

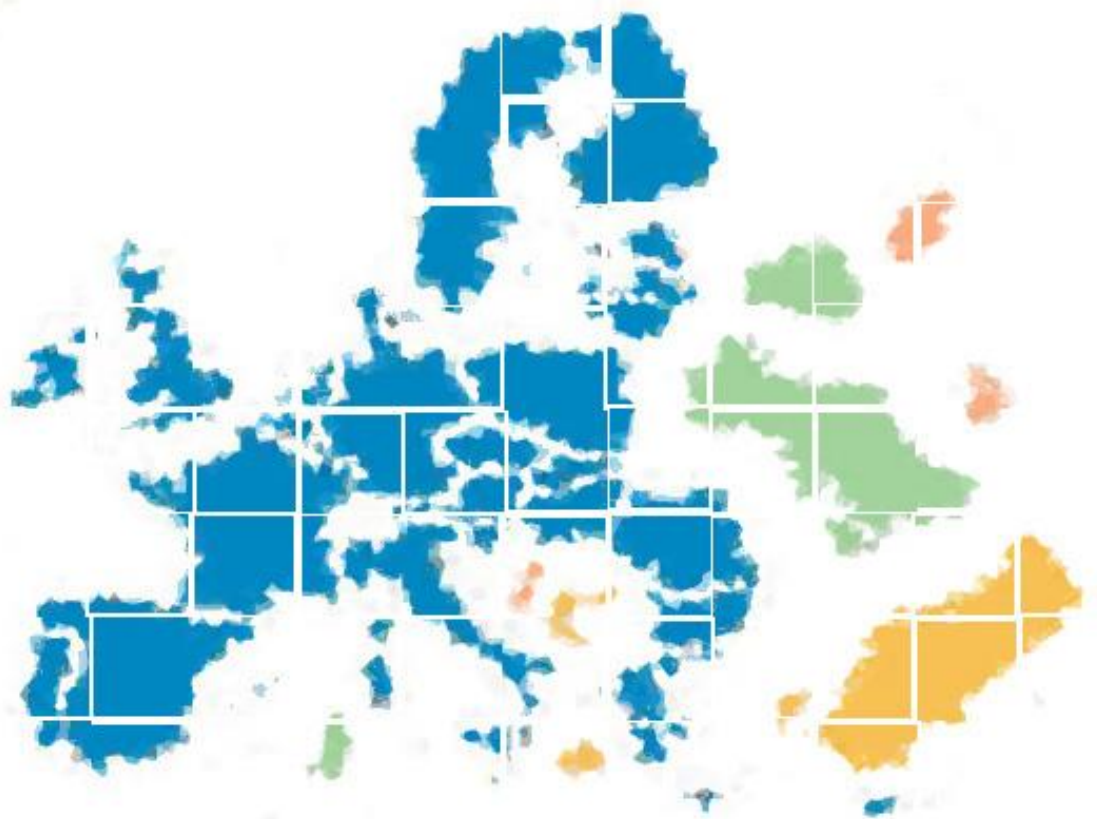
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Albania caught between the “Scylla” of political antagonism and “Charybdis” of institutional stalemate

Ilir Kalemaj



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Center for European Neighborhood Studies

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About the author

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Illir Kalemaj has obtained his Ph.D. in International Relations at Central European University, Budapest, Hungary, where he also received his MA. In addition he has obtained a B.A. in International Relations/Political Science from University of New York Tirana and a B.A. and LLM from University of Tirana/Faculty of Law. He has published three books and more than twenty peer review journal articles and book chapters. His most recent monograph is *Contested Borders: Territorialization of National Identity and Shifts of "Imagined Geographies"* in Albania. Bern: Peter Lang. Illir is also active publishing in academic journals, and extensive experience as a freelance writer, regularly contributing in the national and regional press. He is currently the Chair of Department of Humanities, Law and Social Sciences and Director of MSc in International Relations at UNYT.

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Abstract

Albania, notwithstanding its relative ease with processes of nation-building and nation-breaking, processes that disrupted the neighboring former Yugoslavia for more than a decade, has had one of the most prolonged and difficult transitions in the Western Balkans. The chief reasons have to do with lack of law enforcement mechanisms, weak civil society and unskilled bureaucracy, as well as a generally dysfunctional and shaky economy. My main contention is that protracted political warfare has been the root cause of such lack of progress and has recently been more vocal, thus leading to a full institutional deadlock.

The present paper looks particularly at Albania’s case in both internal and external dimensions as it stands currently and in the near future. More specifically, I investigate internally how extreme political antagonism is forestalling the “Justice Reform”, a key legislative act that needs an all-encompassing political willingness to be agreed and executed. I also discuss how externally this act has already jeopardized the country’s progress in opening the long due accession negotiations.

On the other hand, I am briefly addressing how the EU’s ineptitude in the region and its present political problems, in addition to enlargement fatigue, have come at a cost of a murky enlargement perspective and how that has impacted the region in general and Albania in particular. In the end, I conclude with the way ahead after I provide an analysis of the situation of the region and its complicated EU connection. I do so by forwarding some predictions and possible recommendations that would move the region and Albania from the actual abyss while allowing resuming the tango with the EU, albeit a tango takes two.

Keywords: Albania, democratization, justice reform, Western Balkans, European integration.

Justice Reform as the cure all disease or the same old political camouflage

When the main political actors and parliamentary parties in Albania agreed on July 21, 2017 to vote the newly conceptualized “justice reform” with unanimity after prolonged discussions, explicit and implicit international intervention and a war of nerves, there was hope that the process was finally

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going to move smoothly and a forward-looking perspective saw the opening of negotiations with the EU by mid-December. This rosy scenery soon turned dark as often the case before, by the renewed political antagonism that is fueled by mutual mistrust and lack of legitimacy of independent institutions.

The backdrop of the story connects to the haunting specter of widespread graft and corruption that has for long inhibited the enforcement of rule of law in Albania. The main problem has consistently been the lack of political willingness to address a long awaited reform of the judiciary which has never functioned independently in practice, let alone to create a system of checks and balances. Moreover, the political parties or coalitions that have formed the ruling majority have always covertly or discreetly tried to control the judiciary, especially its high echelons in the Supreme and Constitutional Courts.

Most political parties that win elections think within the range of four to eight years, which corresponds with their first or two mandates if re-elected and try to stay away as much as possible from big reforms, such as in healthcare, property rights and judiciary reforms. This inescapable feature of modern politics is further aggravated by the Machiavellian politics of a small country like Albania where the main goal of politicians is to propagate easy to achieve end results and to govern in a straight populist manner whenever given the chance.

While approaching the end of its first political mandate, the ruling Socialist party, backed by its coalition partners, saw justice reform both as a remedy that would heal their otherwise failed attempts to keep the electoral promises, while simultaneously securing the international goodwill that has for long pushed in that direction. This, in turn, could have easily secured the opening of negotiations, which more than anything else could be used as a form of political capital to win the next round of parliamentary elections in a country where the absolute majority of the population are euro-enthusiasts.¹

The opposition sees it as a camouflaged way to capture the justice system by the government, thus leading to a form of state capture that would grant immunity from criminal persecution to those in power and could be used as a “stick” against their opponents. In a country that has traditionally suffered from strong institutional bedrock and lack of social capital, which in turn had stimulated mutual and continuous suspicion among the political actors and factors, this also seems like a rational reason that ultimately leads to boycott and lack of a political accord.

The (last) tango with EU

¹ See for example the AIIS polls and surveys: <https://www.ata.gov.al/en/aiis-survey-49-1-of-albania-say-yes-to-candidate-status/>

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From the external dimension, it is important to see how refraining from enacting the previously agreed justice reform has already jeopardized the country’s progress in opening accession negotiations, because it is the most important criteria set by the European Commission recommendations. It is not easy to appoint the blame in a heated political contestation where the government accuses the opposition of deliberately blowing the chances of its enactment in order to protect its leading figures from potential accusations on charges of corruption when they were in power, whereas on the other hand, the opposition accuses the government of putting the cart before the horse. Their rationale is based on the simple fact that abundant external evidence points to a growing narco-state, where Albania is serving as a trafficking hub² and the money would be potentially used to fund an illicit electoral campaign that would help the government to easily secure a second mandate. The latest State Department report seems to confirm this.³ Given that the minor government coalition partner - SMI (Socialist Movement for Integration) has voiced some of the very same concerns,⁴ the opposition’s claims that addressing this as well as guaranteeing free and fair elections should precede the justice reform, seems like a valid point to make.

The stakes in the region are high because of current and undergoing regional tensions. We are facing simultaneously a politically unstable FYROM, economic woes in Greece, Russia’s political influence in Serbia and its otherwise economic penetration in Montenegro, a weak and easy to destabilize Kosovo and a messy Bosnia and Herzegovina. Moreover, the EU and US are deeply preoccupied with the prolonged political crises in Albania and are consistently urging the main actors to find a common language and to agree on both the implementation of the justice reform (particularly its vetting component), as well as finding the path that would lead to free and fair elections. Completely unfettered elections that would not normally be contested in the election aftermath seem like a desirable but kind of unrealistic prospect for Albania, where all the post 1992 elections have been contested by the losing side in one way or another. However, given the fact that Albania’s instability can easily spill over across borders and the need that the country has to finally open the accession negotiations, this seems like the last train to catch and the international community seems heavily invested. This, in part, explains the almost daily efforts and meetings of the US and EU ambassadors with the highest profile politicians in the country, as well as several letters of support or criticism that politicians of both sides have received recently from Washington D. C., Brussels or Berlin. The agreement is necessary to come before the mid-May, otherwise the entire opposition will fail to register for the upcoming June parliamentary elections and that would deeply hurt the legitimacy of the democratic process

² http://www.ecfr.eu/article/commentary_the_balkans_bad_news_rising_7253

³ See US State Department report on narcotics:
<https://www.state.gov/documents/organization/268025.pdf>

⁴ An LSI Minister, the (former) Justice Minister Ylli Manjani went as far as to suggest the use of the armed forces to combat the rising threat of narco-traffickers.

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itself, not to mention that it will prolong for at least another year the opening of negotiation chapters with the European Union.

The EU’s Farwell Western Balkan policy

Last but not least, is it crucial to consider how the European Union’s ineptitude in the region and its present political problems and deepening agenda have come at a cost over the murky enlargement perspective and how that has impacted the region in general and Albania in particular. There is growing talk of enlargement fatigue from Brussels that is fueled inter alia from present electoral headaches in some important European capitals, such as Paris, Berlin and Amsterdam, not to mention the Brexit situation, the Russian threat and the new American indifference fueled in part of Trump’s “America First” policy.

Brussels’ priorities are on shifting grounds and grand scheme strategies of en bloc accession (whispered during the 2014 because of 100th anniversary of WWI) offered to the remaining Southeastern European countries seems now like a midsummer night’s dream. On the other hand, even the so-called and much speculated “regatta principle” of countries joining the club when fully qualified seems now in a state of oblivion, given that none of the remaining states is making any dramatic progress. The sole exception, given its young history of statehood and the pace of reforms, as well as accession negotiations taking place, seem to be Montenegro, which also is joining NATO as a full member especially after the crucial USA Senate vote, a big step that has both symbolic and geopolitical significance for this tiny Balkan state.

Another important factor is that the Balkan leaders seems more and more interested in stability than democracy, especially when it comes to the peripheral and often volatile Western Balkans. This in turn has resulted in producing a “stabilitocracy” as a scholar put it recently.⁵ He added that the “overall picture of the countries of the Western Balkans region is that they have not made any progress in the state of consolidated democracy in the last 10 years...”, also noting that it “has been a trade-off between peace and democracy and the aim to secure peace if seen as a trade-off to creating a firm and established democracy.”⁶ Thus stability is given priority over democracy by domestic leaders, leading consequently to increased authoritarianism, while the EU has largely refrained from intervention until very late to prevent local crises. The gradual loss of “sticks and carrots” mechanisms as a way to enforce its own agenda and to promote democracy, rule of law and economic prosperity that would in turn make these countries eligible for membership in the EU, has been one of the missed opportunities that has mostly affected the downsized role and impact that Brussels seems to now have in the region.

⁵ <https://europeanwesternbalkans.com/2017/03/28/biepag-in-ep-the-crisis-of-democracy-in-the-western-balkans-authoritarianism-and-eu-stabilitocracy/>

⁶ Ibid

The way forward

Normally a tango takes two and seen from this light, the presence of Brussels through its “sticks and carrots” to incentivize political actors is indispensable. So far, the most important leader has been Chancellor Merkel with her blueprint and signature “Berlin process” for the Western Balkans. In Albania particularly, her role has been undisputable because of her influence both with the government and premier E. Rama, as well as with the opposition led by the Democratic Party and its leader L. Basha, given the ideological affiliations and the fact that the DP and the German Christian-Democrats (CDU) are both members of the EPP.

Notwithstanding Germany’s strong role, especially now with Brexit under the way, Brussels must play its part in giving the EU a presence in the region. Its role can be more visible if it engages in credible threats to increasing authoritarian regimes across the region, while handing the helping hand to civil society actors and empowering them. This in turn would strengthen the fragile democracies and make them better partners in the long run. Also, it would help the circulation of elites and the influx of new ideas to promote growth and sustainable development. The “stabilitocracy” should not come at the cost of the dimensions of rule of law and respect of right of minorities and the promotion of diversity. Nor should it come at the expense of basic freedoms and citizens’ rights. The prospect of integration should be made clear and within realistic deadlines. The objectives should be clarified by the agenda-setters in the EU Commission and be closely monitored by rewarding good behavior and best practices, while punishing the rascals. Focusing too much on political correctness, wooden diplomatic language and trying to keep a distance among warring parties can prove detrimental in the long run and not help these countries to prosper.

Notwithstanding many similarities that the remaining Western Balkan countries share, they also part ways in some regards and they can learn from each other’s best practices in certain areas. For example, while Montenegro can rightly take pride on its rapid accession route, as well as joining the NATO recently, Albania is a good example in periodic shifts of power and political rotations that have fostered a more pluralistic political life.

On the other hand, Southeastern European countries face some similar problems with EU states. For example, both Serbia and Albania have presidential and parliamentary elections under the way, in the same fashion as Bulgaria, France or the Netherlands and Germany later this year. Political deadlocks, on the other hand, are noticed both in Spain and Macedonia, while breakaway and secessionist calls can be heard from Scotland and Catalonia to the problematic case of Bosnia and Herzegovina and even scenarios that foretell some forms of border revisions in Kosovo. Similarities can also be found in the threat of refugee waves and not only from war prone zones such as the Middle East but also from many impoverished countries in Sub-Saharan Africa and elsewhere that

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simultaneously threaten Serbia and Greece, Hungary and Macedonia, Italy and Croatia. Related, but not as a consequence, is the danger of terrorist infiltration and the routes are all the same. So is the danger of political cyber warfare and fake news, often orchestrated by the Kremlin that can endanger all the countries in the Western Balkans and the European Union that have elections this coming year.

Particularly for Albania, the EU can prove to be a decisive factor in facilitating routes of communication and dialogue between the government and the opposition to find the common ground that would allow free, fair and uncontested elections that would be accepted unequivocally both international interlocutors and the local population. Also, IPA funds are crucial to help reform state institutions and provide technical and financial support for the long awaited justice reform. It is the EU Commission’s responsibility not to vacate its chair in the process and to help guide the respective parties toward a general consensus that would include a reform of the electoral system and the by-product of an electoral code.

Conclusions

The Balkans in general have long been referred to as a “powder keg”, mostly because of its ability to cause damage, havoc and mayhem that spills over and leads to big geopolitical clashes and wars. Nowadays, while it seems that Western Balkans have lost some of their steam and as a result also its worldwide importance, internal problems have taken the scene and have become the number one worry for both domestic folks and EU bureaucrats.

The only ones that seem immune of such perilous situation seem the political elite of these countries who tend to be little worried about the lack of integration progress. The most problematic cases remain FYROM, Bosnia and Herzegovina, Kosovo and Albania. The present paper pointed out at how inter-party polarization has been the chief cause of such regress or stagnation and how this has recently escalated to a full institutional deadlock. The extreme political antagonism, fueled by ad hominem attacks has forestalled major reforms, like the aforementioned “Justice Reform”, a key legislative act that needs an all-encompassing political willingness to be agreed upon and implemented. I also discussed here, how this, in turn, has also jeopardized the country's progress in opening the long overdue accession negotiations.

On the other hand, I addressed how Brussels retreated from the region, while often taking an ineffectual and feeble position on the domestic political issues and increased authoritarianism in most of these countries. This has come at the cost of the prolonged enlargement perspective. In turn, this has impacted the region in general, and Albania in particular, by removing a real incentive of democratization and reform impetus that these countries have in their long post-communist struggle.

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