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BUILDING A POSITIVE PEACE FOR THE YOUTH OF THE WESTERN BALKANS: REGIONAL YOUTH COOPERATION OFFICE (RYCO) IN COMPARISON WITH THE FRANCO-GERMAN YOUTH OFFICE (FGYO)

ALBAN NAKO

Abstract

Regional Youth Cooperation Office (RYCO), jointly proposed by Albania and Serbia, was established in the framework of the Berlin Process (BP) to "promote the spirit of reconciliation and cooperation between the youth in the region". To foster the common future of the region is intrinsic to ensure stability, sustainable development and setting up a positive agenda for peace for youth. RYCO project is shaped by the model of Franco-German Youth Office (FGYO) with the main objective to strengthen cross-border dialogue and joint action of youth. How can we "transplant" the bilateral FGYO model into the multilateral context of ethnic and religious Balkan? What is the role of non-state actors in fostering and accelerating reconciliation and regional cooperation between young people? Can a "one size fit all" regional solutions be implemented? Lessons learned and new mistakes.

Keywords: Positive Peace, Youth, Western Balkan, Berlin Process, RYCO, FGYO, Cross-Border Dialogue

A Very Short Introduction

Historically the term "Balkan" is a socially constructed term forged by deliberate ottoman actions to eradicate byzantine inheritance and exotic misconceptions of West Great powers. The identity of "the place in-between" of the occident and the orient is ambiguous, geographically part of Europe peninsulas but culturally, the Balkans represents "the empty side of European consciousness of itself, determined by lack and ambiguity and yet, it functions to reinforce the West as "self-confidently" "progressive", "modern" and "rational"". (Norris, 1999, p. 12)

The dissolution of the West Roman Empire due to gothic invasive wars fragmented the roman civilization into small units of governance in which the new nationalist identities were incubated and in the long bloody historical process, *a modus operandi* was instituted to guarantee reconciliation based on Christian identity and security dilemmas. From the Dark

Ages to Concert of Europe to the European Union is a long historical process in which the conditions for reconciliation were ripe to develop.

While the East Byzantine Empire was swallowed up by the Ottoman Empire (Faroghi, 2004) which deliberately started a process of "ottomanization of the population" basically for two legit reasons, *one*, to guarantee the unification of the empire and *two*, particularly for the Balkan to eradicate the Christian Byzantine identity. (Bideleux & Jeffries, 2007, p. 112) Embracing by force or taxation the Ottoman Islam identity or preserving the Christian identity became the cornerstone for incubating modern national identity (Kent, 2005) and in the same time being part of the Ottoman Empire securitized Balkans by hampering the ability to create *a modus operandi* for reconciliation outside the universal Islamic citizenship. In this environment "Ottoman Muslims felt harassed by their intrusive government, while Ottoman non-Muslims felt both this and the regime's mean-spirited religious chauvinism". (Howard, 2017, p. 412) When the Ottoman Empire crumbled the tension between non-Muslims and the Empire in the Balkans transformed into the tension between Muslims and non-Muslim which fuelled many ethnic wars and territorial claims.

"Balkan acquired their modern national independent statehood and territories at least partly by the grace and favor of Europe's Great Powers." (Bideleux & Jeffries, 2007, p. 1) Different models of the tutelage system were introduced by Concert of Europe for those who would not meet standards of civilization. (Gong, 1984)

One may say that "the source of the Balkan myth lies in the West" (Norris, 1999, p. 11) because the Balkan region was perceived as oriental and Islamic therefore, non-Muslim modern countries were more favorable in the eyes of the West. (Black, 2007) This attitude reinforced "national insecurity" (Bideleux & Jeffries, 2007, p. 1) a type of dependence in statecraft development, therefore, a new European modern model of reconciliation which yet hampered the local actors to identify and solve their problems. The origin of most Balkan crises can be traced back to the Great Powers with direct or indirect interventions. (Glenny, 2012)

This scenario is decent only for the 1984 book of Orwell where wars "take place on the vague frontiers whose whereabouts the average man can only guess at" probably named Balkans. (Orwell, 1977, p. 109)

The Balkanization of Balkans

"History, like hate, is the product of memory, and memory is composed of unforgettable detail - sights, smells, sounds, exalted emotions, grim statistics, and cruel ironies. A memory is not subject to condensation. Made to fit inside the narrow strictures of a television sound bite or a newspaper column, it loses all meaning. It becomes just another lifeless fact that can never convey how people have come to think and behave as they do. The Balkans are a

region of pure memory: a Bosch-like tapestry of interlocking ethnic rivalries where medieval and modern history thread into each other." (Kaplan, 1993)

In 2003, at the Summit in Thessaloniki, a neologism was introduced "Western Balkans" which forged a new identity for the remaining countries of Southeast Europe non-member of the EU. This terminology virtually creates a detachment from reality by creating a new misconception. The idea is that Balkan "by and large, pacified" (Pingel, 2017, p. 249) but there are some parts of it who struggle to achieve reconciliation. From a perspective, this resembles a simplistic approach to the understanding of the history of Balkans and one may say that reconciliation *per se* is linked with the integration to the EU. (Rosoux, 2017) This simple observation changes the nature of reconciliation to be goal-oriented and when the goal is achieved it detaches itself from the remaining Balkan countries, like the case of Greece, Croatia, and Slovenia. It seems that when you join EU you leave Western Balkan, and the approach seems bilateral for EU and newly integrated country, like in the case of Croatia where after integration EU officials excluded them from reconciliation rhetoric and the fact that Croatia and Slovenia didn't want to be members of Regional Cooperation Youth Office. (Fidanovski, 2018) This attitude is damaging in the long run because it excludes the remaining countries from the know-how and of course, it creates a hierarchical structure where no one wants to be at the end of the barrel.

EU approach toward reconciliation is "both systematic and immediate" (Rosoux, 2017, p. 73) however reconciliation for Western Balkans means only the absence of war. (Lebow, 2018) "If the Anglo-French and Franco-German experiences can be taken as guides, it requires

The magnitude of conflicts in Western Balkan is deeply rooted in many historical layers among different ethnic and religious actors. Albeit some common features can be evidenced, to tackle all problems at once is difficult due to the hierarchical position in the region.

resolution of important outstanding issues, the building of close economic and social ties, and a fundamental compatibility in political institutions and values". (Lebow, 2018, p. 179) However one may argue that although negative peace pleases Brussels it doesn't "open up an effective path of reconciliation" (Rosoux, 2017, p. 73)

Resolving conflicts with EU member states prevails to conflicts with non-members due to veto for integration. Can we categorize this relationship forgiveness toward reconciliation when one of the parts has the luxury of being in a power position to dictate terms?

Commonly, territorial claims are a crucial element for Western Balkans but the issue is overlapped with the rhetoric of EU borderless society. From the fear of war, naively, this problem is pushed aside but "a failure to deal effectively with land issues can have disastrous socio-economic consequences." (Bradshaw, Haines, & Anstey, 2017, p. 232)

On the other side, failing to integrate Western Balkan into EU since the Thessaloniki Summit in 2003 mines the "goal-oriented" reconciliation process by the prospective of international void, which means only two thing, either the old rhetoric of territorial claims reemerge or new mechanisms of "goal-oriented" nature are created as a replacement of EU integration. Although, one may say that both the premises can't be right at the same time, dismantling the "European Dream" creates a political void that can be filled by "Big Country" agendas or shifting under other global influences which can have a spillover effect toward instability.

The Berlin Process was initially conceived as a temporary replacement for the "slowing/stopping" of the enlargement process, as epitomised in the President-elect Juncker's speech "there will be no enlargement of the European Union for the next five years" (European Commission, 2014) At the end of this 5 year period the perspective for EU integration for the six Western Balkan seems unattainable.

Kosovo and Serbia relations are at their lowest point, after the dialogue was instituted, with an ongoing 100% tax on Serbian and Bosnian products and discussions about the territorial exchange. North Macedonia resolved the name issue with Greece and has made some progress on acknowledging Albanian rights and has successfully earned the membership to NATO. Albania is in a deep political and institutional crisis that is obstructing progress and can't resolve water border issues with Greece and Montenegro.

Western Balkan Model vs. the Franco-German Model

How does one deal with a diversity of problems among stakeholders with different backgrounds, experiences, and interests? Institutions provide a useful framework to resolve this question. (Badie, 2011) The Berlin Process, an interim goal toward EU integration, founded the Regional Cooperation Youth Office (RYCO) based on the model of Franco-German Youth Office (FGYO).

The idea of youth cooperation was jointly envisaged during the Albanian Prime Minister visit in Serbia in 2014 and latter proposed by Albanian and Serbian governments on 4 July 2016 during the Western Balkan Summit held in Paris. The agreement on the establishment of RYCO was signed by 6 participants: Albania, Kosovo, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, and Serbia, aiming to promote the spirit of reconciliation and European integration of the entire region. The emphasis on youth shed light on the liberal understanding of peace, which has much influenced the region." (McEvory-Levy, 2018)

The idea of collaboration between Serbs and Albanians is not a product of the Berlin Process rather the idea was proposed unofficially by the Serbian President Vojislav Koštunica back to 2003 that was refused by the Albanian President Alfred Moisiu. A classical example of miscommunication, not knowing the de facto hierarchical structure and the real political power creates negative results. In this underground communication, we can analyze and observe the need for the Serbian part for communication between two ethnicities and the isolationist approach from the Albanian side. I came to know this story by the Serbian

president chief of staff at the time Mrs. Ljiljana Nedeljkovic on a workshop organized by Friederich Ebert Stiftung (FES) in October 2018 in Belgrade. Kosovo's independence at the time was unthinkable rather the unification with Albania was a more plausible alternative; therefore, creating political relations was imperative to a new plausible international scenario. Time proved it wrong.

The bilateral youth office between Albania and Serbia was reintroduced on the Paris Summit as an independent multilateral institution with an emphasis on youth exchange. The main features of this agreement are that a peace treaty or a general political agreement between 6 Western Balkan countries is missing while, although, Serbia and Bosnia Herzegovina do not recognize Kosovo, signed a treaty for cooperation. While the model in which RYCO is inspired Franco-German Youth Office was created six months after the bilateral signing of the Treaty of Élysée on 22 January 1963.

In 56 years, FGYO has engaged with more than nine million young people from both countries, (Federal Foreign Office, 2019) approximately 160 thousand youngsters per year

An initial friendship treaty is indispensable to build the structure for peace, this main difference between RYCO and FGYO is crucial to diagnose and probably predict the endurance and impact of RYCO on the region.

and with the signing of the Treaty of Aachen, a new stage of relationship is created. Building friendship is important but what is equally important is the range of people affected by these friendships, so quantity is relevant in peacemaking. When we analyze RYCO we evident a small budget of 2 million US dollars which is going to be funded 50% by member

states and 50% by foreign donations. Like any volunteer donation, half of the budget will be always at risk. In 2017 the number of the winning project was 44 with a maximum reach of 4000 youngsters. Although, RYCO is a multilateral institution the eligibility requirement is a partnership with at least one other state country. In this context is more efficient to tackle specific issues, but undermines the multilateral goals of the organization. One side effect of this structural behavior is that six WB states will not have equal youth exchange with each other, either relying on old relationships or ignoring creating new ones. There no information for projects sustained by RYCO for youth exchange between Serbia and Kosovo."

Concluding Remarks

As the new millennium begins to unfold, everything seems to suggest that international institutions are in the throes of a severe crisis", while creating a new international institutions in this environment without friendship treaty and no sustainable funding can be risky, (Badie, 2011, p. 185) because youth exchange, if not executed professionally, could reinforce stereotypes rather than fight them.

Aspiring the Franco-German model for each state there are two representatives in the highest decision body of RYCO, which consist of one representative of Youth Ministries and one Youth organization. This organizational structure emphasizes the role that civil society intends

to play in this organization. Although of the designated space in RYCO for civil societies, none of the youth organizations in Western Balkan is strong enough to play a decisive part in the political and societal agenda of a state. (Tadjbakhsh, 2011) On the other side, state influence upon youth organization representatives can be influential in the decision-making process. An interesting case is the dismissal of the Serbian Youth Representative that attended the Board meeting held in Pristina. (Vukadinović, 2019)

These tensions among member states embody our fears and hope for a better region, although not perfect paradoxically "these institutions paper over the cracks of society" (Shapiro, 2010, p. 82) and hopefully can create the basic conditions for reconciliation

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SOFT POWER AND INTERDEPENDENCE: A CASE STUDY OF KOSOVO-SERBIA CONFLICT

THE CONTRIBUTION OF THE EUROPEAN UNION IN PROMOTING SECURITY IN THE WESTERN BALKANS REGION

INES TUGU

Abstract

This research paper tries to apply the concepts of soft power and interdependence to explain the role of the European Union in the Kosovo-Serbia relations and resolution of conflict. I propose that these are the two concepts that better capture the state of relations, not only between Kosovo and Serbia but the whole region. The analysis is conducted for the period 2011 until present days. The point where all countries converge is the desire for European integration, which explains the cooperative behaviour. The role of the EU is crucial for the peace and stability in the region, and the conduct of friendly relations with neighbours.

Keywords: soft power, interdependence, Kosovo, Serbia, European Union

Introduction

The Western Balkans is a region found in the East-Southern part of Europe. This region includes: Albania, Bosnia and Herzegovina (BiH), Kosovo, Macedonia, Montenegro and Serbia. It is and has been a very tumultuous region. The conflicts and brutalities throughout the years have brought about a region, where there has been a predominant struggle for power. The security and stability of the region are not the concern of just these six countries, but also the European Union. This is because of the proximity of the region, it being an immediate neighbour to the Union. As such, the region is of key interest to the EU, because of the impact it can have on the stability of the Union itself. But not only, these countries have a common and shared interest, that is: joining the EU. But the path towards integration is not an easy one. In order to achieve that, these countries need to undertake major internal reforms in different sectors, which due to political, security, historical and cultural (ethnic) reasons has been delayed (Skočajič & Grizold, 2017). The purpose of this paper is to give an insight on how the security dynamics in the region have shifted and what are the tools used to increase their security. My hypothesis is that the countries of the Western Balkans have resorted to soft power and interdependence as a result of a 'push' from the European Union and the desire of the countries to become member states

The reconfiguration of the countries after the final disintegration of former Yugoslavia, in 1992, has transformed the dynamics in the region. The new countries that emerged were: Serbia, Croatia, Bosnia and Herzegovina, Croatia, Macedonia, Slovenia, and later Montenegro and Kosovo. The collapse of Yugoslavia has various reasons. Those range from cultural and religious divisions between the ethnic groups to nationalist forces (U.S. Department of State, n.d). A series of events led to political instability: the collapse of communism in Eastern Europe, unification of Germany, the collapse of the Soviet Union, all contributed to the erosion of the stability of the country. The last country to be separated was Kosovo, when it unilaterally declared its independence on 17th February 2008 from Serbia. The 109 Kosovar MPs unanimously approved the decision in the Parliament, while the Serbian minority boycotted the session (Transkript, 2008). The majority of the population in Kosovo are Albanians and the largest minority is the Serb one. Since the declaration of independence, the parties have not been able to find common ground in order to settle the dispute. There is an ongoing debate over the territory of Kosovo between Kosovar Albanians and Serbs. In order to promote cooperation between the parties, to achieve progress on the path towards European integration and to improve the lives of the people, the High Representative for Foreign Affairs and Security Policy, Federica Mogherini, personally took over the EU-facilitated high-level dialogue between Belgrade and Prishtina (Strategic Communications, 2016). This process has

The European union is trying to stimulate countries into cooperative behaviour with neighbouring countries. There is now a lean towards soft power, diplomatic relations and interdependence in the region.

not been linear or stable. There have been minor incidents that have hindered the dialogue. Nevertheless, there are different propositions on how to end this dispute. Albania on the other hand, is a different case because it was not part of Yugoslavia, although it had a communist regime. Bilateral relations have been cordial. But a football match heated the relations between Albania and Serbia,

when a drone flew over the stadium with a flag of what used to be the “Great Albania.” Since then there have been mutual visits of the Prime Ministers, often, with heated remarks on both sides regarding Kosovo’s status (Zaba, 2016).

In the last years, there has been a transformation of the dynamics in the region, with the influence of the European Union. This has caused a shift from the previous struggle of power in the Western Balkans into an approach with a more liberal character. The European Union introduced what was labelled the “Berlin process”, an initiative that foresees major domestic reforms, where there is in place a rule of law, and provide higher standards, cooperation with neighbouring countries and leaving aside history, as a prospect of European integration. The “Berlin process” was launched after the speech delivered by Jean-Claude Juncker in 2014, where he declared that there would be no enlargement during that mandate of the Commission and Parliament, because neither of the countries were ready or fulfilled the criteria for undertaking such a step (Juncker, 2014).

The establishment of the Regional Youth and Regional Office (RYCO) in Tirana, Albania, with local branches in all participating countries, is the first officially agreed initiative among all the countries of the Western Balkans. The initiative was a joint proposal of the Albanian

and Serb Prime Ministers “with the aim of promoting the spirit of reconciliation, trust, cooperation and dialogue between the youth in the region (RYCO, n.d.).” This is the most tangible effort the countries have made with regard to cooperation. The RYCO initiative is very meaningful overall, but especially in the Kosovo-Serbia relations because it is the first formal agreement the countries have both agreed upon and signed formally. Another initiative is the proposed establishment of a Western Balkans Fund including the same countries.

Theoretical Framework

The year 2011 marks a very important year towards the normalisation of bilateral relations between Kosovo and Serbia because this year marks the initiation of the EU facilitated dialogue between Pristina and Belgrade. Serbia has tried to keep the aim of joining the European Union and its policy towards Kosovo separate. But the EU has made it significantly clear that the two issues are related and that if Serbia wants to join the EU it needs to improve its relations with Kosovo. As pinpointed by Obradović and Wochnik there exists a desire of the European Union to ‘Europeanise’ Serbian policies, as they argue: “...it was expected a ‘Europeanising’ effect to render Serbia’s Kosovo more commensurate with integration (Obradović & Wochnik, 2012, pg. 1177).” The particular interest of the European Union in the Western Balkans as argued by Skočajič and Grizold is due to “the geographical proximity, cultural identity and economic ties make the Western Balkans particularly important for Europe (Skočajič & Grizold, 2017, pg. 249).” Furthermore, they argue that these countries have committed themselves to their European track, based on conditions and shared values (*ibid*). Most importantly, there was a shift from previous conflict management policies into integration ones. This shift comes as an effort to pool countries into cooperative rather than confrontational behaviours. As Shaqiri argues the efforts towards economic interdependence and regional cooperation would set better off each individual country and the region of the Western Balkans by large (Shaqiri, n.d.). In his work, he maintains that trade relations can ensure overall positive long-term relations among these countries (*ibid*). Notably as well, in his work, O’Keefe has created an analogy between the EU and MERCOSUR (Mercado Comun del Sur) as two valuable integration projects that “provide models on how to economically integrate the Balkans and most importantly here how the successful economic integration that can be used to permanently banish the spectre of war and inevitable conflict among those countries engaging in such a process (O’Keefe, 2005, pg.211).” One of the problems encountered when looking at the existing literature is that not much analytical work trying to explain the state of relation exists.

In order to explain the progress of Kosovo-Serbia conflict and the role of the European Union in this process, I will use two concepts: soft power and interdependence. As Joseph Nye mentions in his work, soft power is the ability to get what you want through attraction and persuasion (Nye, 2004). And this marks a departure from the use of force or to coerce others into action. He also argues that this is a concept that can be used not only by states but other

international actors as well. This concept has three characteristics: political values, culture and foreign policy. Nye argues that soft power best works when these three pillars converge. Also, Keohane and Nye have furthered another concept, known as, interdependence, and its difference from dependence. As they argue in their book, where they elaborate the definition and distinction between dependence and interdependence, where the first is a state of being determined or significantly affected by external forces and the latter, most simply defined, means mutual dependence. Interdependence further elaborated and in the context of world politics it refers to situations characterized by reciprocal effects among countries or among actors in different countries (Keohane & Nye, 1977). In the interdependence concept, states have two choices: cooperation or competition, but they choose cooperation because it is of mutual benefit to do so. Otherwise the costs are very high. The actions of an actor have a great impact on the other actor and vice versa. So, if they decide to cooperate, this results in a prosperous and stable international system. The term interdependence is a theory that underscores the growing links between transnational actors, which become mutually dependent, vulnerable and sensitive to each other's actions and needs (*ibid*). Keohane and Nye argue in their book "Power and interdependence" there are three main characteristics of interdependence, and those are: existence of multiple channels that connect societies, absence of hierarchy among issues, where security is not always the most important item in the agenda, especially in economic relations and there exists a decreasing role of military power, where the use of military force is not considered as a possible policy choice (*ibid*). As discussed by Paul D'Anieri in his book "International Politics: Power and Purpose in Global Affairs" interdependence constitutes a variety of actors, of goals and a web of relationships (D'Anieri, 2012). The actors he argues are not anymore only the states as a whole, but rather bureaucracies, political parties, interest groups etc. in the domestic arena and in the international arena we have international organizations and transnational actors.

The desire to increase cooperation and interdependence in the Western Balkan countries would increase the costs of countries to get engaged in armed conflicts, and as such, decreases the chances of actually engaging into armed conflicts. The European Union has played a crucial role in this aspect, utilizing the shared desire of countries for membership. Also, the countries have previously had a more selfish approach for their path to integration, relying and focusing only on their own, which is incompatible to the European common space, thus, the desire to transform this approach.

Methodology

As stated in the beginning of the paper, my hypothesis is that the countries of the Western Balkans have resorted to soft power and interdependence as a result of a 'push' from the European Union and the desire of the countries to become member states. In this paper, I will apply a qualitative method in order to assess my hypothesis. I will use an intrinsic case study of the Kosovo-Serbian relations in order to point out the nature of relations between the two in order to further my hypothesis. For my analysis I will focus on the time framework from the year 2011 until nowadays. I have chosen to inquire the relations between Kosovo and Serbia

as a case study, because the Kosovo-Serbia conflict is pre-dominant in the region and still after so many years, the measures needed to come to a solution have not been found yet. The discourse on how to resolve the issue has been going on for years and has progressed slowly. In the late 90s, this conflict escalated and it was resorted to hard power to try and put an end to it, while coming back to nowadays we can witness the shift towards soft power and a resort to diplomatic means as an attempt to resolve the conflict. Additionally, I believe the European Union has played a significant role and has influenced the behaviour of states due to its particular interest for the developments in the region. Methodologically, I will focus on the concepts of soft power and interdependence and their respective characteristics to test the compatibility between the theoretical framework and case studies. I will analyse various published articles and journals, speeches from high-rank representatives to try and establish whether there exists a link between the theoretical framework, with the chosen concepts and the case study. Although this paper tries to explain the current state of security affairs in the Western Balkans, through soft power and interdependence, using as case study, the Kosovo-Serbian relations the research and results that will be wielded by this research could differ if taken in consideration other case studies, or different variables. This is because of the changing dynamics in the region and the actuality of the topic, with distinct important events or meetings that can affect the progress of relations. As such, the paper is limited in its scope to explain the security relations in the region.

Results

The EU-facilitated dialogue initiated in 2011 has had to pass through many difficult phases. There have been periods of advancement but also of pause. Top rank representatives from the European Union, Kosovo and Serbia have held almost regular meetings on negotiating terms to agree the terms for the resolution for the situation. The focus for the negotiations would be: regional cooperation, freedom of movement and rule of law.

In 2013, a series of talks went for ten rounds, where countries discussed terms and at the end resulted in an agreement, which was ultimately not signed. The agreement was named “Brussels Agreement” and it was an effort in the normalization of relations.

In September 2013, Serbia signed the Stabilisation and Association Agreement (SAA) with the EU. The SAA establishes a contractual relationship between parties, which have mutual rights and obligations in a variety of sectors. In 2015, Kosovo signed the SAA with the EU. High Commissioner Mogherini emphasized the importance of this agreement in bilateral relations and “the contribution this has to the stability and prosperity in Kosovo and the region at large (Consilium, 2018).” This agreement establishes the ground to bring Kosovo closer to the fulfilment of criteria that stand at the core the European single market. Serbia is far more advanced in its European integration process, as it already holds the candidate status. Although the Brussels Agreement was not signed, it was seen as fruitful because it allowed Serbia to start accession talks and Kosovo to sign the SAA. Two chapters have been provisionally closed as they are in conformity with the *acquis communautaire* and about 16 chapters are open. The greatest obstacle in the Serbian integration process is the issue of

Kosovo. The EU has made it clear multiple times that the fate of negotiations highly depends on the progress and normalisation of relations with Kosovo.

In 2014, the negotiation process hit standstill because of the government change in Kosovo, which suggested a harder approach in the relations with Serbia. In 2015, with the mediation Federica Mogherini, Serbia and Kosovo signed agreements in key areas, with Kosovo granting greater rights to the Serb minority and it having an international dialling code. In 2017, a train where it was written, “Kosovo is Serbia” was prohibited from entering Kosovo’s territory. At the time President, Tomislav Nikolić, warned that Serbia would send its army to protect its minority, while Kosovo viewed this as a provocation. Both countries sent military forces to secure their borders.

As mentioned before, the most active and tangible project, where both Kosovo and Serbia are peacefully collaborating, that gives hope for a better future state of relations, is the RYCO initiative. There are ongoing regional projects at the moment, where youth from all Western Balkan countries are working together, and enhancing cultural exchanges. The initiative is now owned and financed by the region, having different actors from governmental to non-governmental cooperating in areas such as: education, youth, culture and sports.

One of the speculated ways of dealing with the Kosovo-Serbia conflict is the ‘land swap’. This land swap comprises the exchange of four Northern Kosovo municipalities, which are mostly inhabited by Serbs and three municipalities in Serbia, which have an Albanian majority. EU’s top diplomat, Federica Mogherini during a press conference following an informal meeting of Foreign Ministers at the Vienna Summit, held that: “...whatever outcome that is mutually agreed would get our support provided it is –as it is being discussed currently – in line with international law and with the European Union acquis. And you know very well the European history: the European history is based on overcoming and preventing any idea of ethnically pure nation states (Mogherini, 2018).” However, not everyone supports the idea of land swap. Some scholars and officials believe that this plan could actually be source of instability in the future. And it could create precedent for other minorities to pursue the same claims.

In November 2018, Kosovo decided to impose an increase of 10% in the tax of imported goods from Serbia and Bosnia and Herzegovina. The international community called on Kosovo for immediate explanation for taking such a measure. Kosovo argued that their products are not recognised in these countries and that they need specific authorization to sell their products. In December 2018, Kosovo not only withdrew the already imposed tax, but also decided to further extend it to all products, even international brands that are manufactured in Serbia and Bosnia. The European Union highly condemned this act and stated that: “...the behaviour of Kosovo does not contribute to friendly neighbouring relations and it goes against the expressed engagement of Kosovo to regional integration and the agreement of Stabilisation and Association (Shehu, 2018).” But Kosovar officials assert that this measure has been utterly necessary for the economy of the country, due to a continuous Serbian non-compliance of regional agreements. There were also allegations to an infringement of the Central European Free Trade Agreement (CEFTA) where both countries are signatories. CEFTA is an agreement initiated by the EU to facilitate trade in the Western Balkan countries.

In December 2018, the Kosovar Parliament successfully passed the legislation to formally establish its own army. This decision outraged the Serbian part, claiming that this is an unacceptable decision and as declared by the current Serbian Foreign Minister, Ivica Dacic: “This is the most direct threat to peace and stability in the region (Surk, 2018).” Serbian Prime Minister, Ana Brnabic, publicly stated that the use of its army is “one of the options in the table” if they decide to move up the army in the Northern part of the country to displace the Serbian minority. Further, PM Brnabic said, “Serbia cannot and will not stand aside and watch a new ethnic cleansing (Baynes, 2018).” On the other hand, Kosovo officials reassure the international community that the army will contribute to achieve world peace and that its purpose is to deal with crisis and operations for civil protection.

Discussion

As it was witnessed during the data collection, the discourse and application of soft power and interdependence has been going on for years. The European Union has tried to establish dialogue through diplomacy and mediation of talks between the parties. Soft power, in this context is persuading the parties into cooperation and in the terms of Nye this had three components: political values, culture and foreign policy. The most important political value in Kosovo is to have full external sovereignty and be able to have a seat in the international community, particularly the UN and EU, part of its foreign policy strategy. Serbian most common political value in the area of foreign policy ambitions is joining the EU, mostly because of the opportunity of free movement and better job opportunities, according to the findings of a poll conducted by the Serbian Ministry of Integration (Ministry of European Integration, 2018).

Scholars believe it is an effective way of resolving the Kosovo-Serbia conflict. It is very difficult and unlikely, for Kosovo and Serbia, to be able to come up with a solution of the situation on their own and especially without resorting to hard power. The EU in such a case can play a substantial role in mediating through soft power and ‘pushing’ the countries to resort to cooperative behaviour as a way of achieving their expressed desire of joining the European Union. The rhetoric of the European Union

Although the application of soft power and promotion of interdependence seems to have been effective in previous years since the dialogue started, it seems to have lost its strength, especially, during this last year.

has not changed since 2011 in its expressed desire to have a stable and peaceful region, promoting regional cooperation and friendly neighbourhood relations among Western Balkan countries. When looking at the actors engaged, there are two states: Kosovo and Serbia but with another major player: the EU. The presence of this third major player constrains the way they behave in the region and how they conduct foreign policy. The existence of multiple channels increases and diversifies the broader range of interest. Given that both countries aspire to become EU member states the hierarchy of issues is not rigid, although the most pressing issue regarding foreign policy is to seize a deal regarding the status of Kosovo. When it comes to military power, the creation of the Kosovo army might have increased the tension

among countries but for the time being does not seem to constitute worrying problems. The size of the army and its novelty makes it reluctant for Kosovo to resort to military action to resolve the conflict, as it would exacerbate the relations with the EU and halt the integration process. The same is valid for Serbia, because of the increased desire of people in becoming EU member state.

Conclusion

Although progress cannot be denied, the process has not been very smooth and efforts have not advanced at a constant pace. Coming to a resolution that is satisfying for both sides is not an easy task, as both parties have their claims over the issue and need to reach a compromise to end the conflict. Exercise of soft power and promotion of interdependence has brought countries to the table to discuss and solve their disagreements. The desire for European integration makes compromise and cooperation for the two countries the only choice to keep the prospect of integration open.

The fate of negotiations and the further success of soft power and interdependence, whether the EU will continue to pursue the same strategy or will resort to other means to resolve this conflict, remains a matter of further inquiry and study. The outcomes of the negotiating process are of great interest, not only to the EU, Kosovo and Serbia, but the whole region. Kosovo and Serbia realize that the costs of resorting to conflict are way high and would worsen their position of friendly relations with the EU. The peace and stability of the region are at stake and the best and most effective way of achieving tangible and long-lasting results is through the collaboration of all actors.

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AN AGENDA FOR DEMOCRACY: A TRANSFORMATIVE APPROACH ALBANIA, KOSOVO AND NORTH MACEDONIA

INES STASA

Abstract

Justice is a political concept and it requires willingness, national conscience and acknowledgment of the truth to put it on the top of political agendas. If prioritised, justice can indisputably contribute and lead to sustained development of a society and democratisation of a particular country. This becomes particularly important for post communist and post conflict countries such as Albania, North Macedonia, and Kosovo, where healing the societies wounds requires strong will to deliver much needed justice in order to keep the social cohesion and co-existence intact and strong. Transitional justice is a key approach to address these challenges in fast changing societies and countries such as Albania, North Macedonia, and Kosovo.

This paper seeks to cover key issues on transitional justice approach in these countries by establishing the common ground of understanding the perception of justice and its areas of implementation as a society building instrument, in addition to the contribution it can provide in the international areas.

This paper focuses primarily on theoretical evolution of transitional justice as an international norm and its development towards transformative efforts in reaching justice goals. It aims to explain the transition paradigm specifically in divided societies and post-communist countries which cover the three case studies. Given that little evidence is available on this issue, few researchers have addressed the problem of justice and reconciliation in the Western Balkan countries, therefore it remains crucial to introduce in a multi-disciplinary level the transitional justice paradigm and the relationship of truth versus justice / democracy versus justice dilemmas in the regional context.

Keywords: Transitional Justice, Albania, North Macedonia, Kosovo, Transformative Justice.

Introduction

Since the fall of communism, poor and insufficient initiatives and political steps are undertaken in Albania to address core transitional justice issues. Some of these insufficient initiatives include the Lustration Law or the financial compensation to the victims. Although the background of this mechanism is highly politicised and questionable on its political purposes, nevertheless timing is still relevant to deal with the past. Recently, due to the continuous and consistent- “pressure”- from the international community, legal and

constitutional changes were carried out for the sake of the so called Vetting process; a process that is deeply concerned in the judiciary system. As this research will further explain, the Vetting process does not fully integrate transitional justice mechanisms and values to define the integrity of prosecutors and judges. This research takes North Macedonia and Kosovo as two other case study countries, representing two different models of truth versus justice dilemma while struggling for democracy. The significance of this research is to highlight the difficulty in proceeding with the rule of law, peace- building, state-building, power-sharing efforts within these three western Balkan countries which have stepped onto different contexts and in common grounds as well.

What bring them on the same background in this are the similarities they share, legacies of the past, and most importantly the crucial reforms and political trends that are under process and need to be faced with critical thinking to the contribution for the future.

This research is constructed in two main questions : Q1 “ *How is transitional / transformative justice to be defined and elaborated in these contexts of politics and what would be the legitimate response to post totalitarianism in Albania, to the Macedonian-Albanian ethnic dispute and to post 1999s war of Kosovo*”. Q2 “*How is reflected the re-conceptualization of the field onto these three contexts; what would be the relationship of timing, justice and democracy ?*”.

To conduct this research, the author will develop mixed method methodology, using both qualitative and quantitative approach focusing on interpretive social science approach, in order to get in depth understanding of meaning of reality. It will take into account the social actors reasons and the social context of the action. This research will get into field research, interviews, and desk research, using primary and secondary sources.

Contemporary transitional justice scholarship has played a major part on supporting research based on the significance of politics and transitional institutions in dealing with the past, though little attention is paid on the importance of timing, contextualization and participation of the public in advancing transformative approaches.

Seeking justice in a divided region has motivated scholars and practioners in the field of human rights and peace-building to put transitional justice definition into the right context.

Transitional Justice in Discourse

The term of transitional justice, a concept which emerged just during two last decades, has experienced different expression of meaning, but without arriving at a single theory or meaning.

The significance of this research lies on the transformative agenda that Western Balkan countries (Albania, Kosovo and North Macedonia) have attempted to approach through transitional justice mechanisms and institutions. The scope and their relationship between time, justice and democracy is to be discussed through the transition paradigm and transitional

justice theories conducted by key scholars in the field.

Preysing (2016: p. 27) addresses transitional justice term from its beginnings as a tool to deal with past human right violations to be applied to transitional contexts from authoritarian rule to democracy in Eastern Europe and South America. Furthermore, in the transition discourse of transitional justice, there have been efforts to institutional expansion and transformation of 'transitional justice' as a field in practice (2016: p. 31). This argument is deeply supported in this research in order to evaluate the transformative approach of transitional justice itself in dealing with the three different contexts of countries taken in analysing.

Sharp (2018: p.3) summarizes the evolution of term from the first time in a global stage in the 1980s and 1990s when it was largely adopted as a tool to deliver liberal goods in post-conflict and post-authoritarian societies, taken with it democracy and the rule of law. This was considered as a political move towards more democratic regimes.

Generally, transitional justice was first put into practice as a set of legal, moral and, political dilemmas on how to respond to past massive human right violations and other forms of injustices in the aftermath of conflicts and repressions (*ibid*).

One of the main scholars that has developed and used widespread the term is Neil Kritz, during his key volume " Transitional justice: How emerging democracies reckon with former regimes" (1995). In the huge volume, he raises several questions that extend the scope of institutionalisation and establish issues to be faced by countries undergoing transitional processes. Within the dilemmas of transitional justice, Kritz (1995: p.xxv) asks how to undertake such a purge while rebuilding on the basis of democratic principles? Different governments have dealt differently in time, approached differently in mechanisms and in pace of taking steps. Referred to the three countries taken under research, there have been differences and commonalities in dealing with the past, while there is also different in these societies the legacy of issues such as in Albania, Kosovo and North Macedonia. Albania is distinguished by other two countries in the sense that the only issue to deal with in terms of the past, is the post-communism legacy and the path towards democratization and the rule of law. On the contrary, Kosovo and North Macedonia represent cases where in transitional justice is to be dealt for the sake of ethnic disputes respectively among Albanians of Kosovo and Serbs; Macedonians and Albanians of Macedonia.

As Sharp (2018: p. 88) points out, it is better to know and understand what mechanisms of transitional justice to employ in a diverse array of contexts, in countries opting from the paradigmatic political transition, as in the case of Albania; to the normative and ideological transitions in consolidated democracies and to war/conflict-to peace transitions as in Kosovo and North Macedonia.

Another issue to be put into the context of this research is the mainstream of transitional justice to be applied in accordance with the western approaches on how to "do justice" (Sharp, 2018: p.158). Following this observation, the three countries in transition have embraced the western policies and approaches in terms of constructing the rule of law framework. Changes in the constitutions, Agreements and other legal interventions taken in Albania, Kosovo and North Macedonia are specifically evaluated and monitored through international community

representatives.

Transitional justice is applied through its mechanisms which vary in contexts-both democratic and non-democratic, both transitional and non-transitional. According to Carothers (2002: p.8) there are five main assumptions on transition paradigm, which focus on countries moving from dictatorial rule to democracy; recognise democratization as a process that tends to unfold a set of stages known as opening, breakthrough and consolidation; address the belief in the determinative importance of elections and assume that conditions such as (economic level, political history, institutional legacies, ethnic make up, socio-cultural traditions) ‘will not be major factors in either the onset or the outcome of the transition process’. Scholars such as Leebaw , do not fade the effect of conditions mentioned above , while standing on the idea that contemporary theoretical and policy debates recognize political change as the environment of transitional phase and over time, this effort to reckon with the past has expanded the conception of transition and includes many forms of political change and conflict resolution (2011: p.2).

Scholars debate on what extent justice should be delivered from within or without “the ordinary” justice sector, raising questions over the benefits or not of judicial versus extrajudicial means.

It is of most importance to highlight that transitional justice mechanisms include the application of both judicial or non-judicial means, which combined with timing that governments attempt to put those efforts forward, define whether a country legalize transformative changes or not.

Nonetheless, there is a wide agreement on the fact that the research conducted throughout these years lack some important features. Arnould and Raimundo (2013) have specifically identified contradictory and inconclusive assumptions about the relationship between Transitional Justice (TJ) and democracy. These findings highlight the need for further research in this field of study as they explain that “even studies that use the same data collection and analysis method, arrive at divergent results due to differences in their conceptualisation of key variables, codification and collection of data, and model specification”.

Following the debate on the positive impact of transitional justice as a prerequisite to democracy, there are critics as Arnould & Raimundo (2013) who argue in favour of transitional justice for giving support to democracy only if is sensitive to the political realities that it operates. This is crucial for this research, in order to link transitional justice concept as a legal normative and a political concept as well, in order to pursue a inter-disciplinary study whether transitional justice in countries of research have any impact or is a prerequisite approach towards democratisation and sustainable development. On the other hand, there is of much importance the context that these countries operate, and not all of them have the same impact on political and societal issues. Transitional justice is not justified equally in different countries, and their impacts differ from a political context to another. This is wherein international actors and domestic politics should constraint their efforts, willingness and actions.

New Prospects for a Transformative Agenda

Scholars like Gready and Robins (2014) have conducted another study in terms of a new agenda for practice, which shape new reflections of transitional approach to a transformative one. Due to their comprehension on the issue, this agenda provides an alternative approach to deal with state fragility, conflict and security. What makes transformative a situation of a change is the ability to emphasize local agencies and resources, in order to prioritize the process and not to dismiss transitional justice in itself, rather than to reform its politics, priorities and locus. Even in their study, there are some limitations on the grounds of transitional justice such the liberal peace, and top-down state-based processes (2014: p.340). Gready & Robins (2014: p.339) considers that understandings of transitional justice have extended to encompass state-led practices such as trials, truth telling, institutional reform and reparations processes. Albania experiences a more legal and political focus, than in Kosovo and Macedonia wherein public discourse is highly concerned on transitional justice institutions and mechanisms, implying that the focus is shifted to community and everyday concerns. A fundamental issue is the transformative agenda that countries of research design to support dealing with the past, by prioritising the process and local agencies (p.340).

Few steps are taken in Albania, Kosovo and North Macedonia in terms of socio-political interventions, that are defined as great potential to the transformative change, there still lack broad participation and focus on the process.

As Gready & Robins (2014) summarize :

‘Transitional justice mechanisms should provide a forum for debate about the meaning of justice, peace and reconciliation , as well as alternative visions of transitional justice and transitional politics (p. 356)’.

Olsen, Payne and Reiter (2010) conducted a study on the justice balance which put transitional justice in the center of improvements of human rights and democracy. Their main question and then their contribution lies on whether transitional justice mechanisms strengthen democracy or not. Do these combinations that transitional justice implies enhance the politics of human rights and democracy? They identify existing theoretical assumptions which begin with the maximalist approach, followed by a moderate, a minimalist and a holistic one. There are different responses in each of these approaches, and each of them emphasize sorts of legal mechanisms.

Fletcher, Weinstein and Rowen (2009) define context, timing and the dynamics of transitional justice as main elements of implying a successful transition into a transformative regime. By conducting a historical perspective under the Project Muse, published by Human Rights Quarterly, they centralize their research on some questions, whether there is an issue of timing or sequencing that might suggest that a particular form of transitional justice should be instituted first; whether certain factors suggest that a particular kind of intervention is more

appropriate on a society than another type of intervention; what is the most beneficial to the people in terms of transitional justice mechanisms. More importantly, their case study suggests a need for new thinking about the relationship between transitional justice mechanisms and societal transitions.

Lundy & McGovern (2008) both consider re-establishing the rule of law as a prerequisite for the emergence of stable and peaceful societies (p. 266).

The norm of transitional justice has moved to become a paradigm into historical and political phases such as the end of the Cold War, then by globalization and then by the growing importance of conflict resolution strategies. Considering this, Albania, Kosovo and North Macedonia define different transitional phases, although they share same Balkan challenges. In Albania, transitional justice imply the post-communist era, in Kosovo is taken the period of post 1999s war and in North Macedonia, the more related issue to transitional justice is the post Ohrid Agreement phase.

Lundy & McGovern address the problem of a democratic deficit in terms of hegemonic international approaches for the sake of democracy promotion in post-conflict situations (2008: p.275). For divided societies such as Kosovo and North Macedonia, and for post-communist societies specifically like Albania, there is a necessity to establish local responses and to respond to local needs, rather than being dependent on donor-driven attempts. This would develop the local ownership on the issue in order to justify the linkage between transitional justice and development; transitional justice and transformative changes.

Despite attempt to give definitions on transitional justice, Sharp (2018) focuses on the impact of international criminal tribunals and their relevance to national courts. His focus is highly

The paradigm of peacebuilding should incorporate broader terms of liberalisms; transitional justice should promote a better balance between its own mechanism such as retributive, restorative and distributive justice; and lastly, should put forward the sense of radical humility.

relevant in contexts in Kosovo and North Macedonia, where the compliance with international tribunals and national courts have over time been a condition or symbolic pressure to open the Accession talks with the European Union member states. Furthermore, Sharp (2018: p.48)

implies that placement of these tribunals in countries most affected by the conflict would do more to local capacity building, helping the judges and prosecutors to be ruled by law. Following this statement, he suggests (p.156) that in order to be more intrusive, transitional justice should be concerned around five pillars, in the sense that it should extend concepts of justice, peace and violence. Since the World War II, the paradigm of war and conditions for peace have been changed; the idea of liberal localism should be more promoted in order to give more say to communities and local agencies.

Subotic (2009) establishes relevant insights on transitional justice in the Western Balkans, considering the region as the most appropriate example in the research field. New concepts

such as legalization and internationalization of transitional justice helped to understand the role of international community, especially with the establishment of ad hoc tribunals for the former Yugoslavia and Rwanda. As mentioned above, scholarship has been focused on two principal debates whether countries should deal with the past and transitional justice initiatives, and what kind of institutional initiatives should they design first (p.24). In order to seek justice in a divided region, Kostovicova (2016: p.154) highlights that ‘regional-level debates on transitional justice have a higher restorative justice discourse than non-regional debates’. Albania, Kosovo and North Macedonia make up a good selection to promote transitional justice initiatives in the light of regional cooperation, in order to construct a new regional approach confronting harms of the past.

In the same path, Subotic (2009: p.166) states that nowadays , transitional justice would be better approached as a significant component of regional integration requirements. International community has followed same tools of international pressure to countries on research, and referred to the facts, compliance to the International Criminal Tribunal for former Yugoslavia became key measure of the institutionalization of the norm in the region (p.9). What brings innovation in the field is the new approach to construct regional policies by acknowledging common legacies. To go more in details, speaking of Kosovo, the justice system is weak and no well-framed security and witness protection system is in force, while in North Macedonia is reflected the most, the effect of Ohrid Framework Agreement and the well-known Amnesty Law in 2002, which was considered as a guarantee for peaceful post-conflict co-existence, but as adopted it diverged from the initial intent (p.12).

Zyberi & Cernic (2015) note that region lack domestic legal reforms and public discourse (p.3) in order to further integrate transitional justice processes which in the case of former Yugoslavia should be stated that have not dealt with individual accountability and other judicial or non-judicial mechanisms. In a confused regional transition, the absence of reconciliation implies doubtful Europeanization and transformative agenda. Evidences prove that Macedonian authorities have not provided an accurate compensation framework for the victims of war crimes during the armed conflict in 2001 (p.17).

In another attempt of Macedonian Government to challenge the Lustration Law; to apply the Amnesty Law to four cases of violations of international humanitarian law which were referred to the Macedonian judiciary by the International Criminal Tribunal for the former Yugoslavia, make up good incentives to research further implications on the communities and larger, on regional level. Daskalovski & Risteska (2012) have observed that the abovementioned cases serve to illustrate the fragility of societies in dealing with the past and unwillingness of leadership to draw a line with human rights violations.

Methods

In order to examine the appliance of transitional justice mechanisms in Albania, Kosovo and North Macedonia, the author adopts interpretive social science as an appropriate research

approach to get in-depth understanding of the meaning and perception of TJ in divided societies and post-communist countries. This research paper is part of the PhD thesis, therefore research is to be conducted in a mixed method set, using qualitative and quantitative data; respectively open-ended interviews with academics, judiciary representatives, journalists, civil society organizations in Albania, Kosovo and North Macedonia. In the meantime, surveys with young people from 18-35 years old and representatives of victims of human rights violations shall be conducted, and case study research in a cross sectional and historical-comparative approach shall be used. From a constructivist perspective, this research considers the social context and values of the actors involved. Most of the literature review is constructed through books on transitional justice by main scholars of the field, journal articles, reports, policy briefs using online archives of institutions, international organizations.

Discussion

The significance of this research is to bring together in an innovative approach the different contexts of Albania, Kosovo and North Macedonia and to make them relate in terms of achieving justice and democracy. Although timing is seen in different perspectives for the

The relationship between timing, justice and democracy determine the success and/or failure to establish appropriate conditions for a transformative transition.

three of them, transitional justice remains the most relevant issue to discuss for further regional stability and integration in the European Union. The basic similarity among them is the crucial necessity to confront past human rights violations, and to design a specific transitional institutional

approach in terms of laws, institutional initiatives and policies. For the leadership to take commitments, it is required their political willingness. Up today, there is insufficient evidence that any of political establishment since the fall of communism, to have drawn a thick line with the Communist Party in Albania, to reconcile and build trust in justice system in Kosovo and enhance the constructivist approach between Macedonians and Albanian-Macedonians. The international norm of transitional justice is misused for any political objective but for achieving objectives that it intends to. Analyses and insights for the Western Balkans (Albania, Kosovo, North Macedonia) from top scholars and practioners of human rights field conclude that for a divided region it is needed a regional level approach to deal with the past and build the future in a common sense. International community especially European Union has paid attention on the region by promoting and launching regional Initiatives such as RECOM (Regional Commision Tasked with Establishing the Facts about All Victims of war Crimes) delivering prospects on reconciliation through the Berlin Process. This initiative helps to build trust among ethnic groups and communities that share the same legacies and challenges; promote leaders commitments to further integrate actions for strengthening the rule of law and democratic institutions.

Conclusion

This research does not focus ultimately to victims and wrongdoers rather than to a defining perception of justice, truth and democracy on the ground, attempting to approach through a transformative discourse in societies that have suffered enough by the propaganda and totalitarianism. It seeks to bring together the mosaic of cultures, history, political attitudes but through a common sense of justice and democracy. What the author did in this research was analysing all relevant materials in terms of transitional justice paradigm and transformative challenges for the three countries, identifying the main assumptions of transitional pillars and defining the re-conceptualization of the field as it involves new cases for peacebuilding and justice seeking. There are few studies or policy briefs that focus on TJ mechanisms in Kosovo, but there is a lack of research on a transformative or constructivist perspective related to Albania and North Macedonia. After thirty years of post-communism, time has come to bring altogether international and domestic efforts for a just transition and to put forward more concrete and regional efforts to renew commitments in a renewed context of peace, justice and democracy. The lack of such perspectives give more incentives to deep further the research on the perception of people on justice and their relationship with the past.

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THE EUROPEANIZATION ISSUE AND THE ROLE OF THE DOMESTIC ACTORS IN THE STATE OF DEMOCRACY IN ALBANIA

GERI PILACA

Abstract

In light of opening the accession talks with the EU, Albania is still suffering from a recurrent fragile democracy. Such a phenomenon has often been used as a resemblance of the never-ending transition period from the former communist regime to a stabilized democratic regime. In the meantime, the European Union, through its Conditionality tools has constantly provided professional and financial assistance to improve the state of democracy not only in Albania but also in the CEE region. In this aspect, the country entered the Europeanization process which op

ted to ensure the approximation with the common European standards in all of the areas. However, despite undergoing such process for several years, it was seen that there are some particular factors which directly or indirectly have refrained the Albanian democratic system from functioning properly. Many of the assumptions revolve around the presence of domestic actors which are a product of the legacies that have been inherited. From a theoretical standpoint, the path dependence approach can explain and emphasize the importance of legacies in influencing the decision-making process and setting up future steps. Therefore this paper studies the role of the domestic actors in slowing down the Europeanization of the democratic system in Albania from the perspective of the path dependence theory.

Keywords: Europeanization, Albania, Democracy, Domestic actors, Path-dependence

Introduction

In the framework of the European Integration process, and hence, of the Europeanization, the democratization has been and is incremental to the transformation and streamlining of Albania's development trajectory. Such process commenced at the establishment of the first pluralist elections in 1991 and then it was succeeded by constitutional amendments which provided for the separation of the judiciary, executive and legislative powers from one another. Moreover, other amendments were made which laid down provisions on the protection of human rights, the right to vote, equality before the law, etc.

As a major push factor to such process was the European Integration whose starting point dates back to the Thessaloniki Summit in 2004 where the enlargement strategy towards the Western Balkans was drafted and enacted. Since from that day, each of those countries was being "Europeanized" through major reforms and initiatives that provided for the reaching of

the targeted milestones that were necessary for gaining the Membership Status (Jano, 2010). However, the situation that is presented nowadays shows that there is little convergence between these two processes as the democracy in Albania falls under the “hybrid regime” classification, and in some other indexes under the “fragile democracy” one. According to the Democracy Index report of 2018, Albania ranked in the 75th place out of 165 countries regarding the level of democracy with a score 5.98/10 (Democracy Index 2018, 2018). While other indexes such as the Freedom House Report of 2018 displayed that Albania was considerate as partially free with a score 68/100 (Freedom in the World 2018, 2018). These reports mainly base their calculations on 5 indicators: good governance, civil liberties, political culture, electoral participation, and political participation. Such indicators, at most, have been influenced by recurrent problems such a political crisis, bad political culture, weak governance, the corrupt judicial system, weak civil society, and irregular elections.

Taking into consideration the state of the democracy of today which regularly has been repeating the same problems and phenomena, it is necessary to ask why such a situation is still in place approximately 30 years after its establishment.

Answering such question is a difficult task as the complexity of the case might provide different interpretations and hence, different assumptions. However, the most predominant assumption regarding the perpetuation of Albania’s old problems revolves around the role of the domestic actors and legacies of the past which hold a close grip on the dynamics of the country. Nevertheless, such assumptions were used similarly for other countries of the Western Balkans, specifically through the spectrum of path-dependence theory.

Due to the similarities that are found between Albania and the rest of the Western Balkan countries in terms of issues encountered I will use the path-dependence theoretical approach as well to display the rationale of the state of democracy and the Europeanization, and provide a better understanding to the case. Henceforth, this study will be conducted by using a qualitative analysis by firstly explaining the main concepts that are covered and the deconstruction and application of the main theory that will suffice the main assumption.

Discussing Europeanization and democracy

Caporaso, Green-Cowles and Risse summed up the Europeanization as “the emergence and development at the European level of distinct structures of governance, that is, of political, legal, and social institutions associated with political problem-solving that formalize interactions among the actors, and of policy networks specializing in the creation of authoritative rules” (Green Cowles et. al, 2000).

Featherstone claims that the Europeanization has been connected in 4 general classifications: historical process, cultural diffusion, institutional adaptation, the adaptation of policy and policy processes:

1. **Historical process.** According to Featherstone, the Europeanization did not have the same conceptualization as in fact it had evolved in time. In one of its interpretations in

modern history, Europeanization it was often seen as the exportation of the European set of rules and authority, as well as of its institutions, values, and beliefs.

2. **Cultural diffusion.** The practice of the Europeanization in such term relates to the realization of identity, cultural norms and behavior diffusion within the European countries throughout a cross-national process. However, the cultural diffusion tends to be often a complex process as it had been present in many aspects such for instance in the field of education or even in the matter of citizenship.
3. **Institutional adaptation.** This form of Europeanization practice remains as one of the most important and effective ones as it bases the adoption of the EU institutional model on the top-down pressure.
4. **Policy adaptation.** The process of which, a country changes its domestic policies due to its binding with the EU regulations. Consequently, the domestic policies of the country became ambivalent (Featherstone, 2003).

Then again, Börzel and Risse give an alternate perspective from Featherstone as they focus more on the domestic level and the factors which undermine the conditions of the policy and institutional adoption. The policy adoption process would be confined inside the adaptation

Characterizing the Europeanization is very intricate work as in fact, it isn't just a mere concept but rather a process, or better, a set of practices which make the European Integration a reality.

pressure incurred upon the state by the EU, which is pinpointed by the theory of the misfit. Such theory explains how the Europeanization can occur in cases when there is a considerable difference in standards of development between a candidate country and the EU standards. Börzel & Risse claim that if there is such

difference, the adaptation pressure imposed on a country (Albania), would be so high that eventually would generate the Europeanization (Börzel&Risse, 2002). Moreover, Börzel & Risse assume that the adaptation pressure within the Europeanization contexts matters in cases when there is a divergence, a misfit between the EU-policies and the domestic policies. In this matter, when a country has already an EU oriented policy, the adaptation pressure remains on low levels and thus a good fit is provided. On the contrary, when the domestic policies of a country are far more different than the ones of the EU, the adaptation pressure is on high levels as the difficulty on adopting such policies is high as well. (Ibid.,).

In a practical sense, Europeanization is widely known for taking the mantle of the democratizing tool for the Central Eastern European countries after they broke from the communist dictatorship. The importance of having a full and functional democratic regime is embedded in Copenhagen's Political Criteria and a screening of the situation is provided yearly by the European Commission's country report. The mechanisms of promoting and supporting the strengthening of the democracy can as well be found within the mechanisms of Europeanization: Firstly the countries pick a model of an EU member as a point of reference for its path of development. Thereafter, the EU provides financial assistance for the country to adopt the necessary regulations as well as develop itself. Besides the financial assistance, the EU provides technical assistance and an example of that are the twinning programs. To

monitor the progress that a country makes, the EU uses monitoring and reporting mechanisms such as the European Commission's reports which are published every year and cover all the Copenhagen Criteria and the *acquis-communitaire*. Last but not least, the EU uses the stick and carrot, or better, the "Conditionality", as a major stimulator, and which has been considerate as its main and perhaps its most effective tool (Grabbe, 2003).

Europeanization in Albania: An overview

In the section above I briefly mentioned the Europeanization mechanisms which are considerate to have a key role in transforming the prospective member states. On the other hand, it cannot be said the same thing for Albania and for the rest of the Western Balkan countries which are still not part of the EU. Nevertheless, it is still necessary to describe how these mechanism (financial assistance, benchmarking and monitoring, twinning operations, and conditionality) have operated in Albania and what did they managed to achieve.

Financial assistance

Throughout the history of the relations between Albania and the EU, the financial instruments were at the center of the whole process. Such instruments that arrived from Brussels as powerful means to help push forward the development of Albania were spread in five phases.

In the era 1991-1997, the first stage took place under the PHARE funding assistance program, which focused on addressing emerging circumstances such as famine and other humanitarian problems, providing Albania with EUR 318 million in aid. Moreover, the EC gave an additional EUR 199 million for economic reform. Also, the PHARE directed not only at rebuilding the economy but also at enhancing ties between Albania and the EU by spending in other fields such as human resources, the judiciary, facilities and so on. The PHARE program, for example, concentrated approximately one-half of its aid to Albania in the public administration and the judiciary, and the other half in infrastructural capacity, energy, and telecommunications (Albania: Country strategy paper 2002-2006, 2001).

The second stage is quite brief as it occurred between 1997 and 1999 and had a distinct attitude to the earlier one as it was created after the 1997 recession. Because the recession was considered an impact of the collapse of the Ponzi systems, the EU chose to concentrate on enhancing the state institutions of Albania, which at the moment did not work well. The PHARE program, therefore, placed plenty of attempts and cash into improving governance, enhancing civil society, and economic development. Besides, it has spent heavily on enhancing the principle of law and public administration. The program, however, did not fund grassroots changes (Ibid.,).

In the third phase, which coincided with the period from 2000 to 2006, the true manifestation

of the EU's will and its integration policy was transformed into the Stabilization Association Agreement led by the CARDS program. The CARDS has spent substantially in promoting democracy and improving public administration to assist Albania to meet the requirements. However, there was a decrease in the expenditure of the resources assigned to minor infrastructural projects. Rather, it offered support in handling procedures such as border control and collaboration, statistics and trade, etc. for organizational build-up (Ibid.,).

The fourth and fifth phases were the establishment of the Instrument for Pre-Accession Assistance (IPA) between 2007 and 2013 and IPA II between 2014 and 2020. The IPA concentrated on improving: Transition and institution-building assistance; cross-border cooperation with the EU Member States and other IPA qualified nations; transport, environment, regional and economic development; Human resources (strengthening human capital and combating exclusion); Rural development (Albania Progress Report 2014, 2014).

Benchmarking and monitoring

The reporting and benchmarking tools, namely the progress reports or the EC reports have been the prominent documents in the process of analyzing a country's progress. Each country, depending on their speed of reaching out the milestones that are necessary for the accession process, became part of these reports at different times and occasions (Grabbe, 2003). In the case of Albania, the EC decided to file the reports by the year 2005 which corresponded with the reaching of the Stabilization Association Agreement (SAA). From that moment and on, these reports were used as a point of reference for the governments to initiate and take legal and political measures which would follow the recommendations that are provided (Albania 2005 Progress Report, 2005).

Twinning operations

Despite offering the needed resources, enforcing requirements and issuing suggestions, the EU offers technical help and guidance by bringing civil servants from the partner states to the target nations to incorporate them into the state organizations and other industries where strategy modification is needed (Grabbe, 2003). For instance, through the IPA programs, the EU has managed to provide assistance for the Albanian Ministry of Environment in dealing with several tasks such as environmental protection (Draft-Strategjia Ndërsektoriale e Mjedisit, 2015), fight against corruption and even financial management of the public funds.

Conditionality

Albania would need more time to begin the SAA talks as it did not have adequate organizational capacities and, moreover, it suffered from a destabilized political structure. Albania had therefore placed a great deal of commitment into reorganizing its administration and taking severe measures to prepare for the EU talks. The EC, which chose to enter the SAA talks with the country in 2003, was happy with this level of preparation. However, it would be

the moment after the Thessaloniki Summit when the SAA adopted more of a specific approach towards Albania, which would give much more assistance in change. During 2004, the Albanian government entered into multiple stages of talks with the EC which would only be completed if political stability had been attained. Consequently, by 2005, the Albanian political groups proclaimed an alternative to the conflict, a choice that fulfilled the demands of the Commission, which would officially declare the talks to be completed and that the SAA would, therefore, be ratified by 2006 (Signature of Stabilization and Association Agreement between the EU and the Republic of Albania, 2006).

Democracy in Albania: An overview

In the introduction, I provided a measurement of the level of democracy in Albania which it focuses on key elements such as the level of governance, elections, rule of law and civil society. For these elements or indicators to make more sense it is necessary to illustrate how they are placed in the country and how do they work.

Albania adopted the democratic regime in the year 1991 where the first free pluralist elections were held, and thus paving the way for a radical transformation of the country. The type of democracy installed is a parliamentary one with one chamber holding 140 members with a 4-year term which can be renewed (The World Factbook: Albania).

Besides passing the laws, the Parliament can as well appoint the President of the Republic with a 5 year term. Although they constitute considers the President to be politically neutral and semi-independent, the process of his election remains problematic. For a president to be elected, the governing party has the right to propose the candidates who would require the parliamentary votes of the opposition to reach a consensus. Once the consensus is reached for a certain candidate, the new president is elected and he must declare his neutrality as it is considerate to be the new state's representative (Analizë e sistemit të drejtësisë në Shqipëri, 2015).

The President has a restricted authority but may hold the role of a mediator whenever there is a political crisis produced by the two major parties. Moreover, the President is the commander in chief of the armed forces and up until recently had the power to elect the high officials of the judiciary. Since from the establishment of the democratic regime, the judicial system in Albania has undergone several structural changes which would have secured its independence from the state and other institutions. The President had the authority to elect the members of the High Court and the Constitutional Court with approval from parliament. In the meantime, he was the chairman of the High Council of Justice (HCJ), and thus he can elect the vice-chairman of the HCJ, and also can assign the high and low ranking judges. Moreover, with the approval of the parliament, he appointed and discharged the state's general Prosecutor, as well as the lower-ranking prosecutors of the country. Due to the massive corruption that was present in the judiciary as well as the initiation of the justice reform in the country (Vodo,

2012), the President had no more power over the judges and prosecutors (Analizë e sistemit të drejtësisë në Shqipëri, 2015).

Another integral part of the democratic regime in Albania is the elections which are held every 4 years. Albania experiences the general elections out of which the new government is elected as well as the local elections respectively electing the city mayors. Overall, the elections, except the 2019 local ones, were characterized by a plurality of political parties but the Socialist Party and the Democratic Party being the predominant ones. The pluralist system was seen as the kick-start for a better people's participation in the elections and democratic deliberation. The development of several parties in Albania, however, came out to be an enormous setback as in essence as they did not hold any element of a democratic mentality (Xhaferaj, 2011).

Indeed, there are plenty of civil society organizations working in Albania that cover several problems that are present domestically. However, their effectiveness and impact remain debatable and their goals quite suspicious.

Finally, the civil society that is often called the "fifth cornerstone of the country" resides in the middle of the standard organizational depiction of democracy. The Albanian civil society's deficiency is developed primarily as a result of the ongoing government's pressure and interference, and secondly as a result of poor agenda settings being conducted by the

civil society organizations or otherwise, the local NGO. However, these NGOs rely heavily on donations and because of that, they tend to shape their policies according to their donor's agenda (Tafili, 2007).

Theoretical discussion: Path-dependence

The theory of path-dependence emerged as an economic theory and was pioneered by Brian Arthur and Paul David. In their work, both economists contest the neoclassical ideas of economics by presenting the notion of dependence as an explanation of financial trends.

Arthur launched the concept of high returns to clarify the anomalies that happened on the economy that raise the need for simultaneous equilibrium. Despite understanding some important variable such as conversion opportunities et al, it is not quite simple to define which possible equilibrium would be required.

Consequently, the environment somehow seems uncertain, which makes Arthur use the incident matrix as a way of understanding the route of what triggers what; to express this simply, he cites the instance of right and left vehicle's steering wheel: Imagine as if there were a correct steering wheel and a left steering wheel vehicle on an uninhabited island to introduce individuals and be tried on tests to see what kind of steering wheel individuals would choose (Arthur, 1989). To do this, individuals would have to weigh all the discrete opportunities that would determine their predominance. As soon as it appears to be a growing

change of choice to one sort of vehicle's type of steering wheel, the remainder would follow such a model which would eventually dominate the local industry. Given this instance, where the future is volatile in spite of everything, we, according to Arthur, should concentrate more on a sequence of tiny occurrences that determines the result. Also, Arthur claims that as time goes by individuals appear to understand this bias more and choose not to alter them even when new options are being suggested. This is the price lock-in which the item has become an essential component of the industry (Ibid.,).

Continuing the debate of the significance of occurrences as a path-dependence builder, Paul David paraphrases Arthur by saying that "significant effects on the final result can be exercised by occurrences that are temporarily distant, including incidents dominated by components of opportunity rather than conventional pressures." To demonstrate his hypothesis, David presents the tale of the QWERTY typing method that over the years, given the passage of time, has prevailed over the other competing schemes (David, 1985).

David's account of path-dependence has been supported by many other academics such as K.J.Arrow who, irrespective of the recognition that it is unquestionable as a hypothesis, attempts to enhance it but nevertheless, he claims that dependence also occurs in instances where there is no motivation to increase the returns (Arrow, 2004). Arrow utilizes the situation of German industrial superiority over the British one. The heart of German achievement resides in the 19th decade when railways had to be built by both Germany and England. Since the British had already constructed a railroad before the Germans, they would probably be more advantageous in this respect than the Germans. Nevertheless, when the Nech railway format was introduced with wider rails, only the Germans were more successful in implementing this new technology compared to the British, who had to replace the old railways first and then implement the new ones, resulting in higher financial and adaptation costs (Ibid.,).

Over the course of time, social science researchers would adopt the path-dependence theory to clarify the political and cultural development and how they relate to their legacy. One of the most important academics in this discourse is Paul Pierson, who took the path-dependence on the need for an increased elevated return, as Arthur and David mentioned, and applied it with severe caution within the context of the social sciences. Path-dependence within the political structure happens, according to Pierson, as a consequence of the elevated return logic rather than random occurrences, without ignoring the other factors. For him, identifying the appropriate components that contribute to the triggers and impacts of path-dependence is more essential (Pierson, 2000).

Continuing Pierson's work, James Mahoney emphasizes that path-dependence should be seen as a description of certain historical times in which specific contingent events created organizations of an excellent deterministic feature. His conceptualization is a reaction to the prior allocations of path-dependence to memory as a variable, the heritage of which is connected only to historical conditions rather than to certain important determining events (Mahoney, 2000). He describes the path-dependence within two main sections from this stage: the self-reinforcing properties and the historical sociology. The self-reinforcing properties

refer to patterns of behavior which become much stronger as time passes. Historical sociology on the other hand stretches the idea that social occurrences, which he refers to as “institutions”, are reproduced in time either by the rational actors in order to out-weight the costs, guarantee survival, create and distribute power among groups, and lastly to establish their own legitimacy (Ibid.,)

Path-dependence and Albania’s Europeanization

Europeanization in Albania was achieved primarily via the adoption of legislation and regulations. This is more evident from 2011 and onwards when the Albanian Parliament passed some significant legislation on the restriction of the immunity of magistrates, in the framework of the battle against corruption (Albania Progress Report 2013, 2013). This approach would be used by high-ranking authorities and state organizations to battle and decrease the cases of rampant corruption. Also, other significant parliamentary programs such as the “National Strategy to Combat Organized Crime” and other programs of intervention have been legally approved. One of the most important measures was the introduction of the civil servant law to maintain the public administration free from corruption and political impact, which was seen as one of the primary demands in 2014 for granting Albania the candidate member status (Albania Progress Report, 2014).

Despite having some achievement in passing several laws, the primary issues such as crime and corruption are still present, which demonstrates that law enforcement remains an unresolved issue (Albania Report 2019, 2019). In this context, the adaptation pressure does not seem to have functioned correctly as much as the misfit theory would have expected.

The role of the domestic actors finds a parallel with the philosophy of path-dependence not only because it touches and emphasizes likewise the rationality of the given acting agents involved in maintaining the status quo but also the self-reinforcing process of the “institutions” (Mahoney, 2000). Using this chain of thinking, while not relating to the hypothesis of path-dependence, writers like Bogdani & Loughlin evaluate the position of the domestic actors and how they act in this framework (Bogdani & Loughlin, 2005). They first used the work of Börzel and Risse on the position of domestic actors, described by two views: from the view of Rational and Sociological Institutionalism; and the view of Sociological Institutionalism (Börzel & Risse, 2002). The rational institutionalism emphasizes the existence of the institutions as system facilitators rather than the lack of veto players. While the sociological institutionalism focuses on the socialization of national performers (Ibid.,). Secondly, Bogdani & Leghlin used the “logic of appropriateness” and “logic of consequences” of March and Olsen. The logic of appropriateness claims that the domestic factors support the adoption of the policies since it is perceived as the right thing to do. The logic of appropriateness argues that, domestic actors promote policy implementation because it is viewed as the right thing to do (March & Olsen, 1999). While the logic of the consequences argues that the choice of the domestic actors to adopt the strategies is taken because of dread of the implications, if they manage to do so. By merging these two ideas,

Bogdani / Leghlin assumed that in Albania, there are “multiple veto points to the adaptation of European norms, domestic actors are driven by a logic of consequences rather than a logic of appropriateness, mainly found in the corrupt political class and their criminal connections, and that there is a political culture of conflict and division, rather than of cooperation” (Bogdani & Loughlin, 2005).

Ultimately, such hypothesis did not seem to be observed either in Albania or in the bulk of the nations of the Western Balkans. Besides, there are variations in rates of strategy adoption and fulfillment of requirements even between the WB, which contributes to a search to focus more on their national variables.

Path-dependence and the Albanian democracy

The multi-party system that was set up in the country did not create a suitable operational democracy. Instead, such a situation produced a deformed democratic regime that formed the perpetuating political crisis with suffering from an inner democracy deficiency.

Establishing the multi-party system in the mid-1990s was one of the main pillars to initiate the cycle of democratization. Political parties perform a significant position in democratic execution and conservation, particularly in nations undergoing a political transition. Concerning the organizational structure, Albania has succeeded in creating a party system with similarity to other countries of

Europe. Since then, political parties have been established with distinct ideologies and interest groups, given the reality that the Democratic and Socialist parties have dominated the political region of the past 29 years. In their organics, the two parties have encountered several changes, as many of their popular figures either disappeared from politics or were consumed excessively.

The issues stay the same as in reality, between the MPs of the two primary opposing political parties there is quite a tense scene in the parliament. Continuing disputes, severe polarization, absence of collaboration and numerous rumors have had a major impact on Albania's advancement. Such conflicts are not in fact subjects of the transition period, but rather they are manifestations of an already existing issue, which had created its path-dependence. Through observation, it is possible to notice two variables which have molded the severe political clashes: the cultural division and the opposing ideologies. Along with these two variables, there is a third one regarding the democratic culture of the parties which heavily influences the way parties are organized and how they behave with one another.

Cultural division

The political rift can be traced to the sociological and cultural compositions of the country, the Ghegh and Tosk sub-cultural groups, to which they are affiliated: the "Ghegh" representing the northern region, and the Tosk representing the country's southeastern region. Throughout

history, these two primary linguistic and ethnic organizations were susceptible to different political manipulations that produced a kind of polarization within the population. For example, during the King Zog's ruling in the 1930s, most of his cabinet members were from the northern region, while the southerners took over during the Communism regime. The northern Albanians would associate with the Democratic Party after the collapse of communism, while the bulk of the southern Albanians would proceed to support the reorganized Communist Party, alias the Socialist Party (Jano, 2008).

Such a trend took to the rise the political bastions that, from the perspective of political leaders, are quite appropriate as they would generate a loyal electorate. For example, the northern Albanians would heavily support the Democratic Party, not only for personal gains, but also to retaliate against former members of the Communist party which have directly or indirectly marginalized them. From a rational choice-making perspective, the northerners chose to associate with the Democratic Party as a manner to increase their returns. In this case, the development and strengthening of the bastions generates opportunities for their irreversibility because in moment it has reached a structural stage where it is very hard to change. This hypothesis is also indicated by Pierson where, initially, the performers appear to follow a route that, as time goes by, increases the likelihood of higher returns and, secondly, if such reliance were to be interrupted, the performers would experience greater hazards (Ibid.,).

Opposing Ideologies

Nevertheless, amid the linguistic and regional conflicts, the competing ideologies contributed to the harsh rift between the two main parties. The Socialist Party, which was an upgraded version of the earlier Communist Party, propelled a much milder approach to politics by claiming to support a fully democratic type of ruling and a market economy. In addition, its former leader, Fatos Nano, wished to wash up the party's picture by saying that they were not actually inheriting the mistakes of the Communist Party, contrary to what the Democratic Party claimed. On the other hand, the Democratic party was established out of the necessity of the people to undergo a significant political change (Biberaj, 1999). The Democratic president of the early 90's, Sali Berisha, would introduce a radical change to the political and cultural landscape as the goal of his party was to enforce a Western-type of democracy. The Democrats' strategy was packed with feelings of hatred for the former system, viewed as the primary source of the backwardness of the country. These phenomena would continue to exist up to this day as the anti-communist sentiments are still alive within the population, and are still being used by the party leaders for their political statements, an example for that are the parliamentary boycotts and protests of this year (Ibid.,).

Lack of democratic culture

It seemed that both of the predominant political parties had displayed an authoritarian type rather than a democratic one. The absence of democracy within these parties has harmed the democratization process of Albania by producing a hybrid one. Even though the inner

democracy is considerate as quite essential for the development of a sane democratic regime, the political parties and their leaders had continued to not respect the constitution (Krasniqi & Hackaj, 2015). An instance of this could be the Democratic Party in its late years, which was defined by an internal conflict where several party representatives were cast away in case they displayed any criticism against the leader. What's also interesting to say about this period is that although Albania was a Parliamentary Republic, which meant that the Prime Minister had the executive role, the power was more concentrated on the president Berisha (Bogdani&Loughlin, 2005). Such case generated one of the many political frictions that occurred during the past decades between the main political parties; At that time, Albania was in need for a new constitution which would guarantee the rule of the law. However, the implementation of the new amendments in the constitution was seen as quite difficult to reach. While the government was experiencing an internal crisis and facing the harsh criticism of the Socialist Party, the constitutional amendments became a political tool to be used. The socialists opted for a constitutional amendment which would have reduced the power of president Berisha. Moreover, the Socialists surely used this occasion as a reason to create a situation of instability which could have brought the country into early elections. The situation was surely not optimal for the Government, and moreover, the implementation of a new constitution would have fastened the membership process of Albania into EU. Therefore, in 1994, President Berisha proposed a referendum in regards to the constitutional changes as a way of leasing the political tension. Regardless of that, the referendum resulted to be a failure since the majority of the voters were against the constitutional amendments that were proposed by the democrats (Biberaj, 1999).

The above example of political behavior had, in fact, a negative effect on the constructing of the party's organism regarding the power-sharing, inner elections as well as law obedience. The execution of any law or party status by the main parties has been poorly done, which is related to the culture of disrespect for the legal system, and due to the lack of competent institution's efficiency in investigating and condemning any sort of violation whatsoever. Moreover, the parties are turned in to a fierce race between the inner clans that try to take the hold of the highest party ranks. The selection of the party members and the criteria of selection are rather not transparent, and often misleading, which consequently causes an information vacuum. In a way, the people are not aware of how their representatives are elected within their parties. Consequently, the political parties would recruit anyone, including criminals, who later on could easily become future MPs. Such an assumption is quite relevant considering that the vast majority of MPs are people with economic power. Therefore, the businessmen seemed to have been the adequate MP candidates as they are quite influential and can financially sustain their political campaign. Judging from the fact that money has been the solo prerequisite of entering into the political clique, it has made it possible for the organized crime to participate in the country's decision making (Krasniqi & Hackaj, 2015). Such a model of political recruitment and election making has created a sort of norm which is perceived to be almost impossible to break. Also, the setting up of this system has created a safe house for a particular group of people that aspire for more power, which is perfectly explained by Pierson's "central actors collectiveness" where certain people distribute the

goods to satisfy the needs of a specific target group. In such a case, the satisfied groups that profited from the goods are the criminals and businessmen, which took advantage of the situation in order to increase their returns either financially or politically (Pierson, 2000).

Conclusion

Albania has and it still is experiencing a high difficulty in trying to Europeanize itself and reach closer steps towards the EU integration. Although Albania has received financial and technical aid from the EU on the yearly basis, while being under the pressure of the Conditionality, it has always shown a low performance in providing a working strong state. The fate of all these processes is entangled to the dynamics and particularities of the domestic factors which, up until today, are still producing the same problems. Consequently, these domestic actors are holding a grip on the country's future and thus, providing evidence of a path-dependence.

Similarly, the democracy in Albania has been infected by a "lock-in" of the domestic actors and past legacies which have produced an obscene political situation where the party members have traditionally confronted each other regularly physically and verbally as well as often contested the results of the general elections. The roots of these political confrontations, mainly between the two biggest parties, are cultural and ideological. Moreover, the organizational model of the political parties is very irregular, corrupt and undemocratic, which has provided the criminals the opportunity to enter into politics.

In summary, the role of the domestic actors and the central role of the legacies in shaping a country's future should not be underestimated or overshadowed. While it seems that there is a path-dependence which impedes both Europeanization and democracy from developing in the country, that does not mean that the situation will remain the same. Recently, it is believed that such status quo, which path-dependence highly relies on it, can be challenged by the forthcoming judicial system. It is still unlikely to predict whether such reform will be successful or not, even on what extent it could change the situation. Besides, it needs to be considerate not only the success of such reform but also the will of the EU to integrate not only Albania but also the rest of the Western Balkans.

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BOSNIA AND HERZEGOVINA: AN OVERVIEW OF FEDERALISM

KLAJDI KAZIU

Abstract

As a country located in the South East Europe, survival on a land locked area of the Eastern Balkans, Bosnia and Herzegovina represent quite worth studying example of how federalism as a political, constitution and organizational theory might be implemented in a country with no actual tradition as a federation. This research provides an overview of the federal system of Bosnia and Herzegovina established by Dayton Peace Agreement. It aims to analyse the type of federalism highlighting the problems with its design and implementation. It finds out that the federal system was successful in ending violent conflict but not in establishment of long lasting peace. The study concludes by arguing that the gradual centralization of the country, favoured by a more active role of the international community, sanctioning a reforming of the existing Constitution in favour of more incentivized ethnically heterogeneous decision making processes, could be the only long term resolution if the current status quo, in which Bosnia and Herzegovina remains stuck since 2006.

Keywords: Bosnia and Herzegovina, Dayton Peace Agreement, Federalism, conflict.

Introduction

As a country located in the South East Europe, survival on a land locked area of the Eastern Balkans, Bosnia and Herzegovina represent quite worth studying example of how federalism as a political, constitution and organizational theory might be implemented in a country with no actual tradition as a federation. Moreover on practical terms, BiH had never been a proper sovereign state, prior to its declaration of independence in 1992. Being part of the People's Republic of Yugoslavia, constituting one of its six Republics, Bosnia and Herzegovina was historically characterized by an apparent ethnic , as well as, religious heterogeneity, simultaneously accompanied by an unstable occupation and ruling powers, namely the Ottoman Empire, the Austro Hungarian and the Serbian occupations. While placed under the Yugoslav umbrella, Bosnia and Herzegovina was such a framework, art of a so called federalist , yet strictly authoritarian (dictatorial) system, entirely ran by the communist party. In such a framework, the BiH Communist Party also represented a mass, inclusive party, in the sense that, especially after the 1960s official recognition of the Muslim Bosniaks community, proportionally represented all the three major constituting ethnic groups of

Bosnia, expressly the Muslim Bosniaks, the Serbs and the Croats. Such a system, although facing minor tensions within the ethnic groups, was largely characterised by a stable and peaceful relation among the latter, most probably composed by the strictly authoritarian nature of the Yugoslavian rulership.

The dissolution of the Yugoslavia, in the aftermath of the end of the cold war, as significantly fueled by the rising interethnic tensions within the country after the decease of Tito, and the coming to power of a purely nationalist leader such as Milosevic, led Bosnia and Herzegovina to follow the examples of both Slovenia and Croatia, this seceding from the Yugoslav ruling, and declaring their independent state. Nevertheless, in a context of a multi ethnic country, which up until then had managed to mutually balance all the three constituent groups, through their equal weight in decision making; the unilateral secession of the Bosnian and Herzegovinian Republic from the Yugoslavia, without proper consideration of the interests and demands of the Bosnian Serbs, represented a fundamental breach of that times ethnic stability in the country, consequently fueling the deep ethnic and religious clashes, coming into surface. Prone to such a realm, The Serbs, under the leading of Karadzic strongly supported by the Yugoslavian ruler, gave rise to an armed conflict, seeking to split themselves from the Bosnia and Herzegovina state, while indeed join the Serbia Republic. Nonetheless, ethnic Serbs, through such a conflict, which further escalated into ethnic cleansing and genocide, aimed at occupying and controlling, and seceding from Bosnia, as much territory as possible. While pulling into this conflict with the Muslim Bosniaks, as well as the ethnic Croats (also seeking for secession; overwhelmingly backed by the Tudan regime), the Serbian militias gave birth to one of the bloodiest and horrific massacres of the 90s, thus necessitating a direct international engagement with the parties. Following the epoch of escalating inter ethnic violence, the deteriorating humanitarian crisis, culminating with the world known “ Srebrenica Genocide” taking place right under the international communities nose, the western actors, namely the United States and the European leading countries, pressured, and strived to achieve a sustainable peace making pact. Despite the decline of various drafted proposals for peace and statebuilding, constantly refused during the ongoing conflict period, the General Framework Agreement for Peace was managed to be reached among the three conflicting sides on late 1995, internationally “ guaranteed ” by the Us, UK, Germany, France, Russia and the EU.

Observation of a Federal Structure

This internationally drafted, and “ forcefully ” pushed forward accord, that provided for an immediate ceasefire among parties, simultaneously served as the basis framework of the further state building and institutional consolidation in B&H. Annex 4 of the treaty, in contrast to the ordinary procedures, comprised the official new Constitution of Bosnia and Herzegovina, which due to the international supervision, was meant to provide stronger incentives and guarantees for its proper, impartial implementation. Drafted under the auspices

of the U.S.State Department, this new Constitution established a federal country, based on both self rule and shared rule principle. Although the term federation is not explicitly envisaged on the legal text, the overall state territorial division and power sharing, provides

In comparison to other federations, pursuant to its legal and constitutional design, Bosnia and Herzegovina is characterised by a large disbalance between the central and state levels

for a proper federal country, which in this case, would consist of the Federal Republic of Bosnia and Herzegovina, (51% of the territory), and Republika Srpska (49% of the territory), plus an autonomous Brcko District.. Such a division, generally respecting the territorial ethnic lines within the country, which only became possible

after the forceful regional homogenization during the war period, enabled for a considerable autonomy of the constituting ethnic groups in the preservation of their history, religion and language, simultaneously strengthened by their own economic, taxation policing responsibilities.

In contrast to most of the so called “ holding together ” federations, B&H consists of a quite weak, powerless and unstable central governance structure, whereas, the states level, is significantly vested with the ruling authority on a large range of policy areas. Accordingly, as the Bosnian Constitution recognizes two territorial entities, together with one independent unit, as well as, three constituent people, defining such a system represents both a theoretical/ academic, and empirical challenge. Nevertheless, a seemingly applicable definition remains: “ Bosnia and Herzegovina constitutes a loose multinational federation with a weak central authority, while the federal nature of the state shall be seen as an aspect of its consociational structure” (F. Bieber, 2006). In this framework B&H geographically applies strict principle of territorial autonomy, founded upon ethnic lines (self rule principle); while simultaneously following consociationalism provisions, through establishing ethnically based, reserved seats at all administrative and decision making layers, from entities, up to central level (shared rule principle. Indeed, both the inclusivity, as well as, the fragility of the central state governance, remains exactly on this principle: Bosnian and Herzegovinian presidency, which in turn nominates the Chair of the Council of Ministers, itself is composed of three members, each representing the three ethnic constituting people in Bosnia, directly elected by the people. They themselves enjoy the chairman of the Presidency on a rotating basis, every eight months, within a four year term. Furthermore, as the Bosnian Constitution stipulates, besides the representativeness, any of the Presidency members is vested with the power to veto any decision of the organ, as long as, he deems it could be destructive of a vital interest of the ethnic group he represents. In a similar manner, such veto capacity may be lawfully exercised by majority of the members of both the chambers of the legislative branch, representing each territorial (ethnic) entity, therefore constituting a blocking minority on issues perceived threatening their interests. Organized upon a bicameral structure the B&H legislative branch consists of the House of the People (upper house, and the House of Representatives (lower house); both designed in strict observance of proportional ethnic representation, where in each level, two thirds of the elected MPs come from the Federation of Bosnia and Herzegovina, (half Bosniaks and half Croats) and one third from Republika Srpska. Following the same

rationale of power sharing, through the proportional ethnic representation by setting up a strict reserved seats mechanism for the Council of Ministers, Constitutional Court (also including three internationally appointed members), and the Central Bank, B&H has thoroughly implemented a pure consociationalist system of shared rule, which has proved for strong implications on the state building processes in the aftermath of the Dayton Peace Agreement.

From a legal perspective, as explicitly envisaged under the Bosnian Constitution, the country is divided into a set of governing levels, starting from the central level, pursued by the entities level: the Federation of Bosnia and Herzegovina and Republika Srpska; further divided into Cantons (only in the case of the Federation of B&H); as well as the Municipal level, which represent the closest nucleic unit to the local communities. In addition, in addition to that, a self governing administrative unit, named the Brčko District was created in 2000, as a continuum of both the Federation of B&H and the RS, to provide for a significant autonomous multi ethnic municipality, in order to preserve its stability and prosperity. Furthermore, in Bosnia and Herzegovina there are four recognized “ Cities “, (Mostar, Banja Luka, Sarajevo and East Sarajevo), which are vested with extensive authorities and responsibilities, thus placing them as a sort of distinct layer of governance between the Municipal and the Canton / Entity level. Nevertheless, despite such a complex system, the two constitutionally recognized Entities comprising the country, represent the fundamental indicators of federalism in Bosnia and Herzegovina. Moreover, even the internal organization and functioning of the two major entities, stands as a distinctive unique dissimilarity among the self governance of two equal federal units. Whilst Republika Srpska, composed by an overwhelming Serbian ethnic majority, is clearly structured on a centralised basis, putting ultimate executive powers on the president of the RS; the Federation of Bosnia and Herzegovina is fundamentally designed as a decentralised, even federal system, internally divided into 10 Cantons, which purposely accommodate the ethnic composition of the entity (5 Bosniak ethnic, 3 Croat ethnic, and 2 mixed Canton, each with specific structures and procedures to protect the ethnic groups). Such a federation within the B&H federation, was principally agreed upon, due to the ethnic heterogeneity of the entity, thus being the structural prerequisite of the Croats accommodation into the Dayton Peace Agreement.

Competence Distribution

As previously argued, the 1995 Constitution, indeed established a fundamentally loose federation, which was certainly characterized by an apparent weakness of the central governance, in comparison to the Entities or Cantons level. Based upon the purpose of providing some clear cut guarantees to the protection of the three constituting ethnic groups, while allowing for a combination of these groups within the same country, the Constitution pursued a strict power sharing approach, this enlisting all the limited tasks and responsibilities of the central government, while in return, attaching all the remaining residual powers to the Entities governing institutions. In this framework, the “ federal “ structures, were vested with

quite limited authorities, only dealing with foreign relations, foreign trade and commerce, monetary policy, financial policy, border and customs control, as well as citizenship,(besides the countries Bosnian citizenship, the Entities are allowed to introduce their additional forms of citizenship), judicial organization (only the establishment of a state level Constitutional Court). On the other side, an Entity layer of governance, vested with extreme powers ranging from security, military, taxation, education, economy, infrastructure, tourism, culture, and judiciary; stipulates an exaggerated degree of power distribution and decentralization, strictly foreseen in the 1995 Constitutional arrangements.

Settled in such a complex, multi level and inter ethnic governing structure, the Dayton Peace Agreement, envisaged the foundation of a new layer of supervision in the country, namely the High Representative (HR), who in fact, represented the ultimate decision maker in terms of overseeing the civil implementation of the DPA within Bosnia and Herzegovina. While overtime vested with substantiated decision making capacities, the HR had the authority to unilaterally suspend, abolish or impose laws, as well as remove obstruct leaders or officials, a thing in our contradiction with the purpose and spirit of the Agreement itself. Over years the role and responsibilities of the HR have gradually fluctuate within the general lines of the

Favoured by a democratizing neighbouring environment, the Bosnian internal nationalistic movements began losing terrain, while the possibility of a European Integration became more and more attractive within the society

DPA, thus providing for a more or less active involvement of such an internationally appointed body into the domestic politics of B&H. In practical terms, four main periods of his on ground activity may be distinguished: First one (1995-1997) might be rightfully recognized as the peace building process within the country. During such a timeline, all the international political and

financial resources were utilized in the process of stabilization and demilitarization, thus putting much emphasis on enabling a peaceful and nonviolent terrain for further political action (first free and democratic elections). Thereafter, along the second period (1997-2002), was characterised by quite an active role of the High Representative, who took the lead in implementing ground breaking reforms in the process of institution building at the central level, thus pushing for more cohesive, inclusive and feasible policy implementation. . Although facing unequal actions by the cooperative Bosniaks, and challenging Croats, the High Representative, nevertheless managed to get through some vital reforms, which succeeded in a single currency a common flag, a separate and independent central state administration and indirect taxation, thus providing for a sustainable and self sufficient central government with the capacity to rule and deliver adequately to all the Bosnia's constituting people. A third period (2002-2006)) similarly featured gradual tendency of centralization, or pooling of some key essential, as well as, feasible capacities at the central level; most notably the unification and establishment of a single army, preceded by the enactment of a central Ministry of Defence. Other reforms of state building and institutional strengthening followed, this time, fundamentally linked to the Europeanization process of the country, with a stated prospect for future membership. Nevertheless, cooperation and a general agreement of all the political sectors on a clear definition of what a united Bosnia and Herzegovina is, and how it

needs to function, was still missing, as thus clearly surfaced on a failed Constitutional reform of 2006, that as a consequence, put an end to the overwhelming international involvement. At last, the fourth period (2006-onwards) may be well defined by a lack of dialogue, compromise and common action on the necessary reforms in B&H. This period is clearly characterised by permanent crisis, fueled by a slow down in economic development, rising of nationalistic sensitivities, and a considerable decline of international involvement.

Concluding Remarks

In the aftermath of its violent ethnic conflict, Bosnia and Herzegovina may be well regarded as among the first internationally imposed federations. Although a binding Dayton Peace Agreement among the parties was signed, such a federal system considerably lacked the legal input, recognition and internalization of the fundamental values and principles, as prerequisite condition for a successful implementation of such a system. Consequently, the country has not yet been able to unify a common vision on what its future shall be, while the Bosniaks demand for more centralization (in the form of regionalization), the Serbs request more decentralization or arguably “ secession” , and lastly the Croats seek for their separate Entity. As such, an internationally imposed system failing to take in consideration the legal implications of a deadly ethnic conflict followed by a lack of incentives for cooperation that this kind of federal system lacks; would necessarily face the challenge of proper implementation. Although DOA proved to be successful in putting an end to the violent, ethnically driven conflict within B&H, it considerably failed in addressing the deep roots of societal cleavages, thus failing to provide for a long transformation of these divisive causes. Therefore, I could argue that the conflict transformation strategy pursued in the aftermath of the war, part of which was the establishment of an ethnically based, loose federal system, proved to be inefficient in providing the incentives for dialogue, cooperation and common action. In conclusion, I strongly believe that the gradual centralization of the country, favoured by a more active role of the international community, sanctioning a reforming of the existing Constitution in favour of more incentivized ethnically heterogeneous decision making processes, could be the only long term resolution if the current status quo, in which Bosnia and Herzegovina remains stuck since 2006.

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ALBANIA STILL A HYBRID REGIME FECKLESS PLURALISM OR DOMINANT POWER POLITICS

DENISA CAUSHI & REINA ZENELAJ SHEHI

Abstract

This article explores the level of democratization in Albania as a case of hybrid regime through the framework of feckless pluralism syndrome. Democratization is analyzed through broadly used indicators such as electoral system, corruption, civil society, national democratic governance, local democratic governance, independent media and independent legal structure. The study uses scores for a period of 15 years (2003-2018) mainly from Freedom House but also combines values from other international reports that measure the same indicators. The findings show that Albania still falls under feckless pluralism and its hybrid nature mainly comes from a censored but not forbidden space of political freedom, a corrupted political elite and a political system capable of holding meaningful elections but lacking popular trust.

Keywords: *democracy, hybrid regime, indicators, feckless pluralism, dominant power politics.*

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Introduction

Despite the fact that democracy in Albania is seen as the only game in town, still its progress is small. Albania has since the overload of the communist regime that is placed into the category of hybrid regime. This transition has so far lasted for more than 29 years and again the country is with eyes to the West and the democratization, and with the feet in a regime that still fails to meet the needs and fundamental rights of its citizens. But, what makes Albania still a hybrid regime and where does it stand in terms of sub categorization of half-way democracies?

The hybrid regimes fall under the so-called gray area of democracy. Regardless of some rough and wide categorization, countries hold specific characteristics that they mainly carry from the past. In the case of Albania, a good number of the representative political elite have largely served under the communist regime and thus often sharing a similarly authoritative political culture towards political communication and citizen relations.

The Path toward Democratization

To understand the history of the development of democracy, first we must understand the kind of authoritarian system Albania has experienced in 45 years. Burnell (2006) points out that a particular authoritarian regime has vital significance for its future political and economic prognosis. The process of democratization of a deeply institutional one-party communist system does not pose the same challenges with the process of democratization of a personal one-man rule or a bureaucratic ruler of authoritarian system.

For 45 years, Albania was led by the Communist Party on the basis of the Stalinist doctrine, causing total isolation of the country and the society. In 1968, it would leave the Warsaw Pact in protest against the Soviet invasion to Czechoslovakia and in 1978, the leader would split from the last remaining ally, China. This isolation had great effects and not only economic but in every other area of society, leaving no space for freedom of opinion and action. The continuous government propaganda directed against the outside factors; the disposal of conceivable political resistance, educated people and nonconformists; the prohibition on private property and religious practices just as the brutal political abuses plainly shown that Albania experienced one of the harshest and peculiar socialist routines contrasted with all other Eastern European Countries.

After the death of Enver Hoxha in 1985, his successor chosen by Hoxha himself, Ramiz Alia decided to preserve the communist regime but by reviving the economy that was at its worst stage because of isolation even from the communist countries. This situation forced Alia to allow foreign investment in Albania and to establish diplomatic relations with the West. Democracy seemed to be extremely supported by the Albanians even for the fact of coming from a very harsh authoritarian system for 45 years in a row. Transition was peaceful and it ran smoothly and without huge irregularities apart from in 1997 when there was a fear of returning back. Yet, democratic values prevailed even when the country was under complete anarchy.

The promotion of democracy has been characterized by much of the external factor, which throughout the electoral history has not lacked international electoral observation. In 1990 Albania would enter into the Copenhagen Agreement, which exists under the structure of the Organization for Security and Cooperation in Europe (OSCE) and advocates the free, fair and democratic election principles (Thiel, 2004).

The first elections held in 1992 seemed to be an essential step forward to demonstrate Albania's strong desire for democracy. All national and international reports view these elections as the only uncontested throughout the election history of Albanian, which finally seal the regime's change. Civil society checked indications of movement too by managing mindfulness crusades and limit building and underscoring the significance of free data. Two main political groupings were made: the Socialist Party-drove front, which acquired the foundation and somewhat the grass root associations of the outdated Party of Labor; and the right-wing party, which assembled around the furiously hostile to socialist Democratic Party. The bunch that began the Democratic Party (DP), in spite of the fact that asserting that it

was against communism and however it accumulated help from those social strata that had endured most under socialism, couldn't be said to have been set up for the democratic changes of the country. The DP was riding the anticommunist wave in spite of the fact that its heads were instructed under socialism and somewhat individuals from the previous socialist first class. The leader of party, Sali Berisha, hosted been the secretary of the Party of Labor for the medical school of the University of Tirana, the main college in the nation.

"Especially in the 1996 elections during the turmoil time, "32 articles out of 79 dealing with the pre-election period and Election Day were violated" and there was a fear of returning back to authoritarianism when the leader of the Democratic Party, Sali Berisha, organized a farcical election under martial law for himself to become the new President in parliament. Even the 2005 elections that were followed by a peaceful rotation of power; the resignation of Socialist Party (SP) chairman Fatos Nano following the SP electoral defeat." (Shinasi, 2006)

Majority rules system is seen as a political battle where the primary impetuses of progress are political parties and politically arranged civil society groups. This can be accomplished through helping political characters like ideological groups, affiliations, lawmakers, non-administrative associations (NGO-s) and other politically dynamic city gatherings or even political nonconformists and banished resistance gatherings. Instances of such outer on-screen characters have been Organization for Security and Cooperation in Europe (OSCE), International Republic Institute, The Carter Center and so on.

The symbol of freedom as an end to the dictatorship regime was affirmed exactly with the visit of United States Secretary of State, Mr. James Baker. After openly stating the purpose of his visit as "I have come today to bring you a message from another free people –the American people– and my message is "Welcome"; Welcome to the Assembly of free peoples building a Europe whole and free. You are with us and we are with you", the representative of United States gave start to the first \$6 million economic humanitarian aid to the impoverished Albania." (Pearson, 2006)

The political structure in the Albania is profoundly captivated and described by consistent extraordinary power battles between the biggest ideological groups. Subsequently the job of OSCE and especially OSCE's Office for Democratic Institutions and Human Rights (ODIHR) has been to add to the advancement of democratization under the standards of rule of law. ODIHR has been available in the primary election in 1992, it has questioned the 1996 electoral decisions when they got boycotted by the oppositions groups and above all; it accepted in 1997, when Albania ended up in the edges of a civil war, the troublesome undertaking of checking elections by utilizing 500 universal election observers (Miall, 1997)

A negative pattern at present found in Albanian political parties is the maltreatment of standards, laws, and power in conveying and allotting government occupations.

Political party practices in Albania are not just established on the heritage of the past, where the leader was dependably the one in intensity of the party and responsible to nobody, however these practices additionally advance the individual power of the leader while diminishing the trust of the electorate and the party all in all. The ideological qualification

between the two fundamental parties of the left and right is ending up progressively obscured and the parties have regularly swapped roles. On various events, the DP acted like a center-left party, while SP is progressively carrying on as a center right party. Traditional parties structures that bolster identity over standard, remunerate dependability as opposed to vision, and concentrate control instead of offering it to its individuals. The setbacks are transparency and responsibility; the victor over and over again is corruption, and public interest is not taken into account at all.

Another negative feature for Albanian political elites in the years of democratization progress: the boycott of institutions (Tafili, 2010). After each electoral process, the party in opposition has left the parliament, by causing troubles for institutions to perform their duties as platforms for political discussion and democratic administration. Since the primary pluralist decisions in Albania in 1991, each round of the appointive procedure has been challenged by problems of administration, voter roles and enlistment, political groups, obscure alliances, civil society, and the role of the media. Issues were likewise identified with the administration and association of the primary electoral body, the Central Elections Commission (CEC).

And every time that the government (party which will rule) change after the election , the public servants change too as job positions are used as exchange tool for votes. So, the administration is mostly full of unqualified and member of ruling party people, by causing in this way malfunction of administration.

The Theoretical Debate about Hybrid Regimes

In the wake of the third global wave of democratization, a wide exhibit of new political regimes has risen. The Democracy Index in 2018 list 43 countries as hybrid regimes. Regardless of imperative strides towards increasingly democratic politics, it has turned out to be evident that a considerable lot of these new political regimes in Africa, Asia, Latin America and the previous communist world vary significantly both from one another and from the older western democracy. To varying degrees, these regimes join equitable highlights with tyrant practices on putting them in a 'gray area' between closed authoritarianism and liberal democracy. (Wigell, 2008)

The fall of communism did not result in a transition to democracy in the majority of cases, but in the transition to an undemocratic regime.

Many countries began transitioning from authoritarian rule to the third wave of democratization (it was an initial liberalization and democratization period with an authoritarian direction). Hybrid regimes as new forms of authoritarianism are characterized by multiparty system with authoritarian practices and abuses of state resources. The quality of government has negative performance. A larger part of the nations in Africa, Eastern Europe, Eurasia and Asia that set out on changes from various sorts of dictatorial principle during the 1990s did not change into majority rules systems, however to different kinds of tyrant rule. A large number of them grasp the type of majority rules system with multiparty decisions, yet dismiss basic popularity based thoughts, for example, reasonableness, regard for common and

political rights, free media and the standard of law. (Linde, 2009)

Many of the remaining transition countries have a combination of liberal democracies with liberal or authoritarian traits. Only a few countries that have gone through the transition process to democracy have managed to consolidate it. Other shortages either have remained in transition or have ended with authoritarian tolerance. “These incipient democracies, which have been variously described as ‘illiberal’, ‘delegative’, or, more generally, ‘hybrid’ regimes, constitute ‘ambiguous systems that combine rhetorical acceptance of liberal democracy, the existence of some formal democratic institutions and respect for a limited sphere of civil and political liberties with essentially illiberal or even authoritarian traits. In these regimes, commitment to the rules of the game is at best ‘instrumental’ (i.e. based on performance) and not ‘principled’ (i.e. based on political attributes).” (Alina Rocha Menocal, 2008)

Of course, elections are necessary but not sufficient to build democracy. Elections cannot solve social or economic problems of developing countries. Therefore, a democratic process that does not respond to the primary demands of the citizens, including the economic development, concerns the nature, the quality, the efficiency and the sustainability of these systems.

Democratization is not a static or linear process; the quality of democracy in a given country is subject to continuous change and progress

For a state to achieve the consolidation of the transition phase, undoubtedly it needs a democratic political culture where all essential political actors see democracy as the only game in town. While there is no scholar work that demonstrates a causal relationship between democracy and economic

development, a good number do actually argue about the correlation between the two variables (Muller, 1998; Huber & Stephens, 1993; Robinson, 2006) Empirically, countries with problems in economic development have also displayed serious setbacks in democratization.

Yet, the strongest argument in favor of democratization despite its setbacks, is the right to participate and change the powers through formal institutions. “Important risks as well. In particular, expectations are raised that are very difficult to satisfy, and clientelist systems continue or even intensify where the potential for authoritarian top down control is not replaced by effective checks and balances and accountability to citizens.”(Alina Rocha Menocal, 2008) Democracy is imperfect but is the best alternative offered.

There are a number of ways of how we can categorize the hybrid regimes. Wigell (2008) builds an integrated classificatory scheme on the basis of a two-dimensional concept of liberal democracy. According to him, illiberal democracies are electoral and constitutional. *Electoral democracy* is that category where are cases that fulfill the additional electoral conditions, and not the additional constitutional conditions. They produce vertical accountability through electoral institutions but failed to produce horizontal accountability. While in *constitutional democracy*, states fulfil the additional constitutional conditions, but lack of fulfillment of additional electoral conditions. This types of democracy has effective horizontal, balances and intra-state checks but citizens are limited to enforce their elected officials to be responsible

about their immediate demands.

Bogaard (1998) argues that third wave democracies are an outcome of multiplication of other regimes that are neither fully democratic nor typical authoritarian. The most new terms used are 'delegative democracy', alluding to a negligibly law based nation with an absence of flat responsibility, and illiberal democracy, indicating an appointive vote based system in which common freedoms are compromised. More as of late, researchers have come to see post-change routines not as flawed democracy, however as feeble types of authoritarianism.

Four sorts of defective democracies are recognized: exclusive democracy, delegative democracy, Illiberal democracy and democracy with reserved domains.

These are the basic origination of democracy, the variable of the express, the derivation of subtypes of defective democracy, their exact identification, and the impediments of a 'single root strategy' that centers only around either democracy or authoritarianism. Rather, the Matthijs Bogaards contends the requirement for a 'double root strategy' that maps regimes on the full range between liberal democracy and autocracy. (Bogaards, 2009)

Gray zone can be very dangerous, actually on human rights violation it can be more risky than authoritarian regimes. Skelley (2005) presents four hypotheses about these cases their analyss.

H1: Transition countries are more inclined to conflict than states that are not. H2: The spread of democracy increases stability, however semi-democracies and states in transition toward democracy are the most instable of all regimes. Transition to democracy increases the likelihood of political violence and even civil war. "H3: The spread of democracy increases the protection of human rights however, transitioning and semi-democracies violate human rights more than authoritarian regimes. This is due to semi-democratic leaders' heightened perceptions of threat as well as the absence of institutions through which citizens' civil rights are ensured. H4: The spread of democracy increases economic development. Individuals endeavoring toward a free society are probably going to live in a dread society until the progress is finished. All these create an alert on to that the progress of democracy is risky and that semi-democracy isn't a worth ceasing point. Elections alone are insufficient but even a flourishing civil society and a free press aren't sufficient.

Specifically the case of Russia posed a special interest to researchers as it showed that hybrid regimes do not transform only to fully democracy but even to other types of hybrid regimes. The change of Russia's party system from 'feckless pluralism' to dominant power politics' has tested political advancement in Russia, which traded one hazardous condition for another. During the 1990s, the discontinuity and shakiness of the party system made real barricades to the development of a productive political market. Political party neglected to interface elites and masses, to speak to society's interests, to perform on the dimension of basic leadership, and to give government's responsibility toward citizens. These highlights of Russia's party system, albeit broadly criticized, need not keep the change of 'feckless pluralism' into a progressively open aggressive party system as in the Ukraine following the 'Orange Revolution'. In any case, a turn the other way to dominant power politics' as a monopoly for the party of power is progressively risky for the party of power. This restraining infrastructure will prompt the elimination of political restriction, an undermining of motivations for mass

support, and the politicization of the state. In contrast to 'feckless pluralism', which may be seen as the extended developing agonies of incipient gathering frameworks in democracies, the monopoly of the party of power is a side effect of a perpetual illness. When set up, this syndication could duplicate itself as long as exogenous components don't influence the political market and as long as elites can keep up their authoritative solidarity. The experience of one-party regimes in communist countries discloses to us that these monopolies could get by for a long time – yet not until the end of time. Sooner or later, it will be certain whether endeavors to restore one-party rule in Russia have accomplished their objectives. (Gel'man, 2006)

"Third Wave of Democracy" that Carothers called attention to was negligence of the neighborhood social, authentic, and social determinants in which the procedures of change continued. Countries whose political life is marked by feckless pluralism tend to have significant amounts of political freedom, regular elections, and alternation of power between genuinely different political groupings. Despite these positive features, however, democracy remains shallow and troubled. [...] Political elites from all the major parties or groupings are widely perceived as corrupt, self-interested, and ineffective. The alternation of power seems only to trade the country's problems back and forth from one hapless side to the other. [...] The public is seriously disaffected from politics, [even though] it may still cling to a belief in the ideal of democracy [...] (Carothers 2002, 10).

Countries with this syndrome have limited but still real political space, some political contestation by opposing groups, and at least most of the basic institutional forms of democracy. Yet one political grouping – whether it is a movement, a party, an extended family, or a single leader – dominates the system in such a way that there appears to be little prospect of alternation of power in the foreseeable future (Carothers 2002, 11–12).

The focus of this study is to analyze the case of Albania as a country previously grouped under “feckless pluralism” and see if there is any type of transformation since then. At what stage is Albanian democracy? Does it tilt toward further democratization or hybridization?

Methodology

Albania based on various international reports by the international agency is continuously categorized as a hybrid regime. While previously grouped by Carothers (2002) as a case of feckless pluralism, what characterizes Albanian democracy today?

In order to perform this study, we have mainly relied on the values given to Albanian democracy from Freedom House but also often crosschecked with scores given from other international reports i.e. Transparency International, World Justice and Economics Intelligence Unit. While different reports measure different indicators of democratization, we looked at the most common ones so that we could have the chance of comparing values through different reports. Indicators of democratization used are as listed below:

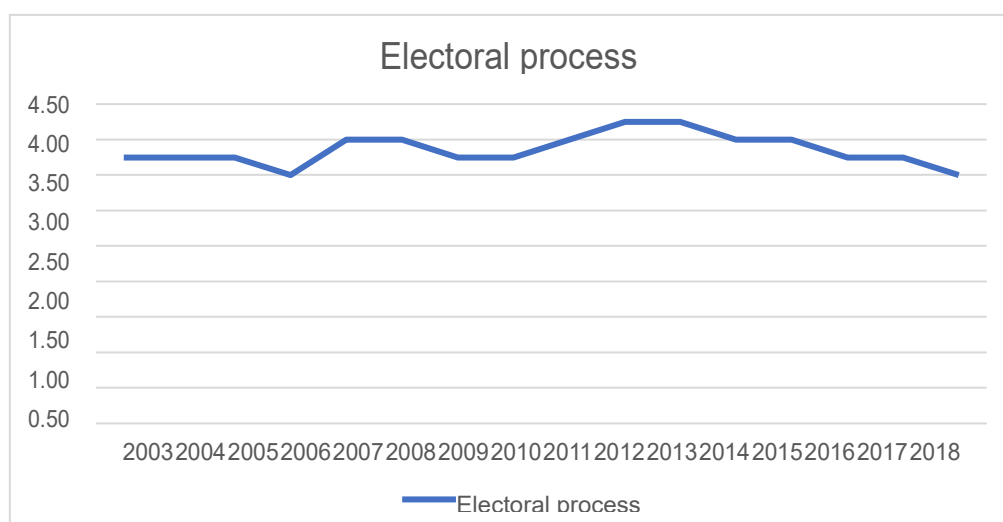
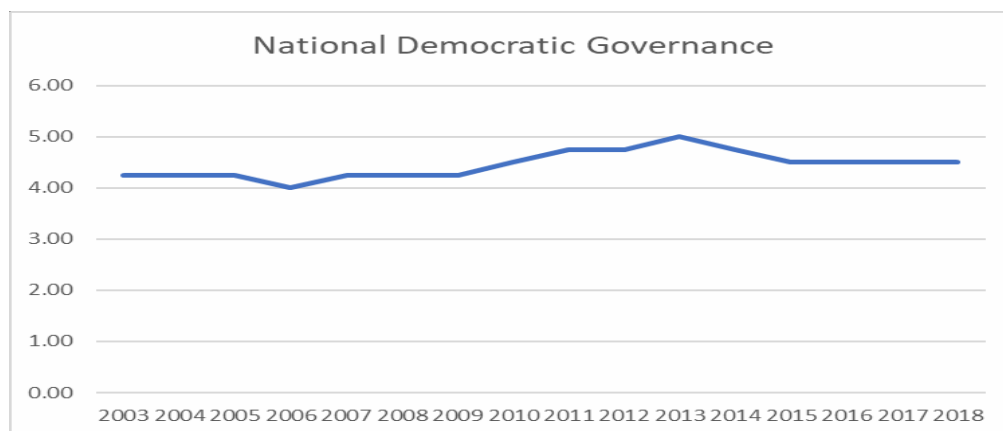
1- *judicial interdependence and framework*

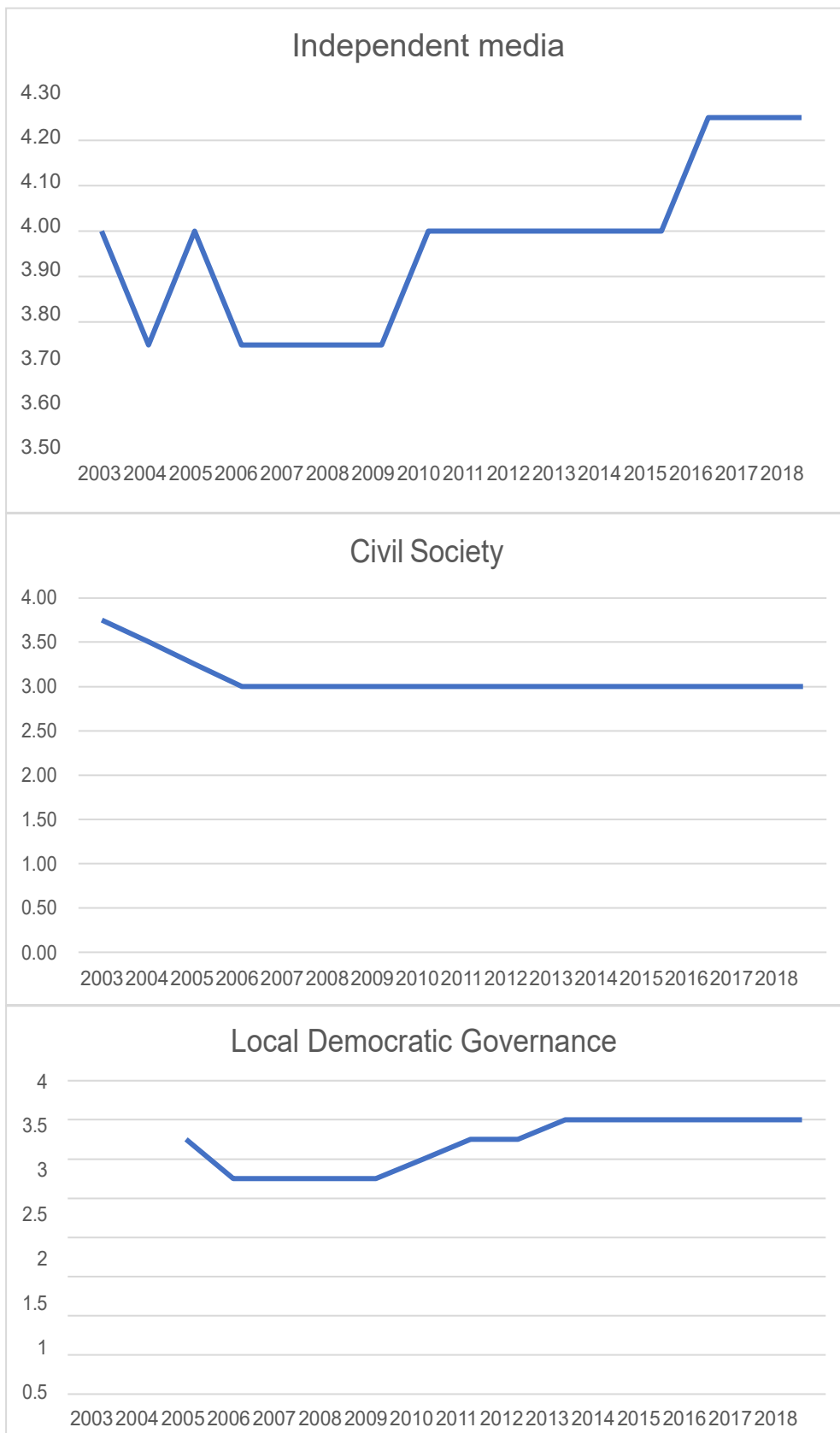
2- *corruption*

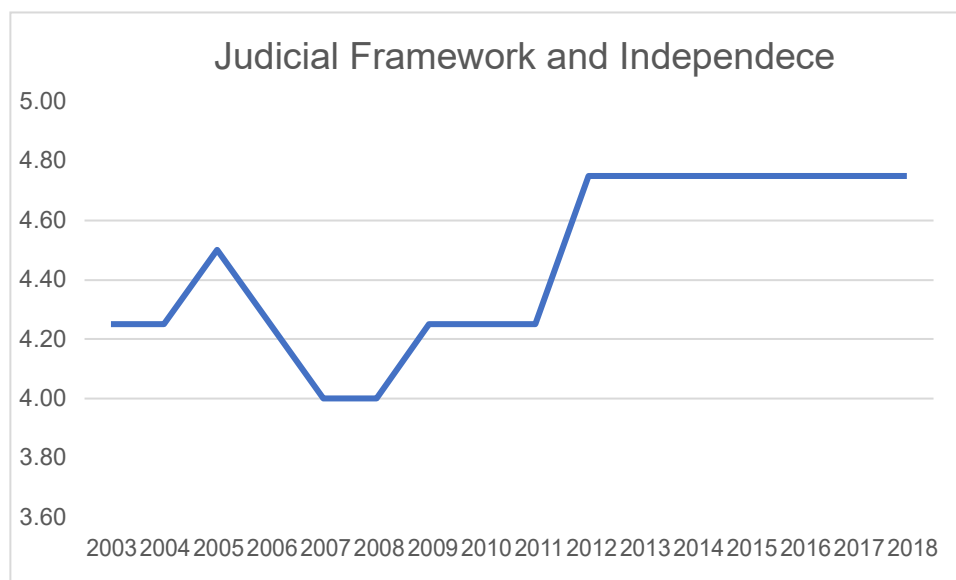
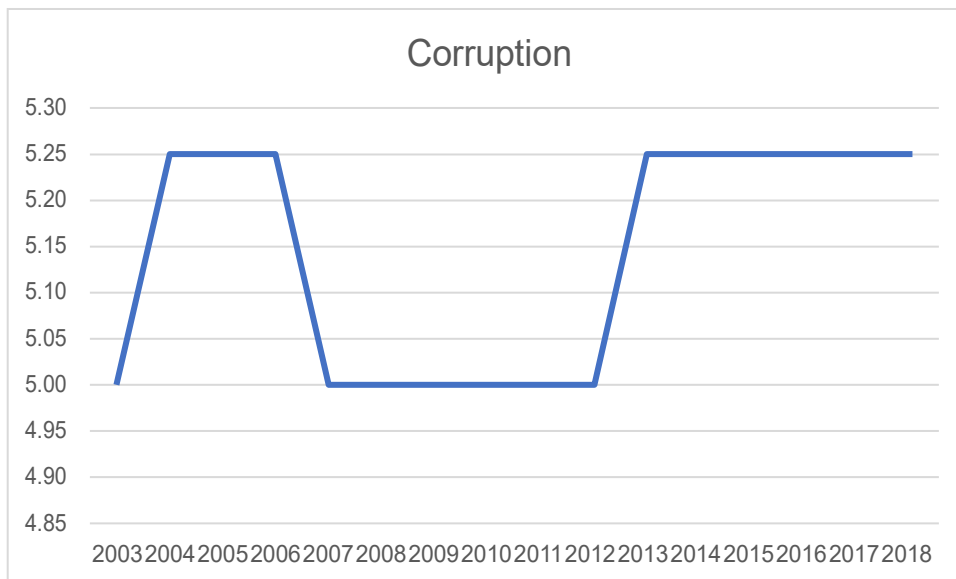
- 3- *national democratic governance*
- 4- *local democratic governance*
- 5- *civil society*
- 6- *electoral process*
- 7- *independent media*

Data used belong to 2003-2018 years. After collecting and organizing the data and based on the selected model in the literature review (Carothers -The end of transition paradigm), we have accordingly than analyzed and categorized Albanian democracy. Performance of indicators for a time period of 15 years could tell us more not only about the typology of its democracy but also about the continuing challenges that block further democratic consolidation. Yet, a deeper research is required to understand also the forces that have set the indicators at respective progressive or regressive levels.

Discussion of Findings: Trends on Democratic Processes







The political space exists in Albania but it is still limited. Civil society scores look promising with a value of 3 since 2006, but on the other hand media is becoming less independent since 2015 (4.25/7). Yet, intervention and dependence of the judiciary by the political elites remain continuously the most threatening issue to Albania's democracy since 2003. Albania has been associated throughout its democracy's history with parliamentary boycott and the request for the recount of votes by the party that has emerged with less votes in the end of vote numbering.

As to link it with Carother's feckless, Albania demonstrates to own a particular level of political freedom. These rights are guaranteed by the constitution and despite problems in implementation, overall, the concept of political freedom enjoys a generous space. Freedom House reports tell us that the score for political rights in Albania remains at the level of 3/7 from 2002-2018.

Albania has experienced regular elections for central and local government with a four-year

mandate, so elections are not a procedure that is overcome, they are developed despite two cases of delay: 10 February 1991, December 2006. The alternation of power between the different political groups happened regularly and mainly peacefully.

However, democracy seem to show setbacks in internal party democracy. The public perceives the political parties as corrupted, self-interested and ineffective. Moreover, the electoral system of closed lists has strengthened the power of leaders inside political parties. As an example, the LSI has been run by today's president of Albania, while the party is run currently by his wife and the party is itself in opposition (although most MPs burn the mandate). In this way, institutions are actually run by a certain political elite.

Albania performs the worst in corruption and while many cases of corruptive scandals from high officials show themselves continuously in Albanian politics there is no single case punished or legally condemned. So there is no coincidence that the second indicator in Albanian democracy performing the lowest is judicial framework and independence.

Corruption in 2003 was perceived by Albanian society as the first and most important problem in the social economic aspect, notwithstanding that the government did not undergo any specific or legal measures against this phenomenon. Corruption deteriorated later as a result of revealed cases of connections between organized crime and politicians.

Lack of transparency causes inefficiency in local governance and misuse of public funds are continuing features of country's politics. The inability of the judiciary to monitor the work of the executive remain the main obstacle that inhibits consolidation of democracy. The lowest scores in democratic governance are noted: (1) anytime reform implementation fails, (2) when leaders show tendency to control independent institutions and (3) when EU progress reports result with negative remarks. The last one might not have a direct impact on democracy but discourage economy and further developments.

What is interesting to note is that overall scores do not change much in relation to which party is in power.

When it comes to democratic governance, again both central and local governments are seen incapable of providing qualified services to the citizens and there exists disproportionate funds between the municipalities of the opposition and majority.

As to link it with the theoretical discussion, Albania still carries the syndrome of feckless pluralism, a characteristic of a group of hybrid regime countries. "Third Wave of Democracy" that Carothers called attention to as marked by feckless pluralism tend to have significant amounts of political freedom, regular elections, and alternation of power between genuinely different political groupings. As the study also

notes, Albania performance in 15 years (2003- 2018) score better in electoral democracy and civil society. However, Albanian public does not trust neither the system nor the political elites although it relies a lot on democratic values. This description goes as well hand in hand with the characteristics of feckless pluralist hybrid regimes as being corrupted and dominated by a certain political elite in which the transfer of power does happen de jure but not de facto.

Concluding Remarks

This study brings into attention again the need to pay attention to democratization as a process rather than as a matter of transition. It noted that a correct categorization of the system helps in a better identification of needs and challenges. While the need for reforms might be present in many areas, this study may also assist in drawing a map for priorities and urgent interventions. Results indicate that corruption and the independence of judiciary call attention for quicker and deeper transformations. It is certain that further recommendations require more qualitative analysis for at least each indicator covered above.

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