often referred to by national as well as international observers and experts is probably and in quite some cases correct. But it is only one side of a systemic problem because it needs always at least *two sides* – those who offer *the privilege* and those who take it. Or, as one could also say it involves those who demand it and those who respond to these demands by making the respective offer. It is a system which in the past as well at present mutually reinforces itself. Clientelism, nepotism and corruption was and is found, therefore, not only within the (political) elites but it is an integral part of individual and social behavior in the wide spectrum of informality in dealing with *your issues*.

This phenomenon is not a peculiar to Albania. It is grounded here like in other countries in the widespread poverty as well as the weakness of its institutions, including the justice system, and is related to the limited capacity of the state to provide basic services in an efficient manner to everybody. *“Corruption is associated with weak state institutions, poorly functioning checks and balances, politicized institutions, rent-seeking elites, clashing politics, and a poor society in which the state remains a major source of employment. State capture here involves a vicious cycle linking prominent politicians, sub-servient state officials, weak independent institutions and strong business interests”*.⁶²

In need and in the absence of a functioning state, engaging in politics or engaging with politicians can therefore be understood, also, as a kind of “insurance,” especially if you and your family do not have the means to guarantee the wellbeing of yourself and your beloved ones. What is being denounced as *corruption* and *clientelism* describes what is in the eyes of many people, not primarily an illegal or even criminal form of misbehavior of politicians but a rather expected and even demanded form of *solidarity* with likeminded people and within their social networks, including political parties.

The electorate of the governing parties was commonly based on those who have jobs in state institutions which they do not want to lose and who are in one or another way depending on and related to the governing elites and politicians. The opposition parties had their electorate primarily among those who lost their jobs in the last elections and/or have the expectation of finding a job and other privileges as soon as *their* parties take over the power and control the state.

In the political history of the years since communism, the power in the government has been held alternating by more or less the same two political blocks, led either by the Socialist Party or the Democratic Party. The chances of somebody, believing that *his or her time has come* to benefit personally from the electoral victory of his or her party were always relatively certain. During the periods in which one of the two parties was holding the power at the national level, there were always numerous municipalities where the other party would have their access to the power on the local level.

This narrow and power-related understanding of politics, which prevails from the past, and the exercise

⁶² BTI Report 2018 Albania, page 33.

of power which serves either one side or the other is the obvious undelaying pattern when the leader of the Democratic Party criticized the government in April 2019: *“They (the ruling elites) have created two Albanians, one for the majority, deprived of opportunities for a better life, where parents are thrown in jail for being unable to pay for electricity, and anotherfor those above.”*⁶³

The political culture is strongly determined through historical experiences with politics. Christian Giordano and Dobrinka Kostova⁶⁴ refer in their analysis to the importance of historically accumulated experiences which shape and influence attitudes and behavior between the citizens and the state. The authors characterize societies in Southeast Europe as *societies of public mistrust*, in which a political culture prevails with a system of *parallel normativity*, with the particular co-existence of the normative system of the state on one side with a socially normative system, the latter based on traditionally accumulated experiences of the people with the state and its institutions. Giordano and Kostova describe this phenomenon as the confrontation between legality and legitimacy. It indicates that the institutions of the state have often not preserved the perception of legitimacy and the related behavior of the people.

From this perspective, the use of state resources for personal and private needs may be not legal but is considered legitimate. In that case, the legality of the state is only recognized when it serves the legitimate interests of the individual subject. Widespread clientelism and the functioning of networks of interest in all its dimensions can be understood, therefore, as indicators of the existence of mistrust resulting from the repeated experiences of state failure. To consider this phenomenon only as immoral, criminal, or personal misbehavior and as anachronism or deficit is, consequently, inadequate. In the words of Giordano and Kostova, it is a rational and reasonable social strategy in *societies of public mistrust* where the state does not deliver *“a pacified space where individual and collective actors can trust each other on the basis of the rule of law.”*⁶⁵

The persistence of patterns of behavior and attitudes from the past, reflected in the political culture, can be

found to be documented in empirical studies on existence and acceptance of corruption in the Western Balkans. The recently published 2019-Report of the Corruption Monitoring System by SELDI indicates that corruption is still widely spread common behavior. Moreover, the report shows that significant segments of the population in the Western Balkans consider it to be an acceptable form of behavior, while a vast majority does not believe that it can be reduced.⁶⁶ Accordingly, corruption is acceptable for one- third of citizens in the Western Balkans and 70% do not believe it can be reduced.

What we have tried to show in this chapter is the importance of particular political cultures and historical legacies and their influences in processes of political change, regarding the complicated relationship between state and society. It affects in particular the system of public order, including the justice system, which regulates the relations between the state and the citizens. Political polarization – as the need to take and to defend vehemently one’s own side of interests - and societal mistrust could be interpreted as the two sides of the same coin, which determine and limit the space for reform.

The emancipation from the legacies of the past, which prevails in the presence and which still influences the political culture today, is the commandment of the hour. There are windows of opportunity, like in the present process of modernization, when game-changers can make the difference and push the country to important steps ahead. Making use of this window of opportunity is probably the biggest challenge for the present government led by Edi Rama and his supporters. To harmonize the past with the future is both the fate and the challenge of modernization. To pacify the yesterday with the presence, on the way towards the future, is the demanding task of state and society on Albania.

The perspectives at the beginning of a new decade

As we have observed, the intensified political confrontation during the past year has seriously limited the space for dialogue and for negotiating

⁶³ Balkan Insight: “Albania Opposition Urges Protesters to Topple Illegitimate PM”, April 12, 2019; <https://balkaninsight.com/2019/04/12/albania-opposition-wows-to-take-down-government-in-a-major-protest/>.

⁶⁴ The following refers to Giordano, Christian and Kostova, Dobrinka: „The Social Production of Mistrust”, in: Hann, Chris (editor), *Postsocialism: Ideals, Ideologies and Practices in Eurasia*, London and New York, Routledge, 2002, pp. 74-91.

⁶⁵ Ibid, page 75.

⁶⁶ Southeast European Leadership for Democracy and Integrity (SELDI), *Corruption in the Western Balkans 2019: Trends and Policy Options*, SELDI policy brief no.9, December 2019 https://seldi.net/fileadmin/public/PDF/Publications/Policy_Brief_9/SELDI_PB_09_Corruption_in_Western_Balkans_2019.pdf.

solutions. The chances for compromise and consensus are poor and not in sight. It comes as no surprise that a permanently heated and confrontational public discourse increases the tensions and produces the perception inside and outside the country *“that something must be going terribly wrong,”* as one interlocutor put it. If you are flooded with news, fake one as well as those from reliable sources, when you hear the general and personal accusations against the Prime Minister and all politicians and representatives of the state institutions, then it might become difficult for observers and citizens alike to differentiate between what is truth and what is lie, what is right and what is wrong. It may boil down to what one interlocutor presumed: *“Everything you hear may be true - but the question is, how much it is true!”* Society in Albania, still, remains a *society of public mistrust*.

The fact is that a forced and ambitious modernization is being implemented by the government under the leadership of Prime Minister Edi Rama, making use of a nearly absolute power in executive and legislative levels at all levels of politics. The reform advances slowly, but it advances. It has the potential to substitute the past for the future. A political opposition, under the leadership of Lulzim Basha and Monika Kryemadhi, has departed from the democratic institutions and sacrificed the two major opposition parties and their voters in its struggle for power, putting at risk the institutional stability of the country. Without the strong presence and interventions of external political actors, including the European institutions, without the perspective of accession to the European Union and the related processes, neither the reform nor the stability of the country can be maintained. Independent institutions like the Presidency or the Constitutional Court are not functioning – the first, because Ilir Meta has politicized the Office of the President which is becoming a major stronghold of opposition to Government and Parliament. The Constitutional Court, because it is not yet functioning because of delays in the nomination of new members. The conflict between the political blocks limits the space for other actors, including civil society and the media. Economic interests exert pressure and actively defend their interests. Organized crime is not yet wiped out. Many citizens are frustrated in their yearning for a normal life, and search for either alignment with one of the two political blocks or turn to privacy or escape through emigration as the only way out.

Because of this background, the *No* of the European Council regarding the start of EU accession negotiations with Albania fueled tensions, fears, deception, and represents a threat to the – relative, fragile – stability of the country and the region. Prime Minister Edi Rama reminded the EU-leadership: *“Please be aware, that we need the accession process and the related negotiations as signposts for the modernization of our state and our institutions!”*⁶⁷

There are signs and initiatives which seem to indicate that windows of opportunity for calming down and a search for *the way out* appear to be the demand of the hour for both, the government and the (extra-) parliamentary opposition: For the government, because it realizes that a late o.k. for the start of the EU-negotiations in spring of 2020 can only be achieved if the institutional deadlock can be overcome if the extra-parliamentary opposition can be brought back on the table. For the opposition, because it finds itself with its back against the wall and it starts to realize that a return to a less conflictive strategy could pay out – with the society, but above all with *their international friends*, on whose support they depend more than ever.

An opportunity may be the electoral reform in the ODIHR-recommendations. In January 2020, the first meetings of a Political Council with participation from all political parties, inside and outside of the Parliament has taken place, after long and difficult negotiations and strong international guidance. However, optimism has to be cautioned. The opposition forces understand their participation in the Political Council as initiating a comprehensive reform which goes beyond the technicalities and the administration of the elections. For the opposition, the goal is to get into the political process in preparation for early elections on the national level as well as a repetition of the local elections. They seem to expect that, similarly to the months before the last general elections in 2017, a technical government could be formed. As in the past, the opposition may withdraw from the dialogue and return to their boycott if it cannot pursue its demands, relying on the internationalization of the conflict resolution. The governing party, instead, has already reaffirmed that the only goal of the Political Council is to prepare and monitor the technical reforms proposed by ODIHR for the electoral proceedings. The experiences from other phases of crisis indicate that the bigger political parties and their leaders can agree on electoral reforms if it is in their interest and if the international support is

⁶⁷ Interview in Der Spiegel, January 30, 2020; Opit cit.

convincing and the pressure strong enough. A conditional green light for the EU-negotiations in spring 2020 could be such a convincing sign, committing both parties.

While elaborating on the political events and developments of the last year, a reference to the earthquakes in September and November 2019 has to be included. It was a terrifying experience which left many people traumatized. It also was an experience of extra-ordinary support and help which many people received from friends and neighbors as well as from international institutions. It resulted in a (short) break for the ongoing political power-struggle, like an outlook towards a different mood, relating to each other as human beings, similarly as it is the case at the moment when the fight against the Corona Virus in Albania has, also, started to become the overarching concern of state and society.

In this context, and considering what has been elaborated regarding the importance of political culture and the systemic lack of trust between state and society, it appears to be highly relevant to establish “*islands of integrity*” or “*light house projects*” which may generate trust and confidence among the affected citizens into the state and its institutions. A good opportunity for such a positive example could provide the effective, just and transparent use of the 1.15 billion euros which have been provided by the international institutions and various governments on the International Donor Conference on February 17, 2020 for the reconstruction after the damages which resulted from the national disaster of the earthquakes in 2019. Defending people and society against the Coronavirus, is the challenge of today for the state and its institutions, where common ground could be laid. These could be occasions and the moment for a valuable contribution towards *Rebirth!*⁶⁸

⁶⁸ Rebirth was the title of the government-program of the Socialist Party of Albania while still in opposition in 2011.

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