

Review Article

STRUCTURAL REFORMS IN ALBANIA: POLITICAL AND LEGAL CHALLENGES IN THE FRAMEWORK OF EU INTEGRATION

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ABSTRACT

Background: Since the fall of the communist regime, Albanian foreign policy has focused mostly on democratic consolidation but continues to be classified as a hybrid democracy, even as it has made steady progress toward liberal democratic progress and European integration. Both the Albanian population and political elite welcome and encourage the integration process, with the prospect of EU membership transforming the European Union into a powerful force for democracy, driving structural changes, and affecting the rule of law. However, a combination of internal and external obstacles has influenced the process.

Using the adoption of the justice and public administration reform, the internal political debate and public sentiments on the integration process, the article explores Albanian political representatives and institutions' complex relationship with the EU.

The article underlines the role of EU conditionality and contribution in the adoption of the crucial reforms and the diffusion of EU values in the face of major hostilities between Albanian political forces. While external incentive models offer a valuable framework for comprehending the Albanian Europeanization process, it is essential to consider additional factors that may influence and promote democratisation and adoption of essential reforms.

Methods: This article uses a case-study approach to analyse the adoption and implementation of reforms in Albania. While Albania is an interesting case study, it is often analysed as part of the EU foreign policy in the Western Balkans. The findings of this paper are expected to be relatively limited in their applicability to similar cases, i.e., small transition countries aiming to fulfil the EU accession criteria.

Political and societal perceptions of EU integration, including time-series analysis, public opinion surveys and political narratives have been discussed and compared with relevant EU reports, reform strategies, and theoretical models on conditionality.

Insights into their implementation were uncovered through a systematic content analysis approach.

Results and Conclusions: *The Albanian example shows the influence and restrictions of EU conditionality. More general lessons include the requirement to constantly engage in support of long-term reform implementation and the need to customise conditionality to the political and institutional setting of candidate countries. The long-term sustainability of the reforms in Albania depends on several aspects, such as political will, internal institutional independence, and public trust.*

1 INTRODUCTION

Starting from the Thessaloniki Summit of 2003, the European Union has shown a progressively growing interest in the Balkan Region.¹ The new enlargement strategy in 2020 increases the EU institutional impact and their transformative power in the candidate countries, using the major power conditionality to shape reforms.² In the enlargement process, the EU acts as a promoter of human rights, democracy and rule of law, which constitute the pillars of EU Treaties. Manners affirms that “the European Union capacity to impact the behavior of other countries by disseminating its ideals, principles, and norms, part of the *Acquis Communautaire*, establishes it as an actor in world politics”.³

In the last decade, Albania has made remarkable progress in its EU accession and negotiation process while also facing some of the most dramatic internal political crises. The Albanian Parliament and Government have continued implementing the fundamental judicial reform initiated in 2016, a strategic effort aimed at countering widespread corruption and assuring a greater autonomy of the judicial system. This strategy was considered one of the core requirements of the EU to initiate membership negotiations with Albania. Regarding the political crises, 2019 saw the Albanian opposition coalition stage a series of tough protests culminating in their unprecedented abandonment of democratic institutions and processes in the local elections.

1 ‘Eu-Western Balkans Summit Thessaloniki: Declaration’ (*European Commission*, 21 June 2003) <https://ec.europa.eu/commission/presscorner/detail/en/pres_03_163> accessed 28 December 2024.

2 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: 2020 Communication on EU Enlargement Policy, COM(2020)660 (6 October 2020) <<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=COM:2020:660:FIN>> accessed 28 December 2024.

3 Ian Manners, ‘Normative Power Europe: A Contradiction in Terms?’ (2002) 40(2) *JCMS* 235, doi:10.1111/1468-5965.00353.

The relationship between the EU and Albania is continuously evolving, and the EU representatives in Albania have had to balance promoting political stability and advancing integration progress in a sometimes-precarious equilibrium.

This paper illustrates the transformative role of EU institutions in Albania, using the adoption of justice and administrative reforms as case studies. This analysis underlines the importance of EU conditionality instruments for pushing forward democratic reform while acknowledging the challenges posed by internal political factors. Political elites often manipulate narratives about EU membership to avoid criticism and accountability for their failings while leveraging the Albanian population's continued strong support for European integration.

Albania's trajectory from a post-communist transition to a hybrid democracy with aspirations for EU membership reflects broader patterns in the Western Balkans. This context allows for comparative analysis with other regional candidates and highlights unique aspects of Albania's journey.

2 LITERATURE REVIEW

The impact and conditionality of the European Union (EU) in candidate countries, particularly in the geopolitical context in the last decade, reveals a complex interplay of dynamics and institutional requirements. The EU's enlargement policy has evolved, emphasizing rules of law and governance standards while adapting to the unique circumstances of candidate nations. This review synthesises key insights from recent literature on the subject.

One key aspect is the implementation of conditionality to empower the rule of law in candidate member countries. The EU has applied ambitious rule of law conditionality in Eastern Europe, leveraging the urgency created by the ongoing war with Russia to enforce reforms.⁴ Conditionality mechanisms focus on building effective anti-corruption institutions and judicial reforms, such as strategies extensively used in the Western Balkans.⁵ The introduction of a new enlargement methodology emphasizes tangible progress across interconnected negotiation chapters, enhancing the clarity of EU expectations.⁶

4 Maryna Rabinovych and Anne Pintsch, 'Political Conditionality as an EU Foreign Policy and Crisis Management Tool. The Case of EU Wartime Political Conditionality Vis-à-Vis Ukraine' [2024] *Journal of European Integration*, September 1, doi:10.1080/07036337.2024.2407091.

5 *ibid*; Marin Brusić, 'The Conditional Impact of Democracy Conditions. How the European Union Interacts with Political Competition in Eastern Partnership Countries?' (2017) 62(1) *Studia Universitatis Babeş-Bolyai: Studia Europaea* 141.

6 Ana Knežević Bojović and Vesna Ćorić, 'Challenges of Rule of Law Conditionality in EU Accession' (2023) 7(1) *Bratislava Law Review* 41, doi:10.46282/blr.2023.7.1.327; Marina Matić Bošković and Milica Kolaković Bojović, 'New Approach to the EU Enlargement Process – whether C19 Affected Chapter 23 Requirements?' (2022) 6 *EU and Comparative Law Issues and Challenges Series (ECLIC)* 330, doi:10.25234/ecllc/22433.

Another important element is the collaborative or defiant political culture of the political elites and the engagement of civil society in the integration process. Political elites in the Balkans significantly influence EU integration, often failing to meet democratic standards and contributing to public distrust and disengagement from political processes.⁷ EU conditionality has transformed civil society's role in policymaking within candidate countries, fostering greater engagement and accountability.⁸ Active civil society pressures political elites to adhere to European norms, thereby facilitating the reform process.⁹

However, the EU's credibility may be undermined if it prioritizes political expediency over adherence to democratic values, as seen in member states like Poland and Hungary.¹⁰ In contrast, while the EU's conditionality aims to promote democratic reforms, there are concerns that the pressures of geopolitical strategy may lead to compromises on these values, potentially jeopardizing the integrity of the enlargement process.¹¹

In the last decade, many studies have been conducted on the EU role in promoting and enhancing the implementation of justice reform in the Western Balkans as part of their enlargement strategy. Authors consider the intersection between EU conditionality, reform approval and implementation, public support, political collaboration and geopolitical perspectives.¹² The literature on justice reform in Albania and the EU focuses on technical aspects, such as Hajdini's use of technology to combat corruption.¹³ Anastasi discusses EU

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- 7 Geoffrey Pridham, 'The Scope and Limitations of Political Conditionality: Romania's Accession to the European Union' (2007) 5(4) *Comparative European Politics* 347, doi:10.1057/palgrave.cep.6110109; Corina Stratulat (ed), *EU Integration and Party Politics in the Balkans* (EPC Issue Paper 77, EPC 2014) <<http://aei.pitt.edu/id/eprint/56419>> accessed 25 December 2024.
 - 8 Igor Vidačak, 'The Effects of EU Conditionality on Patterns of Policy Engagement of Civil Society Organizations in Candidate Countries' (2021) 21(4) *Southeast European and Black Sea Studies* 571, doi:10.1080/14683857.2021.1951864.
 - 9 Andrea Gawrich and Doris Wydra, 'Conditions and Contestation: Ukraine on Its Way to EU-Membership' in Claudia Wiesner and Michèle Knodt (eds), *The War Against Ukraine and the EU* (Palgrave Macmillan, Cham 2024) 161, doi:10.1007/978-3-031-35040-5_8.
 - 10 Victoria Lomaka, Ivan Yakoviyk, and Yevhen Bilousov, 'Europeanisation and Its Impact on Candidate Countries for EU Membership: A View from Ukraine' (2023) 6(2) *Access to Justice in Eastern Europe* 59, doi:10.33327/AJEE-18-6.2-a000221.
 - 11 Zoran Ivanov, 'The EU – Balkans Enlargement Process Deadlock: The Role of Perceptions, Stabilisocracy, and Recommendations' (2023) 24 *Uluslararası Suçlar Ve Tarih* 131, doi:10.54842/ustich.1315682.
 - 12 Andi Hoxhaj, 'The EU Rule of Law Initiative Towards the Western Balkans' (2021) 13 *Hague J Rule Law*, 143, doi.org/10.1007/s40803-020-00148-w; Marco Kmezić, 'Recalibrating the EU's Approach to the Western Balkans' (2020) 19(1) *European View* 54, doi:10.1177/1781685820913655; Besnik Maho, 'Approval of the New Judicial Map: A Priority of the Albanian Justice Reform' (2022) 16(2) *Jus & Justicia* 7, doi:10.58944/qxwe1334; Ismail Tafani, 'Dalla giurisdizione della corte suprema alla competenza del tribunale speciale: la sfida del sistema giudiziario albanese contro la corruzione ad alto livello governativo' (2022) 13(2) *Optime* 111.
 - 13 Bojana Hajdini and Gentjan Skara, 'The Role of Information and Communication Technology in Fighting Corruption in the Judiciary System: The Case of 2016 Judicial Reform in Albania' (2022) 8(3) *Journal of Legal and International Affairs* 115, doi:10.47305/JLIA2283115h%20.

integration reforms, specifically technical support from EU specialists to increase the independence of the legal system.¹⁴

Specific publications by Albanian and foreign authors regarding Albania and its peculiar characteristics remain insufficient compared to other cases in the region. This study aims to shed some light on the unique role that the EU has played in Albania's process of democratisation.

3 METHODOLOGY

The article's methodology uses a case-study approach to analyse Albania's adoption and implementation of structural reforms. Specifically, it examines justice and public administration reforms within the broader context of Albania's EU integration process.

One of the key methodological approaches is case study analysis. Rather than situating Albania within the broader EU intervention in the Western Balkans, the study treats it as a distinct case. This approach illustrates the specific features of the case and contributes to broader research regarding Albania. Albania's political landscape, marked by high levels of polarisation, corruption, and institutional weaknesses, offers valuable insights into the complexities and limitations of EU-driven reforms.

The study also employs a comparative approach to assess political elites and societal perceptions of EU integration. This assessment uses time-series analysis, public opinion surveys, and political narratives. The research draws on surveys and data collected over the last decade by organisations such as Freedom House, the Albanian Media Institute, the Western Balkans Security Barometer, and the Center for the Study of Democracy and Governance.

Additionally, document analysis plays a crucial role in the study. It examines findings within EU reports, reform strategies, and theoretical models on conditionality to evaluate Albania's Europeanization process. The article also reviews articles and press releases from main political actors.

Finally, the study acknowledges that its findings might have limited applicability to other small transitional countries determined to meet EU accession criteria.

14 Aurela Anastasi, 'The Albanian Justice Reform in the Framework of the European Integration Process' (2021) 2 Euro-Balkan Law and Economics Review 1, doi:10.15162/2612-6583/1317.

4 THE EFFICIENCY OF THE EU ROLE IN THE ADOPTION OF STRUCTURAL REFORMS

The primary EU enlargement strategy lies on the conditionality to fulfill political, economic, and legal reforms as defined by the Copenhagen criteria of 1993 (a stable democratic rule of law, functioning market economy, and the ability to enact additional policies).¹⁵ In 2005, Schimmelfennig and Sedelmeier illustrated their theory on the EU's use of external incentives approach to influence the political, economic and institutional changes in candidate countries.¹⁶

The EU enlargement strategy for Albania relies heavily on conditionality to drive reforms necessary for accession. While this approach has led to some progress, ongoing challenges highlight the complexity of aligning domestic conditions with EU expectations and the diffusion and reception of norms, values and ideas that can transform society.¹⁷ The relationship between EU conditionality and the efficacy of rule adoption in potential candidate countries has been examined by Böhmelt and Freyburg.¹⁸ However, it is important to note that both internal factors and EU strategies also influence the degree of effectiveness of EU conditionality in Albania.

The EU has encouraged Albania to observe the enlargement requirements and undertake important reforms to meet the accession criteria. Two critical reforms from 2005 to 2020 have been administrative and justice reforms.

Juncos has stated that the credibility of EU enlargement conditionality depends on the EU's credibility of the accession prospect.¹⁹ Using her theory to analyse the role of the EU in Albania, we can assume that the EU is promoting core norms and values like democracy, rule of law and the efficacy of the public administration. The adoption and implementation of EU-driven reforms can evaluate the efficiency of the EU conditionality. In Albania, the EU transformative power has been limited by internal factors, such as the lack of political will, specifically in the fulfillment of two important accession criteria, like the enforcement of the rule of law and the enhancement of the public administration.²⁰

15 Oton Anastasakis, 'The Europeanization of the Balkans' (2005) 12(1) *The Brown Journal of World Affairs* 77.

16 Frank Schimmelfennig and Ulrich Sedelmeier (eds), *The Europeanization of Central and Eastern Europe* (Cornell UP 2005) 210-1.

17 Ziya Öniş and Mustafa Kutlay, 'Global Shifts and the Limits of the EU's Transformative Power in the European Periphery: Comparative Perspectives from Hungary and Turkey' (2017) 54(2) *Government and Opposition* 226, doi:10.1017/gov.2017.16.

18 Tobias Böhmelt and Tina Freyburg, 'The Temporal Dimension of the Credibility of EU Conditionality and Candidate States' Compliance with the *Acquis Communautaire*, 1998-2009' (2012) 14(2) *European Union Politics* 250, doi:10.1177/1465116512458164.

19 Ann E Juncos, 'Power Discourses and Power Practices: The EU's Role as a Normative Power in Bosnia' in Richard G Whitman (eds), *Normative Power Europe: Empirical and Theoretical Perspectives* (Palgrave Macmillan 2011) 83, doi:10.1057/9780230305601_5.

20 Wouter Zweers and others, *The EU as a Promoter of Democracy or "Stabilitocracy" in the Western Balkans?: A report by the Clingendael Institute and the Think for Europe Network (TEN)* (Clegendael Institute 2022).

4.1. Public Perception and Political Will

Two of the most important internal factors legitimising reform and policies are public perception and political elite compliance. All the polls conducted in the past decade have shown that Albanians persist in being amongst the most enthusiastic EU people in the Western Balkans.²¹ While Albanians have a general aspiration for EU membership, significant gaps in knowledge and communication hinder effective public engagement in the integration process. This overview will explore key aspects influencing public perception, including political culture, institutional challenges, and the role of civil society in the face of major reforms.

Surveys conducted by Albanian and international NGOs over the past decade indicate strong support for European Union (EU) integration among Albanian citizens.²² Given the general dissatisfaction with the performance of elected officials, Albanian citizens perceive the EU's criteria and conditions as a constructive impetus for enhancing governance outcomes and perspectives. This sentiment reflects a broader understanding that alignment with EU standards may serve as a catalyst for political accountability and institutional improvement within the country. In the last years, the accomplishment of EU membership held great importance for the Albanian people, as has been evidenced in the polls conducted by the Western Balkans Security Barometer (WBSB): almost the totality of the responses expressed full support of the Albanian full integration in the EU (Table 1).²³

Table 1. Public perception on the support of EU membership

	2021	2022	
Do you support your country's membership in the EU?	Don't know/ No opinion	0.79%	0.41%
	Yes, in the near future	96.69%	98.43%
	No	2.52%	1.71%

When asked why Albania has not fulfilled this popular aspiration, most of those who answered the questionnaire (71.17%) identified the main reason as the Albanian political system's poor performance. Only a minority expressed concern about the impact regional and European disputes or prejudices have on the duration of the integration process (Table 2).²⁴

21 Ilir Kalemaj, *Public Perception of the EU in Albania* (Albanian Media Institute 2022).

22 *ibid.*

23 Miranda Hallunaj and Nino Strati, *Public Perceptions Towards European Integration, Influence of External Actors and Government Performance in Albania* (Kosovar Center for Security Studies 2023) 4.

24 *ibid.* 5.

Table 2. Public perception on the reasons why Albania isn't an EU member yet (WBSB 2023, 5)

Why do you think your country is not an EU member yet?	Don't know/No opinion	0,53%
	Poor state of democracy, widespread corruption and lack of reforms	71,17%
	Because of the open bilateral disputes in the region	9,22%
	Because of the EU's discriminatory approach to my country	10,41%
	EU does not want to enlarge	7,43%
	None of the above	1,24%

Albania has been categorised as a transitional or hybrid regime in the survey Nations in Transit by Freedom House, which analyses democracy in historical series, evaluating different criteria (Table 3).²⁵ These evaluations are compatible with the before-mentioned Albanian public perception.

Table 3. Albanian democracy evaluation 2014–2024 according to Freedom House

2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
3.82	3.86	3.86	3.86	3.89	3.82	3.82	3.75	3.75	3.79	3.79

Another important factor impacting legitimacy reform is the political elite's attitude towards the EU. Their attitude determines the success or failure of these reforms in several important aspects, including political legitimacy, institutional cooperation and quality reform.

Since 2017, Albania has encountered significant political crises characterised by a series of protests, some of which escalated to violence, led by opposition factions against the socialist government of Prime Minister Edi Rama. These demonstrations were primarily fueled by allegations of corruption and perceived insensitivity to social issues within the national government. In an unprecedented move, the opposition engaged in a radical boycott of institutional processes; nevertheless, the ruling party proceeded with local elections in 2019

25 'Freedom in the World 2024: Albania' (Freedom House, 2024) <<https://freedomhouse.org/country/albania/freedom-world/2024>> accessed 28 December 2024.

despite this boycott, effectively limiting voters' political choices.²⁶ The political landscape during this period was marked by deep divisions and heightened tensions, reflecting broader concerns regarding democratic governance and electoral integrity. The opposition's actions, while aimed at challenging the government, also underscored the complexities of Albania's political dynamics as it sought to navigate its aspirations for European Union membership amidst internal political polarisation.

Political polarisation significantly impacts new democracies, undermining democratic norms and feeding the distrust among citizens. The relation between polarization and democratic commitment is complex, with far-reaching consequences for governance and social cohesion.

One immediate effect of polarisation is the erosion of democratic norms. When ideological extremism prevails among political discourse, democratic norms can deteriorate, leading to institutional instability.²⁷ Additionally, polarisation can create hostile cleavage, making the democratic system regress to widespread populism. As divisions deepen, democratic institutions may find themselves in a condition of diminished diversity, disabling the ability to address public concerns in an effective manner.²⁸

An important feature of Albania's political landscape is the prioritisation of EU full membership achievement, a goal supported by all political parties. It is necessary to analyse and evaluate whether these declarations reflect a genuine commitment or if they are simply rhetorical, serving various political objectives. The commitment of Albania's political elites to European Union integration is a complex and evolving issue, characterized by both aspirations and substantial challenges. Although the political elite often highlights EU integration as a national priority, their actual dedication to implementing necessary reforms and democratic practices has been inconsistent. In the communication strategies of Albanian leaders, topics related to the European Union and integration are prioritised over other domestic or international issues. As crucial negotiation phases approach, these themes are increasingly emphasised in political speeches.

In 2019, Albania's relationship with the European Union reached a critical development stage as the country strived to meet membership criteria. In June 2018, the European Council decided to begin membership talks with Albania. Despite that, negotiations have faced strong opposition from France and the Netherlands, who insisted on further reforms and stricter fulfillment of membership requirements.

26 'Albania: Research & Recommendations' (*Freedom House*, 2021) <<https://freedomhouse.org/country/albania>> accessed 28 December 2024.

27 Julian Borba, Ednaldo Aparecido and Mario Fuks Ribeiro, 'Polarization and Ideology: Exploring the Contextual Nature of Democratic Commitment' (2024) 32 *Revista de Sociologia e Política* 112, doi:10.1590/1678-98732432e006.

28 Jonathan Benson, 'Democracy and the Epistemic Problems of Political Polarization' (2024) 118(4) *American Political Science Review* 1719, doi:10.1017/s0003055423001089.

One recurrent feature in text analyses is that Prime Minister Edi Rama (2013 to present) addresses the EU integration issue more frequently than opposition leader Lulzim Basha (2013 to 2023). Rama's political discourse on EU integration reflects a complex interplay of national aspirations and the broader European context. His rhetoric emphasises the importance of EU membership as a vehicle for democratisation and societal transformation in Albania. This discourse is not only a political tool but also a reflection of Albania's historical and ongoing challenges in its integration journey.²⁹

This communication strategy appears very natural, as the most important reforms undertaken are consistently legitimised and highlighted as an imperative condition to fulfil EU accession criteria. Both the government and opposition leaders portray their party platforms as the pinnacle of European values.³⁰ However, during the milestones of the integration process, when progress is noted, the current administration tends to take all the credit, while every major setback or blocking in the integration path is attributed to the opposition.

An analysis of political communication strategies suggests that, for the Albanian political elite, dedication to the integration process is more of a formality than substantive. This feature becomes an obstacle during the effective implementation of structural reforms. Internal and external obstacles have impeded the implementation of the reforms, even though the membership perspective has been employed as a leverage to accelerate their adoption. To expedite the integration process, Albania has implemented reforms that are motivated by EU external incentives.³¹

4.2. The Public Administration and Justice Reform

To align with the European *acquis*, the administrative reform was essential to fulfil the third Copenhagen criteria. This was a general condition; however, the administrative criterion was incorporated from the Madrid Council in 2005 and after the EU Commission evaluated Albania's administrative capacity development.³² The administrative reform was facilitated by financial and technical assistance (IPA program, a form of dissemination through transference of normative values) and pressure from using conditionality. The civil servant law had been approved under EU pressure. However, despite the positive steps taken, the

29 Lorenc Ligori, 'The Culture of Political Communication in Albania in the Process of Integration to the European Union' (2022) 9(1) *European Journal of Social Sciences, Education and Research* 77, doi:10.26417/965vxc68.

30 Maarten Lemstra, 'The Destructive Effects of State Capture in the Western Balkans: EU enlargement undermined' (*EU Council Library Think Tank Review*, 2020) 41 <https://consilium-eureka.primo.exlibrisgroup.com/discovery/fulldisplay?vid=32CEU_INST:32CEU_VU1&tab=Everything&docid=alma991739485504371&searchScope=TTR&context=L&lang=en> accessed 28 December 2024.

31 Schimmelfennig and Sedelmeier (n 16) 210.

32 Arolda Elbasani, *European Integration and Transformation in the Western Balkans: Europeanization or Business as usual?* (Routledge 2013) 87.

implementation of the reform was postponed for an extended period. The Commission expressed apprehensions regarding the proper implementation of the legal framework, the politicisation of public services, and the lack of transparency during the selection phase in a variety of Progress Reports.³³

Despite exerting some pressure, the EU has evidently chosen to apply positive conditionality in the context of administrative reform. Even when there was evidence of limited progress, the advancement of institutional relations and the integration process was not impeded.

However, in 2009, the European Commission (EC) confirmed Albania's advancement was contingent upon implementing the public administration reform. Consequently, the EU implemented a more stringent conditionality. The 2010 Progress Report assessed the legal framework in accordance with European standards and practices, but it also expressed apprehension regarding its effective implementation.³⁴

In 2010, the European Council established visa-free travel for Albania and Bosnia-Herzegovina, marking a significant milestone in Albanian integration. The EU's commitment to Albanian integration was unequivocal. Additionally, in 2010, the European Commission issued an opinion on Albania's membership, which included public administration reform as one of 12 important priorities.

The Albanian government responded to the situation by approving the Cross-Cutting Public Administration Reform Strategy 2009-2013, designed to modernise the Albanian public administration and fortify the country's most critical institutions. This strategy followed the EU's explicit commitment to the enlargement process.

From 2010 to 2014, the EU strictly related the Albanian integration process to the implementation of the public administration reform, incorporating it into the National Integration Strategy as a demonstration of political support for the reform.³⁵ The European Commission financed the implementation of the reform through the IPA instrument, signaling a positive step forwards while also tying ulterior funding to Albania's performance in implementing the reforms effectively.³⁶

33 Commission Staff Working Document: Albania 2023 Report Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2023 Communication on EU Enlargement policy SWD/2023/690 final (8 November 2023) 13 <https://enlargement.ec.europa.eu/albania-report-2023_en> accessed 28 December 2024.

34 Elbasani (n 32) 104.

35 Commission Staff Working Document: Albania 2016 Report Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2016 Communication on EU Enlargement Policy SWD/2016/0364 final (9 November 2016) 10 <<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52016SC0364>> accessed 28 December 2024.

36 *ibid* 15.

The European Commission (EC) identified public administration reform (PAR) as one of three "fundamental first" areas of the EU enlargement process in its 2014 and 2018 Enlargement Strategies.³⁷

The implementation of the reform was boosted after the positive recommendation of the European Commission in 2018 to the opening of the accession negotiations talks. Regarding Key Priority 1, on the public administration reform, in 2020 the EC considered fulfilling the relevant legal and strategic frameworks and declared that the implementation of the reform was continuous and consistent.³⁸

It is possible to distinguish between two distinct phases of the EU's transformative role in implementing public administration reform in Albania. Until 2010, the EU-driven reform of Albania's public administration sector was restricted by domestic factors, such as the elite's willingness to implement it. However, Albania made significant strides in public administration reform from 2010 to 2024 despite a moderate implementation and the development of a new cross-cutting strategy.

The government cooperated effectively during this period, and the EU made additional political and economic endeavors. The EU's transformative role has been evident in the last decade because of a more credible enlargement strategy and the restriction of the application of the conditionality. The political elite was compelled to implement the reform to advance the integration process.

The integration process is strictly connected with the justice reform. In 2020, the European Council granted the opening of the accession negotiations but requested more efforts in key areas, such as judicial reform, fight against corruption and organised crime.³⁹

The EU asserts that justice reform is the most pressing issue. Diverse actors, including the political elite, civil society, and citizens, were all implicated in this structural reform. The reform was considered necessary due to the judiciary's lack of independence from the executive authority, the slow administration of justice, the non-enforcement of judicial decisions, the insufficient accountability of judges and prosecutors, and the widespread corruption within the justice system.

37 'Strategy for the Western Balkans: EU sets out new flagship initiatives and support for the reform-driven region' (*European Commission*, 6 February 2018) <https://ec.europa.eu/commission/presscorner/detail/en/ip_18_561> accessed 28 December 2024.

38 Commission Staff Working Document: Albania 2021 Report Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2021 Communication on EU Enlargement Policy SWD/2021/289 final (19 October 2021) 14 <<https://eur-lex.europa.eu/legal-content/FI/TXT/?uri=CELEX:52021SC0289>> accessed 28 December 2024.

39 Council of the EU, 'Council Conclusions on Enlargement and Stabilisation and Association Process - Albania and the Republic of North Macedonia' (*European Council*, 25 March 2020) <<https://www.consilium.europa.eu/en/press/press-releases/2020/03/25/council-conclusions-on-enlargement-and-stabilisation-and-association-process/>> accessed 28 December 2024.

The Justice Reform in Albania was approved in 2016 with favourable votes from all 140 members of Parliament. The reform legislative package amended the constitution and 25 organic or simple laws.⁴⁰ Throughout the period from 2016 to 2022, the EU exerted continuous pressure for the adoption of the justice reform. Many EU representatives, along with representatives from member states, expressed the necessity of the reform, particularly its connection to the country's progress in the integration process.⁴¹

The justice reform in Albania has introduced several groundbreaking institutional changes that have reshaped the country's judicial landscape.⁴²

The reform was enhanced by the European Union, which backed up the government in this "new era" of the rule of law.⁴³ The development of Albania's justice reform represented a collaborative effort that brought together diverse expertise and stakeholders through an inclusive consultation process. The European Union provided expertise and financial resources, and most of all, it facilitated a political compromise between the Socialist ruling party and the opposition, the Democratic party. The judicial reform was not only a key condition for the opening of the accession negotiations, but its implementation was also part of the conditions to be fulfilled prior to the first intergovernmental conference.⁴⁴

Public sentiment in Albania strongly favoured the judicial reform initiative, as demonstrated through various opinion polls and surveys.⁴⁵ While citizens welcomed the reform, its implementation did not fulfill their expectations. The reform's primary objective was to reevaluate suitability for the office of all judges and prosecutors in the country, otherwise known as the vetting process.

However, the removal of corrupt judges and prosecutors through this vetting process does not guarantee the timely filling of the justice system's vacancies, thereby limiting public access to justice.⁴⁶ Since 2017, due to a high number of dismissals, the courts have been suffering from a shortage of judges and prosecutors, resulting in delays and an inability to deliver justice on reasonable terms.

40 Republic of Albania, *The Justice Reform Strategy* (Albanian Parliament 2015) 6 <<https://rm.coe.int/strategjia-ne-refomen-e-sistemit-te-drejtises/16809eb53a>> accessed 28 December 2024.

41 'Jean-Claude Juncker and EU "Enlargement Fatigue"' (*EuroNews*, 2 March 2018) <<https://www.euronews.com/2018/03/02/jean-claude-juncker-and-eu-enlargement-fatigue>> accessed 28 December 2024.

42 Ardian Hackaj, *EU Enlargement in SEE6 and Country Reforms: The Justice Reform in Albania as a Case Study* (Cooperation Development Institute 2020) 34.

43 Luigi Soreca, 'Speech of EU Ambassador Luigi Soreca During the Conference "The Role of Self-Governing Justice Institutions in Strengthening Professionalism and Performance of the Judiciary"' (*Delegation of the European Union to Albania*, 1 October 2021) <https://www.eas.europa.eu/delegations/albania/speech-eu-ambassador-luigi-soreca-during-conference-%E2%80%9Crole-self-governing-justice-institutions_en> accessed 28 December 2024.

44 Council of the EU (n 39).

45 Instituti per Kerkime dhe Alternativa Zhvillimi (IDRA), 'Judicial Reform in Albania – General Public Survey' (Fondacioni Shoqëria e Hapur për Shqipërinë, 2016) <<https://www.idrainstitute.org/en/projects/reforma-n-drejt-si-sondazhi-i-opinionit-publik>> accessed 28 December 2024.

46 Hackaj (n 42) 45.

In several cases, the European Court of Human Rights has evaluated the vetting procedure to establish compliance with the European Convention on Human Rights, especially the right to a fair trial and the legitimacy and independence of the vetting process. The first case discussed was *Xhoxhaj v. Albania*.⁴⁷ Ms. Xhoxhaj, a former judge, complained of a violation of Article 6 of the ECHR. The court dismissed the applicant's claims and affirmed that there was no violation of the right of fair trial.⁴⁸ The case is important regarding the legitimacy of the vetting process because the Court decided that the vetting bodies in Albania have been legally established. Indirectly, the Court recognised Albania's effort to reform the justice system.

The Court followed the same line in *Sevdari v. Albania*,⁴⁹ affirming that there was generally no reason to doubt the independence of the review bodies referring to how their members were appointed, more specifically their election by Parliament.⁵⁰ The Court has followed the same line also in *Thanza v. Albania*,⁵¹ the vetting process when in line with the legislative framework does not violate the ECHR, but in the specific case found violation of the right to a fair trial for the complainant.⁵² In conclusion, we can affirm that the European Court of Human Rights recognises the importance of justice reform as well as the bodies created by it, but it requires caution regarding the guarantee and protection of human rights, specifically the right to an independent and impartial process.

5 CONCLUSION

The article aimed to analyse the characteristics of EU conditionality in Albania during the key reform processes from 2016 to 2020, considering them as essential conditions for fulfilling the obligations of the integration process. A range of factors have contributed both positively and negatively to the progress of these reforms. On the positive side, Albania still has one of the most enthusiastic populations regarding European integration. This democratic demand from Albanian society has historically influenced the unanimous support of political parties for the European Union.

This support is observed to have increased due to the geopolitical conflict in Eastern Europe following Russia's attack on Ukraine. Additionally, Albanian citizens, disappointed with the performance of their political representatives, have developed the perception that the

47 *Xhoxhaj v Albania* App no 15227/19 (ECtHR, 9 February 2021) <<https://hudoc.echr.coe.int/fre?i=001-208053>> accessed 28 December 2024.

48 *ibid*, para 336.

49 *Sevdari v Albania* App no 40662/19 (ECtHR, 13 December 2022) <<https://hudoc.echr.coe.int/?i=001-221482>> accessed 28 December 2024.

50 *ibid*, paras 295-6.

51 *Thanza v Albania* App no 41047/19 (ECtHR, 4 July 2023) <<https://hudoc.echr.coe.int/?i=001-225653>> accessed 28 December 2024.

52 *ibid*, para 97.

European integration process will bring economic benefits, strengthen democratic institutions, combat corruption, and safeguard individual freedoms and rights. Albanian citizens also perceive and support the reform of the public administration and the justice system as instruments in the fight against corruption and impunity.

The EU's revised enlargement methodology in 2020 is based not only on the adoption of the *acquis* but also on the real progress made by candidate countries in implementing reforms. This approach seeks to give the enlargement process more credibility, predictability, and dynamism.

However, factors within the Albanian political scene have negatively impacted the integration process and the implementation of key reforms. These include the superficial commitment of local elites and the high level of political conflict, especially since 2017. This article seeks to explore the dynamics of political elite behavior, the structural challenges faced, and the implications for EU integration.

The role of political elites in Albania's EU integration process is multifaceted, characterized by both obstruction and potential facilitation of the process. Political elites often exhibit a disconnect between their pro-European rhetoric and actual reform efforts, significantly impacting the integration process. Albanian political elites have been criticized for prioritizing political survival over genuine Europeanization efforts, often using institutional frameworks to block necessary reforms.

One of the most comprehensive institutional overhauls in its history is its justice reform, which has been driven by both internal needs for a more effective judiciary and external pressures from the EU accession process. While significant strides have been made, particularly in establishing new institutions and processes, challenges remain in fully realizing the reform's goals. Continued commitment from both Albanian representatives and international partners is essential for sustaining these efforts and achieving lasting improvements in Albania's judicial system. This accomplishment must encounter the positive will of the EU institutions to provide a viable and certain progress pattern until the full membership of Albania. A positive signal in this direction is the opening of negotiations related to the first cluster of integration chapters in October 2024.

The Albanian experience illustrates both the potential and limitations of EU conditionality. While significant reforms have been initiated, their sustainability and impact remain uncertain. Broader lessons drawn from this experience emphasise the importance of adapting conditionality to the specific political and institutional contexts of candidate countries, the need for continuous engagement and capacity-building to support long-term reform implementation, and the value of emphasising tangible benefits to maintain public and elite commitment to the integration process. The EU should adopt a more flexible and context-sensitive approach to conditionality, complemented by a robust support framework that addresses both technical and political challenges.

The findings from Albania underline the transformative potential of the EU's enlargement policy, while also exposing critical areas for improvement. By refining its conditionality framework, enhancing support mechanisms, and addressing political and institutional barriers, the EU can strengthen its role as a transformative force in the Western Balkans and beyond. This approach will not only advance Albania's integration journey but also reinforce the EU's credibility and influence in the region.

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АНОТАЦІЯ УКРАЇНСЬКОЮ МОВОЮ

Оглядова стаття

СТРУКТУРНІ РЕФОРМИ В АЛБАНІЇ: ПОЛІТИЧНІ ТА ПРАВОВІ ВИКЛИКИ В МЕЖАХ ІНТЕГРАЦІЇ ДО ЄС

Мельяна Брегу* та Юліана Джінко

АНОТАЦІЯ

Вступ. Після падіння комуністичного режиму зовнішня політика Албанії була зосереджена переважно на демократичній консолідації, але політичний режим у країні продовжують класифікувати як гібридна демократія, незважаючи на те, що Албанія досягла стабільності в напрямку ліберально-демократичного прогресу та європейської інтеграції. Як албанське населення, так і політична еліта вітають і заохочують процес інтеграції з перспективою членства в ЄС, що перетворює Європейський Союз на потужну силу демократії, стимулює структурні зміни та впливає на верховенство права. Однак на цей процес вплинула сукупність внутрішніх і зовнішніх перешкод.

У статті досліджуються складні відносини албанських політичних представників та установ ЄС, використовуючи ухвалення реформи правосуддя та державного управління, внутрішні політичні дебати та суспільні настрої щодо процесу інтеграції.

У дослідженні підкреслено роль умов та внеску ЄС у прийнятті важливих реформ і розповсюдженні цінностей ЄС під час серйозних протистоянь між албанськими політичними силами. Хоча зовнішні моделі стимулів пропонують цінну основу для розуміння процесу європеїзації Албанії, важливо враховувати додаткові фактори, які можуть впливати та сприяти демократизації та прийняттю важливих реформ.

Методи. У цій статті використано метод тематичного дослідження для аналізу прийняття та впровадження реформ в Албанії. Хоча Албанія є цікавим прикладом, її часто аналізують як частину зовнішньої політики ЄС на Західних Балканах. Очікується, що висновки цієї роботи будуть відносно обмеженими щодо застосування у подібних випадках, тобто до невеликих країн із перехідною економікою, які прагнуть виконати критерії вступу до ЄС.

Політичне та суспільне сприйняття інтеграції до ЄС, включно з аналізом часових проміжків, опитуванням щодо громадської думки та політичними нарративами, обговорювалися та порівнювалися з відповідними звітами ЄС, стратегіями реформ та теоретичними моделями умов.

Уявлення про їх впровадження було виявлено за допомогою систематичного контент-аналізу.

Результати та висновки. *Приклад Албанії демонструє вплив та обмеження умов, які висуває ЄС. Більш загальні уроки містять вимогу постійно брати участь у підтримці реалізації довгострокових реформ і необхідність адаптувати умови до політичних та інституційних умов країн-кандидатів. Довгострокова стійкість реформ в Албанії залежить від кількох аспектів, таких як політична воля, внутрішня інституційна незалежність і суспільна довіра.*

Ключові слова: *умова, структурні реформи, елітарна культура, громадська думка.*