

BRIDGE OVER TROUBLED WATERS? The Role of the Internationals in Albania

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INTRODUCTION

Since the fall of communism in 1991, Albania has maintained a steady policy of careful diplomacy with its neighbors, focusing on moderating and resolving interethnic conflicts in the region. Considering that it emerged from the most isolationist regime in central and eastern Europe, with few resources and no democratic record, the country has made significant progress in a short period of time. **Membership in NATO and the EU were considered top priorities from the very start of the transition to democracy and have been perceived as guarantees for socio-economic progress, democratization and the rule of law.**

2009 was an important year for Albania: it joined NATO and submitted its application for EU membership. In the first half of the year it appeared that 2009 would become a milestone for a big leap forward and that the wide recognition for Albania's contribution to regional stability would be followed by recognition for the country as a maturing democracy. Instead, **2009 marked the start of a political stalemate that resulted in stagnation, backsliding and a 'stabilocracy'**, a neologism used by the authors to describe a system that externally provides stability but domestically oscillates between democracy and autocratic tendencies.

The narrow result of the 2009 parliamentary elections that allowed Sali Berisha and his Democratic Party to stay in power was contested by Edi Rama's Socialist Party. Parliamentary boycotts followed in 2009 and continued in 2010. Because of the political deadlock in 2010, little was achieved with regard to reforms demanded by the EU. Naturally, the 2010 Opinion of the European Commission didn't recommend granting Albania candidate status. Instead, **12 key priorities** were formulated as a pre-condition for progress on Albania's EU bid. Instead of joining efforts to deliver on this EU-inspired agenda, the two political rivals and dominant political forces remained deadlocked.

In early 2011 the situation deteriorated further and the perception that Albania was in a dangerous downward spiral was reinforced. A demonstration on 21 January 2011 turned into riots and ended with intervention by the Republican Guard and people killed, wounded and arrested. Then came the flawed May 2011 local elections.

Since the start of the political stalemate in 2009 there were several attempts at mediation by the international community (the US, the EU, individual EU member states, the OSCE), with no substantial results (except the prevention of further violence.)

Against the background of many analyses of **what was going wrong in Albania** and what Albanians had to do, the seemingly endless crises of recent years justify and even require asking reverse questions, such as: **Is and was international policy towards Albania adequate for the situation? What can the international community do better or do more of? Has international help always been supportive and has the general line of internationals 'helping Albanians to help themselves' been sustained? Are Albanians themselves aware that international assistance aims at facilitating ownership of reforms, or do they have different expectations? Last but not least, is an eventual mismatch between international and Albanian perceptions of what external assistance is about part of the problem?**

The ambition to go deeper into these questions is the backdrop to the present report. Whereas international intervention was provoked by the political stalemate that started in 2009 and seemed to have no end in mid-2011, more positive developments in late 2011 and 2012 have required an

examination of international involvement in these developments as well. The period covered by the report was thus extended to include the turning point of the November 2011 agreement between the ruling majority and the opposition to cooperate on an agenda closely linked to the implementation of the *twelve key priorities* formulated in 2010 by the Commission in its Opinion on Albania's EU bid. The report thus also includes developments since the November 2011 agreement and up to the release of the report in mid-September 2012.

The methodology chosen for the report was to analyze the impact of the international community on political developments in Albania on the basis of interviews conducted with international stakeholders in Tirana, Brussels and Washington, as well as with national stakeholders in Albania. (A list of persons interviewed is attached.) The interviews with international and Albanian stakeholders are summarized in the **Main Findings on the Basis of Conducted Interviews**, compiled in line with the Chatham House rule of no reference to names. Part of the information extracted from the interviews is of course about perceptions. Different players often happen to have different perceptions about one and the same event or interlocutor. The authors have been eager to refer to perceptions as well as to differences in perception between different players.

The interviews inspired a further research into official documents, academic studies and media reports related to international involvement with regard to

- the Constitutional amendments in 2008,
- several judicial cases,
- elections in 2009 and 2011,
- work on the 12 key priorities formulated by the European Commission as benchmarks for further progress on Albania's EU bid,
- civil society and civil engagement in Albania
- concerns about pan-Albanian nationalism.

This research is summarized in the narrative part of the report.

Further background information is provided in the appendices.

On the basis of the findings from interviews and case studies, **policy recommendations** have been formulated with regard to future involvement of the international community in Albania.

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EXECUTIVE SUMMARY

Albania witnessed a very difficult time in recent years, in particular since the 2009 parliamentary and 2011 local elections. This report examines the **Constitutional amendments in 2008**, which are of great importance to understanding internal developments in the country. The authors focus on the international community and its reactions to these changes. The European Union was at the time to a large extent captured by its own internal debates on the Lisbon Treaty and the looming independence of Kosovo, and thus did not pay much attention to Albania. Despite “key reform concerns” NATO membership was offered the same year, awarding Albania’s contribution to regional stability and its participation in international military operations. The Venice Commission mostly approved the changes. The EU and the US found the amendments principally democratic, common in other countries, and compatible with internationally-accepted democratic standards. However, both the EU and the US expressed concern that the amendments were approved by the Assembly without taking into account the input of other stakeholders, including civil society representatives. In general, the international community praised the amendments as a substantial achievement because they happened on a “consensual basis” between the main political forces and assumed that the consensus represented an end to the political stalemates and battles between rivals Berisha and Rama. The Constitutional changes however paved the way for an in-depth consolidation of state control and even state capture by the ruling elite. The internationals thus helped consolidate “*stabilocracy*” in Albania, which provides stability externally but domestically oscillates between democracy and autocratic tendencies.

The report examines three case studies (Basha, Gërdec, and the events of 21 January 2011) to illustrate that instead of consolidation of democracy, Albania has experienced a shift to almost complete control by the ruling elite and extensive use of **non-democratic proceduralism**, where laws are used for exerting control by elites in power. It is not only the problem of the distinction between the ‘letter and the spirit’ of the laws and ‘process and values,’ but also the misuse of laws and institutions for own political and individual purposes. Rule of law is of crucial importance; Albania however was backsliding in this area, and it **appeared to be difficult for international actors to find adequate responses to the abuse of institutions and procedures.**

The report argues that the scope for international intervention and clear and united criticism with regard to the **2009 general election, the 2011 local elections and the 2012 presidential election** were seriously limited due to prior international acclaim for the 2008 Constitutional amendments. This is especially true with regard to the presidential election. The fact that it was in compliance with ‘the letter of the constitution’ weakened international voices advocating compliance with both ‘the letter and the spirit of the law.’ To a different degree, problems with the (mal)functioning of the Central Election Commission and the Electoral College – related to the 2008 Constitutional amendments and to internationally unaddressed legal gaps – also put limits on external intervention with regards to the 2009 general and the 2011 local elections. Regardless of serious doubts about the rightfulness of decisions taken, international actors were confronted with the challenge to respect the independence of Albanian institutions. This was in contrast not only with the expectations of the opposition but also with wider Albanian expectations for internationals to play the role of arbitrators. Active and uncoordinated on-the-spot international reactions partly fueled these expectations, in 2011 in particular.

The report underlines that elections conducted in line with European and international standards remains a *sine qua none* requirement for the start of EU membership negotiations. The limited success of international intervention to make Albania deliver on this crucial issue thus far is put in contrast to the visa liberalization process as a very encouraging example of EU conditionality at its best. It would be simplistic to expect the whole European integration process to be shaped in such a clear and depoliticized way, but an approach as close as possible to the one in the visa liberalization process remains a desirable way forward.

The report **discusses the 12 key benchmarks** formulated by the European Commission as a pre-condition for Albania's further progress on EU accession as a successful way to help Albania set the agenda for further reforms. After the limited success of international intervention on the eve of and after the 2011 elections (EU intervention being mostly about crisis management with the EEAS), the 12 key priorities were the basis on which the European Commission became more proactive. Further reforms were successfully embedded in the enlargement process. The sense of ownership of reforms and the involvement of a greater number of stakeholders was encouraged. The most significant achievements of this approach were the November 2011 political agreement between the government and the opposition (to address the 12 key priorities) and the respective updated Action Plan adopted in consultation with the opposition and civil society. Progress has not been linear, but was strengthened by the informal troika of the EU, the OSCE and the US. In 2012 this informal troika has been very active and united in its messages to Albanian politicians on the need to deliver a "critical mass" of progress on the 12 key priorities in order to facilitate a recommendation to grant Albania candidate status.

The report discusses domestic criticism about the lack of strategy and vision of international donors in **support of civil society**. The authors argue that there is a need to strengthen civil society and to provide space for other actors and independent voices in the country. They raise the problem of GONGOs (governmental NGOs) and the spending of money on fake projects. The authors plead for more attention and support by international stakeholders for civic engagement that is gaining momentum in Albania, the initiative to hold a referendum on waste imports being one such case.

The authors refer to **Pan-Albanian sentiments** in the region as an issue that must continue to be on the radar of the international community but stress that thus far Albania has not been part of the problem but rather part of the solution of regional problems. They argue that without democratic and economic progress in each of the countries with Albanian populations in the Balkans, lasting regional stability will be at stake and that this geostrategic concern has to be considered by both the US and the EU. Last but not least, the report argues that EU candidate status for Albania has to also be considered as a potentially positive signal to Albanian communities in the region.

The Excursus section of the report explores the **referendum on waste imports** as an example of growing civic activism in the country.

MAIN FINDINGS ON THE BASIS OF CONDUCTED INTERVIEWS

- Albania's behavior as a **reliable Western ally** and as a **major contributor to regional stability** was the backdrop for the invitation to **join NATO in 2008**. Regional stability considerations continue to play a role in the **shaping of EU policy towards Albania** within the framework of its enlargement policy towards the Western Balkans;
- NATO membership is highly appreciated by all Albanians, regardless of their political biases, as an important national achievement. But NATO membership was perceived as a guarantee for high standards with regard to socio-economic progress, democratization and the rule of law; Albanian intellectuals are rather **disappointed about NATO's disengagement with domestic developments in Albania**;
- The long period of limbo that followed the 2005 referenda on the EU Treaty and fatigue following the 2004 and 2007 enlargements led to **a lack of focus on enlargement towards the Western Balkans and Albania in particular among EU member states for several years**;
- During the period of limbo in the EU, the 2004-2009 **European Parliament** was involved in Albania in a counterproductive way, the European People's Party (EPP) siding with Berisha and the Progressive Alliance of Socialists and Democrats (S&D) siding with Rama for purely political reasons. From 2009 on, the two big political families in the European Parliament are trying to speak with one voice, without taking sides;
- After the Lisbon Treaty came into force, a certain **overlap of responsibilities and competences between the Commission (focused on enlargement) and the European External Action Service (focused on crisis intervention and management)** emerged. The overlap and competition are taken not as a serious problem but rather a philosophical question by EU officials;
- However, in the wake of the January 21, 2011 violent riots and with regard to the May 2011 local elections, this issue translated into a **divide between looking for political solutions on the one side (supported by the EEAS) and enlargement on the other (supported by the Commission.)** This divide was not productive;
- EU officials are reluctant to look back and analyze what happened and why; they prefer to "think positively" into the future. Their starting point is the November 2011 agreement between the Albanian government and opposition to cooperate on the Commission's 12 key priorities, whereby **everything is embedded in the enlargement process**;
- Compared to Bosnia and Herzegovina, Kosovo and even Serbia, the EU Commission considers Albania as a rather easy case; it has no major problems with neighbors and no major ethnic or religious problems. Progress in the case of Albania can increase the credibility of the EU's commitment to the Western Balkans and enlargement;
- Pro-American sentiment among the Albanian population is extremely strong. Albanian politicians look for approval from the US Ambassador as they see it as a scoring point with voters. The US government prefers not to use its leverage for interference in domestic political rivalries. US involvement in party politics would damage the relationship with any government that would come to power.

- Regional security considerations continue to be a factor in US policy on the Western Balkans. Pan-Albanian nationalism remains a concern, whether in reaction to Macedonian and Serbian nationalism or because the road to the EU is obstructed by internal politics. Pressures for Albanian unification, especially if reforms are stalled and progress towards the EU is blocked, will result in greater regional instability.
- However, concerns about pan-Albanian nationalism and unification trends were underplayed by Albanian and European interlocutors who noted that pressure comes from neighboring countries that have Albanian populations rather than from within Albania itself;
- The international community lost some of its leverage once Albania became a member of NATO, because a major incentive was expended before the country's political reforms advanced;
- **US support for Albania in its pursuit of EU membership is strong**, but US officials consider that the EU must take the lead in helping Albania achieve necessary progress towards EU candidate status. The US administration deems the **EU accession process sufficient for facilitating reforms**;
- **In addressing the internal reform agenda, the US is reluctant to take the lead** and is not willing to get ahead of the EU and the OSCE, especially regarding electoral disputes;
- Pressure from the EU is critical, but needs to be combined with a firm push from the US to achieve results in political, administrative, and judicial reforms. Coordination between the EU, the US and the OSCE has improved in the last three years. The lessons learned from the local elections have proven valuable in enhancing international coordination and in working out preventive scenarios for potential disputes in the future, according to US interlocutors;
- Both the perceived and real **role of international representatives and ambassadors in Tirana is disproportional** compared to established democracies. This leads to a national perception that Albania is one of the most important countries in Southeast Europe where international actors are constantly engaged, creating **unrealistic expectations about the involvement of internationals** and a **tendency among Albanian politicians to seek 'external legitimacy'**;
- Messages from the US Ambassador in Tirana are perceived by Albanians as more clear and direct than messages from the EU; they are considered as the line of Washington;
- Compared to the US, it is more difficult for the EU to speak with one voice, at least on the spot in Tirana; some ambassadors consider it their task to promote the national interests of their country before promoting EU values and strategies /priorities. It is a challenge for the EU Ambassador in Tirana, the EU Commission and the EEAS to find **the right balance between the respective national interests of EU member states and EU values and priorities**. Albanian NGOs talk about a kind of North – South divide, where southern countries (Italy, Greece, France) put economic interests first, while northern countries try to promote values;
- Ambassadors in Tirana are overexposed on television and in print media; some ambassadors feel less comfortable with this and aren't as present in the media unless they have a special message to deliver, while others enjoy and deploy their extensive media presence;
- Ambassadors that do not take sides but limit their public appearances and insist on **promoting values and a political culture of dialogue have higher credibility**;

- **The EU Commission** is perceived even by the Albanian opposition as the **best friend of the country, not of the government**. Contrary to this, the **opposition and NGOs perceive the current OSCE Presence in Albania as biased in favor of the government and as a competitor to local NGOs**;
- **US, EU and OSCE Ambassadors in Tirana** increasingly act and are perceived as an informal Troika;
- International representatives often feel challenged by the **winner-takes-all political mentality in Albania** and the **deep mistrust between the two main political parties** (the Democrats - DP, and the Socialists - SP.) Both parties rely upon international players for mediation but easily suspect them of being biased. It is a challenge for international actors to design face-saving strategies for both sides;
- Both EU and Albanian interlocutors interpret the **constitutional amendments of 2008** (perceived as part of Albania's entry ticket into NATO) as a dismantling of the system of checks and balances due to infringements on the independence of the president and the judiciary, and as having facilitated the power game between the two biggest political parties. EU and Albanian interlocutors regard the 2008 amendments as an instance of **short-sighted reform for short-term gains** and see a link between these amendments and the deficits of the 2009 general, the 2011 local and the 2012 presidential elections;
- US interlocutors on the other hand see no correlation between the 2008 constitutional amendments, the subsequently adopted electoral code and the contested elections in 2009, which were followed by a political stalemate. Election violations were technical and did not arise from the laws. The constitutional amendments limited space for smaller political parties and solidified existing party divisions among the voters, but they were not undemocratic in nature. The bitter political confrontation is the real reason for the stalemate since 2009;
- The media is divided along party lines and has thus become a contributor to the bitter political climate. Aware of this, some ambassadors intentionally speak to opposition media and thus indirectly take sides;
- Serbia getting EU candidate status is perceived as an instance of double standards even by Albanians not linked to the government;
- **The EU Commission** is highly committed to facilitating progress on the 12 key priorities in close cooperation with the government, opposition and civil society, in order to be able to **recommend EU candidate status for Albania in the October 2012 report**. The Commission is working with the clear idea that it is about a **"critical mass" of progress rather than fulfillment of the 12 key priorities**;
- Both within the Commission and the EEAS there is awareness that **some EU Member States will be less supportive of a proposal to grant candidate status to Albania**;
- A delay in granting EU candidacy status to Albania in 2012 will have a negative impact on domestic progress and regional developments. A delay can trigger more nationalist sentiment throughout the region.

RECOMMENDATIONS

- International involvement in Albania should **go beyond on-and-off exercises of crisis-management and mediation on single issues** but should instead be designed with the **long-term objective** to help Albania establish a **functioning democracy**;
- When faced with the challenge to find the right balance between regional stability and national democracy, international players involved should carefully consider all the aspects and long-term consequences of solutions that are supposed to facilitate regional stability but that may negatively impact a sustainable democracy. **Albanian “stabilocracy” must be ended**;
- International stakeholders should clearly define **red lines** ahead of the 2013 general elections in order to **end any redefinitions of success** and the trend of **hiding behind formulas such as “progress but remaining shortcomings,” commonly used by international representatives and Albanian politicians alike in the past**. It must be clear that any severe failures to conduct fair and free elections will have significant ramifications for Albania’s EU accession and for the country’s image. The **informal Troika of the EU, the OSCE and the US** should continue and they should further improve coordination and cooperation in this respect;
- International players should not serve as arbitrators in Albanian political rivalries. They should send clear messages that a sustainable democracy has to be based on **confidence in national referees** and a **system of national checks and balances** rather than on reliance upon international arbitration;
- International representatives should carefully consider the political implications of apparently technical decisions and solutions; **hiding behind non-democratic proceduralism should not be encouraged**. **The EU should maintain its demand for a credible judicial procedure free from political interference about the events of 21 January 2011**;
- International actors should avoid taking sides in the polarized Albanian political landscape. Their public appearances and statements should be carefully considered and coordinated. **Criticism (or approval) voiced by one international actor without clear support of the rest creates space for political maneuvering and is easily abused by Albanian politicians**;
- When mediating between political opponents international players should pay special attention to the fact that politics in Albania is still very much understood as a zero-sum game and that consensus still too often means a deal between the two main political parties to the detriment of other political players and real pluralism. **Win-win solutions and pluralism should be facilitated and encouraged instead**;
- The reform agenda should be shaped with a real **sense of ownership** by Albanians. (The ownership rhetoric is already in place with regard to commitments related to the fulfillment of the 12 key recommendations formulated by the European Commission, but it is still very much rhetoric);
- In order to facilitate pluralism, international actors should **work with the broadest possible range of Albanian stakeholders**, involving not only the government and the opposition but also civil society, media and grassroots organizations. Visa-free travel to the EU was an important step towards facilitating people-to-people contacts between Albania and the EU and provided experiences about the functioning of European societies. International players should follow and encourage **emerging forms of civic activism**;
- Special financial and training programs in **support of civil society** are a must. The international community needs to intensify contacts with NGOs and thus send a message to political parties that NGOs are important and that they should be involved in decision-making processes, providing input into governmental policies;

- Attention needs to be paid to the situation of the **media and the growing importance of social media and blogging**. Lending support to independent and objective reporting is essential. At the same time, innovative tactics should be used to bypass partisan media and reach out to people directly through the traditional structure of Albanian society in smaller towns, and through the social networks that engage many young people in urban centers;
- The international community should pay special attention to youth in Albania and help turn it into an important asset for political change in the future. Both the EU and the US should provide more **scholarship and exchange programs for Albanian youth**;
- Considering the overall situation in the region, the international community should take note of **American concerns** about **pan-Albanian nationalism** and encourage counterbalancing it through cross-border cooperation, especially between moderate young political leaders from Albania, Kosovo, Macedonia, Serbia and Montenegro. Pan-Albanian sentiments are gaining momentum mostly due to blockages to EU accession, lack of personal perspectives and the critically worsening socio-economic conditions in Albanian-inhabited areas. US security concerns should translate into the clear message that Albanian political forces must pursue reforms in the rule of law in order to attract investments, help boost the economy and improve the daily life of people;
- In terms of Albania's aspirations for **EU membership**, the European Commission's approach of shaping the Albanian reform agenda step-by-step and in close cooperation with the government, opposition and civil society should be supported by all international players. Regardless of the fact that it is the EU that is in the driving seat, the US should find ways to use its moral leverage to provide a further boost to EU-related reform efforts;
- On the basis of **a critical mass of progress** with regard to the **12 key priorities**, the European Commission and EU Member States should consider **granting Albania candidate status in December 2012**;
- Key priority 5 - **Elections conducted in line with European and international standards** - can hardly be perceived as fulfilled ahead of the 2013 general elections. It has to remain a **pre-condition for the start of negotiations, whenever that might be**;
- **EU candidate status** will not only acknowledge Albania's achievements thus far, but will in parallel **create further momentum for reform** and **better possibilities for involvement by stakeholders beyond the political elites in integration efforts**;
- The decision to grant candidate status to Albania should be taken with the clear understanding that it would be an **encouraging signal for Bosnia and Herzegovina and Kosovo, as well as a signal that** enlargement towards the Western Balkans is not off the EU agenda and that progress is feasible.

ANALYSIS/ CASE STUDIES

THE AMENDMENTS TO THE CONSTITUTION APRIL 2008

The April 2008 amendments to the Constitution are of enormous importance for Albania. A considerable number of internal developments in the country today began with these changes. **The constitutional amendments severely undermine the independence of institutions and have paved the way for electoral disputes and political stalemates** after the parliamentary elections in 2009.

Amendments regarding the electoral system: Under the new rules, voters no longer cast ballots for candidates of their choice but only for parties, which then nominate their representatives to Parliament. The political parties propose candidates for deputies at the level of the electoral zone.

Amendments regarding the President: They allow election of the President by simple majority in the fourth and fifth rounds. This is a critical shift towards the Prime Minister and the ruling majority, limits the independence of the President, and opens space for more political control of the judiciary.

Amendments regarding the General Prosecutor: The mandate of the GP was limited to five years, with the possibility of reappointment. At the time of the amendment, GP Sollaku had begun investigating allegations of corruption within the government. Changing the term resulted in the shortening of his mandate at a politically sensitive moment, undermining an important check on executive power.

Amendments regarding the Central Electoral Commission (CEC): With the removal of the paragraphs on the CEC, the Commission lost its independence and became a bipartisan body. All members of the CEC continued to enjoy immunity – which opens the door for corruption and bribes.

Effects of the amendments to the Constitution and the role of the international community

The general view about the Constitutional changes is that they happened overnight and are not of benefit to the country, but instead provide a “win-win-situation” for political rivals Sali Berisha (DP) and Edi Rama (SP.) (Rama assumed that he would win the next parliamentary elections in 2009 and could thus profit from the changes as much as Berisha). The party leaders put candidates forward in advance. Given the dominant positions of both Berisha and Rama within their parties, the “reform” provided leadership with a powerful tool to ensure the loyalty of their respective candidates, preventing the development of alternative power centers within the party ranks. An interlocutor in Washington pointed out that the new electoral law does not contradict democratic standards, but it was only halfway implemented in 2009. He said that *“one of the problems of implementation is the so-called ‘pre-electoral engineering’- the big parties promise votes to smaller parties as coalition partners, a practice that distorts the meaning of the law and changes the rules of competition.”*

One EU representative in Brussels described the way the constitutional changes were agreed upon as *“a bizarre procedure”* and regretted that *“nobody screened the new constitution.”* Civil society actors in Albania disputed the legality of the process, but on 6 June 2008 the Central Election Commission rejected the request by the Committee for Defense of the Constitution for a popular referendum against the Constitutional changes, arguing that it is not based on the Constitution¹. The **Venice**

¹ According to the CEC, Constitutional changes can only become subject to a referendum when one-fifth of the MPs in the Assembly demand a referendum. (The Committee for the Defense of the Constitution asked for the referendum based on the assumption that **Law 9904** on Constitutional changes should become an issue for the referendum; the CEC however

Commission in its opinion about the amendment² said that although the new electoral law favored larger parties, it did not violate European standards. The Commission “welcomed” the amendment regarding the election of the President and expressed its concerns regarding the impartiality of the Prosecutor General. One Washington interlocutor concluded that “*the international community failed to coordinate its reaction to the constitutional amendments.*” The general view of US analysts however, is that the constitutional changes were in line with democratic standards. They were agreed upon and adopted by legitimate political parties represented in the parliament of a sovereign country. Overall, the US official reaction is influenced by whether the proposed Constitutional amendments are principally democratic, common in other countries, and compatible with internationally accepted democratic standards. In the case of Albania, the real ground for concern, according to US interlocutors, was that the Parliament was not open to input from other interested groups, including civil society representatives - major changes require extensive debate and contribution from other actors.

Why did the international community not study the “pros and cons” of the amendments prior to their adoption and did not provide its expertise and raise red flags where necessary, but instead tolerated these fundamental changes without realizing their possible consequences? The hesitation may be partially explained by the following:

The **European Union** (and its Member States), enlarged with Bulgaria and Romania’s accession in January 2007, had difficulties justifying the inclusion of these countries based on their readiness to join the club rather than for political reasons. Further enlargement was unthinkable in the short and mid-term. Furthermore, the Union was to a large extent captured by its own internal debates on the Lisbon Treaty. Albania was thus far from attracting too much attention by the EU, despite one important factor: the looming independence of Kosovo. The EU’s main concerns in this context were dysfunctional political structures and political stalemates in Albania due to the political battles between the two major political parties as witnessed for years before. In its decision from February 18, 2008 (one day after Kosovo’s declaration of independence), the European Council defined one of the key priorities for Albania as follows: “*Promote constructive dialogue between political parties and with stakeholders on the implementation of reforms.*”³

The US and the EU did not have much to offer Albania to confirm the country’s Euro-Atlantic membership perspective – except for **NATO membership**. Albania’s geostrategic location made it an attractive partner for the alliance. Albania’s help was needed to keep peace in the region. To preserve stability in the country at a crucial historical and politically very sensitive moment was of utmost importance for the region (Kosovo and Macedonia) and the entire international community. With the invitation to join NATO, the latter wanted to send a clear signal to Serbia that the alliance is at its borders and would not accept any military actions by Serbia in the aftermath of Kosovo’s declaration of independence. Albania, together with the US, UK, France, Turkey and Afghanistan recognized Kosovo as an independent state on 18 February 2008. From 2007 until the Bucharest Summit on 1 April 2008, it was NATO that was able to exert pressure on political leaders in Albania

voted it down by saying that Law 9904 is not a “normal law” but a law that changes the Constitution.) Source: BBC: “Albanian election body rejects request for referendum on constitutional changes,” 7 June 2008.

² European Commission for Democracy through Law (Venice Commission): *Amicus Curiae Brief for the Constitutional Court of Albania on the admissibility of a referendum to abrogate constitutional amendments*. Adopted by the Venice Commission at its 78th Plenary Session; (Venice, 13-14 March 2009), p. 3.

³ 2008/210/EC: Council Decision of 18 February 2008 on the principles, priorities and conditions contained in the European Partnership with Albania and repealing Decision 2006/54/EC.

and set clear benchmarks prior to the country's accession to the alliance. Twice, in January and in May 2007, NATO Secretary General Jaap de Hoop Scheffer urged Prime Minister Berisha "to carry on with domestic political reforms"⁴ and stressed that government and opposition needed to overcome their differences and pursue a political culture "together" in doing what was necessary⁵. Interlocutors in Brussels told us that both Rama and Berisha were "ready to do whatever it takes to get into NATO." Eventually, despite "key reform concerns,"⁶ the country received the invitation to join NATO at the Bucharest Summit. Albania was invited into NATO at a time the alliance was committed to admitting as many new democracies as possible, if they qualified for membership. The country's important contribution to regional stability and its participation in international military operations in Iraq, the International Security Assistance Force (ISAF) in Afghanistan, and the international force serving in Bosnia and Herzegovina (EUFOR) served as the core arguments in favor. However, Albanian citizens' expectations that more needed to be done to meet the standards for NATO membership - which implicitly includes compliance with NATO's self-conception as a democratic alliance - were disappointed. Three weeks after the invitation to join NATO, the Albanian Parliament adopted the amendments to the Constitution.

The international community praised the amendments as a substantial achievement because they happened **on a "consensual basis"** between the two main political parties. However, these amendments affected the independence of state institutions and helped solidify the positions of the two main political parties. They paved the way for an in-depth consolidation of state control and even state capture of the ruling elite – according to "the winner takes it all" logic. The international community, satisfied to see Albania's political rivals shaking hands and agreeing upon the Constitutional changes in a consensual manner, did not – or did not want to – understand that both Berisha and Rama have a record of making compromises when specific issues threaten their power (and power-sharing.) The agreement on the Constitution accordingly served their interest to foster their bi-party predominance in Albania – based on the assumption that voters may swing from one to the other in upcoming elections and thus enable Berisha and Rama to alternate control over the state and continue with their autocratic policy. This "joint governance project" ensures a rotation of power without altering the credentials i.e. whoever runs the state has virtually full vertical and horizontal power in his hands. Civil society concerns, expertise and arguments were neglected by the main domestic political forces as well as by the international community.

Blinded by the alleged consensual spirit, the international community helped consolidate **stabilocracy** in Albania, which provides stability externally but domestically oscillates between democracy and autocratic tendencies.

⁴ NATO says Albania must keep up reforms; www.nato.int/docu/update/2007/05-may/e0524a.html

⁵ Joint press point with NATO Secretary General Jaap de Hoop Scheffer and the Prime Minister of Albania, Sali Berisha; www.nato.int/docu/speech/2008/s080130a.html

⁶ Congressional Research Service Report RL34415: *Enlargement Issues at Nato's Bucharest Summit*: Paul Gallis, Coordinator, Foreign Affairs, Defense and Trade Division, April 18, 2008.

LOST IN PROCEDURES – THE “LEGALITY” TRAP

Several incidents in the last several years have seriously put Albania’s separation of power and the independence of the judiciary from political interference into question. Instead of consolidation of democracy, Albania experienced a shift to control of almost all power and extensive use of **non-democratic proceduralism**, where the use of law justifies and controls nearly everything. It is not only the problem of the distinction between the ‘letter and the spirit’ of the laws and ‘process and values,’ but also the misuse of laws and institutions for own political and individual purposes. Rule of law is of crucial importance – Albania however was backsliding in this area, and it **appeared to be difficult for international actors to find adequate responses for the abuse of institutions and procedures**. No wonder that some of our interlocutors in Albania referred to the current developments in Hungary and to the competitive authoritarian regime⁷ in Slovakia when Vladimir Mečiar was in power. The developments in both Hungary and Slovakia were and are being closely monitored by international actors and have triggered their harsh criticism. The same is true for Romania.

In the past, Western interventions helped Albania strengthen the state at key moments. Only once – in the context of the lustration law – firm and sound international interventions prevented the enforcement of the law and at least saved the Constitutional Court’s position as a national referee. In other cases however, the rule of law was undermined by profiting from the malfunctioning of institutions and by the use of legalistic approaches and procedures. And in its reactions, the international community was captured by the ‘legality’ trap.

Basha – Gërdec – Meta – 21 January 2011⁸

* In March 2007, then-Prosecutor General Theodhori Sollaku requested that the Assembly lift the immunity of **Lulzim Basha**, former Minister of Transport and Telecommunication. He launched an investigation into corruption and abuse of power with regard to the tender for the Durrës-Kukes highway construction, which had supposedly cost the Albanian state approximately 230 million Euros⁹. According to the Constitution, only the High Court can try cases against ministers. On 10 April 2009, the High Court decided to close the case against Basha for procedural reasons, arguing that the Prosecutor had exceeded the investigation’s time limits. Basha joined the government, became Minister of Foreign Affairs, then Minister of Interior after the elections in 2009, and Mayor of Tirana in 2011.

* A tragic explosion at the military facility in **Gërdec** occurred on 15 March 2008, killing 26 people (including Berisha’s brother-in-law) and injuring hundreds. The Albanian company Alba-Demil was responsible for the destruction of ammunition at the facility (where even adolescents were employed.)¹⁰ Defense Minister Fatmir Mediu resigned on 17 March 2008 and took political responsibility in order not to risk Albania’s expected invitation to NATO the following month in Bucharest. Governmental interference in the investigation of the explosion by Prosecutor General Ina

⁷ See: Steven Levitsky / Lucan A. Way: *Competitive Authoritarianism. Hybrid Regimes After the Cold War*. Cambridge University Press, 2010.

⁸ These three cases to be analyzed in the period of special focus in this report occurred with the DP in power. Other events which would also be interesting to analyze and might affect the SP government 2001-2005, would be worth to elaborate but cannot be part of this report.

⁹ Dardan Malaj: *Lulzim Basha, Tirana’s Would-Be Mayor*; *BalkanInsight*, 12 April 2011.

¹⁰ *Neue Zürcher Zeitung*, 4. April 2008: *Breite Genugtuung in Albanien; Regierung und Opposition feiern die Einladung zum Nato-Beitritt*.

Rama escalated when the New York Times ran articles on Albania's involvement in an illegal arms trade deal with an American company. Leaks from the Prosecutor's office during the investigation were used by the media to allege that Berisha's son had business interests in Gërdec (published 14 May, 2009 in Gazeta Shqiptare.) Efforts to amend the lustration law at this time impeded the investigation at a critical moment. Prime Minister Berisha publicly declared Mediu innocent and criticized the Prosecutor General's office in harsh terms. In May 2009, US Ambassador Withers openly criticized the pressure by politicians on the General Prosecutor by stating: *"Albania must commit to protecting the independence of prosecutors to ensure its democratic progress forward because any threat to this independence is a clear step backward."*¹¹ Mediu's case – which was only an accusation of "abuse of office" – was separated from the 29 others because as mentioned, only the High Court has the right to conduct trials of ministers. Once Mediu regained a parliamentary seat in September 2009, the High Court suspended him from prosecution because of the immunity granted to members of Parliament. Mediu then became Minister of Environment. On 12 March 2012, after three years of work, the judicial inquiry into the explosion at Gërdec resulted in the jailing of Dritan Minxholi (manager of the munitions demolition plant) for 18 years, as well as the former head of Albania's arms exports agency, Ylli Pinari, while Mihal Delijorgji, owner of Alba-Demil, was imprisoned for 10 years¹². Interviewed partners in Tirana complained that the *"international community was totally silent"* and did not comment on the Court's decision. Yet this was not the case with former US Ambassador to Tirana Withers, who expressed his views on the rulings very clearly: *"After the Tirana Court verdict, other questions have surfaced. No one has defended more than me the independence of the Albanian judicial system. But even those who strongly believe in the autonomy of courts, these verdicts are strange and disappointing. The court verdict was about the violation of the security regulation at work, and property destruction due to negligence. But how is it possible that they avoided the key element, the central fact of the Gërdec tragedy: that 26 innocent people were killed by those explosions, and that someone is responsible for those lives?"*¹³ The international community, another interlocutor in Tirana assessed, hesitated to make any statement, but said: *"We have to be quiet; it is for the justice system to decide!"*

* In January 2011, the TV Station Top Cannel broadcast an incriminating 2010 video of **Illir Meta** (then-Minister of Foreign Affairs) and then-Minister of Economy Dritan Prifti – both founders of the Socialist Movement for Integration (LSI.) Almost everyone in Albania watched the video, in which Meta was supposedly discussing large bribes with Prifti. Meta condemned the video as manipulated, but had to step down as Deputy Prime Minister and Minister of Economy. General Prosecutor Rama began an inquiry into the case and asked for US expertise, which confirmed that the video was authentic. She then went to Parliament with a request to lift the immunity of Meta so that he could be formally charged with corruption. But the High Court interpreted the rules in its own way and declared the expertise on the video not valid, arguing that the request for the expertise was not sent through the Ministry of Justice. The Prosecutor asked Prifti to be called to testify on the case in accordance with the criminal code, but the request was turned down. Meta's attorney was against this request and insisted on waiting for new expertise by Albanian experts. The Albanian experts, who admitted that they had neither licenses for their audio and video expertise nor any proper equipment¹⁴, came to the conclusion that *"the video has potentially been manipulated."* The High

¹¹ BalkanInsight: *EU Endorses Albanian Prosecutor's Work*, 07 May 2009.

¹² BalkanInsight: *Albania Blast Trial Sentences Disappoint Victims*, 13 March 2012.

¹³ <http://news.albania.de/2012/03/17/ex-us-botschafter-john-withers-uber-die-gerdec-ermittlungs-sabotage-salih-berisha-und-lulzim-basha-sind-keine-demokraten/print/>

¹⁴ Besar Likmeta: *Foes reunite after Albania Corruption Scandal*; BalkanInsight, 16 February 2012.

Court finally decided on 16 January 2012 that Meta was innocent and he returned to the government. The judgment on the Meta case was a big surprise and, as one interlocutor in Tirana stated, *“will be abused by lower courts as a precedent. The whole system will be affected.”* Analysts even stated that the international community seemed to have forgotten about calls for justice¹⁵. The decision is not subject to appeal before the Constitutional Court.

* The corruption allegations stemming from the broadcast of the Meta-Prifti conversation were used by the opposition to mobilize people for a **demonstration on January 21 2011**. The demonstration turned into riots after demonstrators attacked the government headquarters and threw Molotov cocktails and stones. Three civilians died after the Republican Guard forces shot into the crowd. One died later of wounds sustained that day, about 60 were wounded and more than 100 were arrested during the demonstration outside the government headquarters in Tirana. The EU’s High Representative for Foreign Affairs Catherine Ashton and EU Commissioner for Enlargement **Štefan Füle** as well as EU and US ambassadors and the Head of the OSCE in Tirana urged Albanian politicians in joint statements to stay calm and to engage in constructive dialogue¹⁶. Furthermore, EU envoy **Miroslav Lajčák** was sent to Tirana. He demanded that *“the events of January 21 be fully and objectively investigated by state institutions.”*¹⁷ The EEAS – an instrument mostly used for crisis management – was thus involved in this critical period. In his speech to the European Parliament EU Enlargement Commissioner Štefan Füle urged the MEPs to help Albanian political forces understand their obligations and stressed that **Tirana must investigate the violent protests without political interference**. During the debate at the European Parliament on February 15 2011, some MEPs even asked for sanctions and suggested the withdrawal of IPA funds from Albania or a reconsideration of the visa-free regime granted in 2010. Meanwhile Prime Minister Berisha claimed that the protests were an attempted coup d’état by the opposition and accused General Prosecutor Rama and President Topi of being part of the conspiracy. During his visit to Tirana in March 2011 **US Deputy Secretary James Steinberg** openly supported the General Prosecutor and the President by recommending that *“time be allowed for the investigations and that the right of the prosecutor to investigate be respected.”*¹⁸

International pressure finally “convinced” Berisha to allow investigations against the Republican Guard and to detain the members in question. This was a significant achievement by the international community, which had spoken with one voice, particularly since Berisha had awarded the Republican Guard for their bravery in protecting the state on the day after the tragic events. The FBI was asked to investigate the incident and confirmed that the National Guard was the first to open fire on the protesters. The events of 21 January turned out to be the hardest case for the General Prosecutor’s office. Almost all members of the government were against the investigation. It was only with the support of the FBI and further backing by the US that the work of the Prosecutor could continue. Yet again though, the courts disregarded the ballistic and forensic FBI expertise, which *“beyond all doubt, declared the commander of the Guard of the Republic guilty of murder.”*¹⁹ The head of the IT unit at the Council of Ministers, who was indicted due to the manipulation of the video recording and on charges of obstruction of justice and abuse of power, was found not guilty by the Tirana District Court in July 2012. The former head of the Republican Guard, General Ndreja Prendi,

¹⁵ Euobserver: Ernest Bunguri: *See no evil – EU approach is failing the Albanian people*; 13.07.2011.

¹⁶ EurActiv. 24 January 2011: *Jasmine’ revolt wave reaches Albania*.

¹⁷ BalkanInsight: *EU Envoy Pans Albania Coup D’état Probe*; 2 February 2011.

¹⁸ BBC: *Commentary welcomes US taking „serious“ stance on Albanian political crisis*, 5 March 2011.

¹⁹ Besar Likmeta: *Foes reunite after Albania Corruption Scandal*; BalkanInsight, 16 February 2012.

together with Agim Llupo, former chief of staff of a special unit of the Guard, stand accused of murder under aggravated circumstances. They face a minimum of 20 years to life imprisonment if they are found guilty.²⁰

While current US Ambassador in Tirana Alexander Arvizu was critical of the government's handling of the violent demonstrations on January 21, 2011 and of the obstruction of the investigation, he also criticized the opposition's political decision to organize the protests in a provocative way. *"The view of the United States is that, unlike dozens of other demonstrations organized by the Socialist Party in recent months and years, this one was designed to be violent; it was designed to provoke a strong reaction by the government forces, and it succeeded, unfortunately,"* he said in a TV interview in March 2012²¹. An independent expert in Washington informed that *"a high-level US government official had specifically warned the leader of the Socialist Party Edi Rama not to pursue conflict through charged demonstrations, but he took little notice of it."* In the polarized Albanian political landscape however, some perceived US criticism of both sides not as a fair assessment of the facts, but rather as equalizing criticism of both political parties and imposing a shared penalty.

Conclusion

One interlocutor in Tirana was very clear when he said that *"a number of decisions of the Supreme Court are a scandal. In fact they demonstrated that not one key institution of stability exists."* In June 2012, in an interview for Voice of America, Prosecutor General Rama said *"that the prosecution's corruption charges had been confirmed by the courts and had resulted in criminal sentences against corrupt public officials in only a few cases."* Asked by the journalist about three cases of corruption of top officials tried by the Albanian judiciary, Prosecutor Rama said that in those three cases, one on abuse of office and the two other on corruption, the court ruled against the prosecution, in what she said were *"wrong verdicts, the three of them."*²²

Unfortunately, **ambassadors in Tirana** handled their positions regarding the verdicts differently. While some hesitated to articulate their skepticism regarding the compliance of verdicts with the law (mainly in order not to be accused of siding with Edi Rama), others congratulated or demonstratively showed their solidarity with Meta after the decision of the High Court and even allowed the impression that there is a sort of consensus among international representatives to accept the rules of the game.

Most international actors took a "neutral" position. Important players however failed to speak with one voice, and have sent controversial messages. *"We internationals,"* we were told in Tirana by a high-ranking official, *"cannot continuously criticize the courts."* **Commissioner Štefan Füle** was right to demand the shedding of *"full light on the events of 21 January 2011 through a credible judicial process free from political interference."*²³ **Yet international stakeholders must be careful of creating expectations that cannot be fulfilled.** It is indeed not in their power to make the Albanian judiciary reopen cases that are already resolved under the present rules. But internationals can and should continue to push for a system of rule of law and assist Albanian stakeholders in its

²⁰ Besar Likmeta: *Albania Court Frees Official Charged Over Deadly Riot*, BalkanInsight, 28 July 2012.

²¹ US Embassy in Tirana, 8 March 2012, <http://tirana.usembassy.gov/press-releases-us-ambassador-alexander-a-arvizu-interview-with-janusz-bugajski-march-8-2012.html>

²² Quoted from: OSCE Press Review, 8 June 2012.

²³ Stefan Füle European Commissioner for Enlargement and European Neighbourhood: Address to the members of the Albanian Parliament Tirana, 3 May 2012; <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/12/322&format=HTML&aged=0&language=EN&guiLanguage=en>

establishment. Transparency and accountability of the justice system in Albania are not guaranteed. A new spirit regarding the rule of law has to emerge. An important step in the right direction would be to put **an end to the broad immunity from prosecution** for members of Parliament, judges, and senior officials. On the immunity issue, the informal Troika of the EU, the US and the OSCE is acting united with strong and clear messages to all political players.

THE VICIOUS CIRCLE OF ALBANIAN ELECTIONS

Since Albania embarked on the way to democracy, results of elections have been contested more often than not. We have a *'contested democracy,'* as one interlocutor said. Since 2009, elections have been organized on the basis of the 2008 constitutional amendments agreed upon in an internationally-acclaimed consensus between Berisha and Rama. Interlocutors from EU institutions referred to the fact that the 2008 amendments provided for a narrow result between the two main parties, politicization of the Central Electoral Commission, and favorization of the big parties. In a sense, a lot of what happened since the 2009 elections reads like a Chronicle of Elections Foretold. This allusion to Marquez' famous novel is not intended to question the necessity to reach consensus, but to question how consensus has been and is still understood (and reached) in the Albanian environment of deep political divide and zero-sum game philosophy. 'Consensus' and 'letter and spirit of the law' seem to have different meanings in different contexts. The international understanding of 'the letter and the spirit of the law' is embedded in a political culture of involvement of stakeholders in consultations at all stages of governance that is in stark contrast with the Albanian praxis of bickering between a few politicians that consider politics a zero-sum game.

There is no need to duplicate the findings on what can be considered as progress in the Albanian 2009 parliamentary elections and in the May 2011 local elections and what the remaining shortcomings and problems are.²⁴ These reports are about what Albanians did right and wrong. However, the formula *"progress with outstanding problems"* seems to be confusing not only for Albanians but even for EU officials at the Commission. This is a problem that deserves deeper analysis, but the scope here is on the impact (or lack of impact) of international interventions in the wake of the two contested elections, as well as in relation to the presidential election in May / June 2012.

The 2009 parliamentary elections

The 2009 elections were held shortly after Albania joined NATO (1 April 2009) and submitted its application for EU membership to the enlargement-friendly Czech Presidency (28 April 2009.) Berisha's decision to file an EU membership application was seen in Brussels as a pre-electoral trick. The European Commission had identified normal procedures in Albania's upcoming parliamentary elections as a condition of its candidacy and had urged Albania to wait until after the elections on 28 June to make its application²⁵. Even before the official submission of Albania's EU application, the Head of the EU Delegation in Tirana Helmuth Lohan referred to the pending parliamentary elections as *"a test for Albania's accession into the EU."*²⁶ With some variation, one finds the same formula with regard to the 2011 local elections and the 2012 presidential elections²⁷.

The narrow result of the 2009 parliamentary elections didn't come as a surprise. Albania got a right-left coalition with a slim majority of 4 votes in parliament (74 out of 140.) The Socialist Party contested the results. Parliamentary boycotts followed. At the core of their demands was the

²⁴ The OSCE/ODIHR Final Report on the 2009 Parliamentary elections: <http://www.osce.org/odihr/elections/albania/38598>; the OSCE/ODIHR Final Report on the 2011 Local elections: <http://www.osce.org/odihr/81649>

²⁵ Euractiv: *Albania to formally apply for EU membership*; 10 March 2009; <http://www.euractiv.com/enlargement/albania-formally-apply-eu-member-news-221403>.

²⁶ <http://www.albanianeconomy.com/news/2009/01/24/albania-election-a-test-for-eu-bid%E2%80%9D/>

²⁷ Whatever the decision on Albania in December 2012, the 2013 elections have to remain a precondition for further progress on Albania's EU bid.

reopening of the ballot boxes and a recount of the ballots. Under these circumstances the assessment in the EU Commission's 2009 Report, closely linked to the European Council's decision of 16 November 2009 to ask the Commission to prepare an Opinion on Albania's application, is rather surprising:

*"Overall, progress can be noted on the conduct of parliamentary elections which were considered as meeting most international standards. The timely adoption of the Electoral Code and preparation of improved voters' lists, largely meets this key European partnership priority. However, due to the elections, the political dialogue between political parties deteriorated and this delayed progress on key reform areas."*²⁸

In 2010 the situation continued to deteriorate. The Socialists returned to Parliament in late February 2010 after a seven-month boycott but continued to refuse to take part in parliamentary activities. In early April 2010 they called for daily anti-government protests "to accelerate the end" of the government of Prime Minister Berisha. Some 200 protesters from the Socialist camp, including 22 members of parliament, even started a hunger strike.

In May 2010 **Martin Schulz**, leader of the European Parliament's Socialist & Democrats group, and **Joseph Daul**, chairman of the centre-right European People's Party (EPP), sent a joint invitation to both Berisha and Rama, urging them to accept their mediation offer and bring the country's political deadlock to an end. Berisha and Rama accepted the invitation. A dinner took place at the Crocodile Restaurant in Strasbourg which made the initiative popularly known as the "Crocodile Diplomacy." EU Enlargement Commissioner Füle attended, too. Before 2009, Berisha and Rama were successful in lobbying the European People's Party and the Socialists and Democrats for their own purposes. As an interlocutor from Berisha's camp put it: *"Albania has the secret power to politicize European fora."* With regard to the European Parliament the two Albanian political foes were so successful that, according to an interlocutor in Brussels, *"Berisha started believing that with the help of the EPP Rama could be killed (figuratively) whereas Rama believed that with the help of the Socialists Berisha could be at least hung (figuratively)."* The Crocodile Diplomacy put an end to this. In the current European Parliament, the EPP and the S&D are trying to speak with one voice and address their messages to both sides. Regardless of the efforts made and Schulz's negotiating skills, he had to suspend the negotiations. Out of four controversial points, one was still disputable. The European Parliament's mediators advised Berisha and Rama to continue negotiations in Tirana and either come up with a solution or forget about EU membership. No call came from Tirana²⁹. The 2010 Report of the European Commission and the Opinion on Albania didn't recommend either EU candidate status or a start of the negotiations. But there was also no suspension of the accession process as threatened by the EU mediators.

Thus, **the Crocodile Diplomacy resulted in a twofold diplomatic flop**: Berisha and Rama continued to fight on the domestic scene and they were left with the impression that the EU is a toothless tiger. They didn't get the much-desired carrot of candidate status. But there were no sanctions either. Instead, the famous 12 key priorities were formulated as a pre-condition for moving to the next stage of EU integration."

²⁸ EU Commission: *Albania 2009 Progress Report*. Accompanying the Communication from the Commission to the European Parliament and the Council. Enlargement Strategy and Main Challenges 2009-2010; Brussels, 14.10.2009; SEC(2009) 1337; http://ec.europa.eu/enlargement/pdf/key_documents/2009/al_rapport_2009_en.pdf

²⁹ The whole story from an interlocutor involved in the process.

The 2011 local elections

The end of 2010 was not the end of contestation of the 2009 elections and the political stalemate. What happened in early 2011 ahead of the local elections on 8 May was without any doubt closely linked to the fact that Rama's Socialists continued to contest the legitimacy of the government. The allegedly fraudulent 2009 elections remained an argument in the political fight against Berisha. But corruption allegations and the tragic events of January 21 2011 turned into a prelude to the May 2011 local elections.

There was and continues to exist **international involvement** both with regard to the investigation of several corruption cases and the January 2011 tragic events³⁰. This involvement was intended as a **support for independent Albanian institutions** to play the role of national referees. A second dimension of international involvement both before and after the May 8 elections is linked to the **prevention of further violence**. Albania was perceived to be on the brink of a return to violence both around the January rallies and in the days after the May 8 elections.³¹ The US, the EU and the OSCE were united in their appeals to both sides to restrain from violence. *"All political leaders carry a particular responsibility not to put lives of citizens at risk,"*³² was the message of High Representative Catherine Ashton on May 19 2011 in a highly explosive environment. Internationals insisted also on the return of the opposition to Parliament, which occurred in September 2011. The third dimension of international involvement is linked to the **elections proper**. Until the very last moment, Rama threatened to boycott them. Much international intervention was needed to finally convince him to register and participate. If the Socialist-led coalition did well in the local elections, that would bolster it in its demands for early elections, though success for Berisha might encourage him to go for early elections as well.

The elections were generally considered calm. This is reflected both in the OSCE/ODIHR Report and confirmed by observers from the European Parliament. It was really the counting of ballots that turned into a big problem, particularly in Tirana. To start with, it was very slow. Since it was broadcast on TV, everybody was aware of it, including the internationals in Tirana. The US and the UK ambassadors went to watch the counting process and could be seen by the whole nation. *"There are those memorable moments of Ambassador Arvizu rolling up the sleeves to watch the counting process,"*³³ remembers journalist Adi Krasta in an interview with Ambassador Arvizu on May 9 2012, one year after the elections.

This unprecedented case, the US Ambassador rolling up his sleeves, created great **expectations** in Albania that the **internationals would not allow the vote to be rigged. These expectations were of course unrealistic**. In this case the idea behind the intervention was not to step into the shoes of national institutions and bodies, but to remind them of their responsibilities.

³⁰ Covered under the chapter: "Lost in procedures – the "legality" trap.

³¹ Tim Judah: *"Trouble in Tirana. Albania at the brink"*. The Economist, 19 May 2011.

At: http://www.economist.com/blogs/easternapproaches/2011/05/trouble_tirana

³² http://eeas.europa.eu/delegations/albania/press_corner/all_news/news/2011/20110519_en.htm

³³ US Ambassador Arvizu interview May 8 2012. At: <http://tirana.usembassy.gov/press-releases2/2012-press-releases/transcript-of-ambassador-alexander-a.-arvizu-a-show-with-adi-krasta-on-vizion--may-92012>

A short summary of the post-election period on the basis of the OSCE/ ODIHR Report³⁴:

The counting of the ballots for the Tirana mayoral election was completed on 14 May, almost one week after election day. Preliminary results gave Rama (SP) 10 more votes than Basha (DP.) Counting for the Tirana borough elections continued until 23 May. In this process some miscast ballots were found and counted, following a decision by the Central Election Commission (CEC.) After a complicated process of appeals to the CEC and the Electoral College, on June 25 the CEC proclaimed Basha the winner in Tirana with a 93-vote margin, disregarding the discrepancy of 870 more ballots than voters. In previous elections, miscast ballots have not been counted.

The Albanian dispute resolution mechanisms didn't deliver. The **national referees** – the Central Election Commission and the Electoral College – **clearly didn't fulfill their tasks in a credible way.** The realistic role³⁵ of **internationals** is to assist Albania in the enforcement of national dispute resolution mechanisms or a more general enforcement of the rule of law, and in the empowerment of independent national institutions that are crucial for the rule of law. The 12 key priorities of the EU have this very objective. Beyond their attempts to remind national institutions of their responsibility as national referees, the internationals couldn't possibly do more with regard to the 2011 elections. EU High Representative **Catherine Ashton** and **Commissioner Štefan Füle** couldn't do more than express their criticism in a joint declaration on 20 July 2012.³⁶

Interviewed US officials said that they should have intervened earlier to prevent the opening of the invalid ballots; however, the **US did not want to get ahead of the OSCE** in election matters. Moreover, preventing the opening of the ballot boxes would imply intervening in the work of the CEC and the Electoral College and in this way putting into question not only their independence but also the Constitutional amendments of 2008 and the 2009 electoral code that were not criticized when they were adopted. After Basha was declared winner, many Albanians were left with the feeling that the internationals “rolled their sleeves down.”

Visa-liberalization – a harmonious interlude in the elections cacophony

In parallel with the depressing chronology of elections foretold, in the relations between the European Union and Albania there were also very positive developments that can be presented through the chronology of the visa liberalization process³⁷. The process culminated in December 2010 in the lifting of visa requirements for Albanian citizens. Visa liberalization is a very encouraging example of EU conditionality at its best. The process was shaped in a highly technical way with very clear benchmarks that allowed the bickering political elite to unite. **The role of all European institutions in this process was extremely useful and clearly defined.** In June 2008 the European Commission presented a road map identifying specific requirements for visa liberalization with Albania. Albania needed almost two years to deliver. NGOs were involved in the monitoring of the preparations. The visa liberalization process was not about bridging the controversies between Berisha and Rama; **it was a process with all Albanian citizens as stakeholders and this explains the**

³⁴ <http://www.osce.org/odihr/81649>

³⁵ US Ambassador Arvizu is hinting at politics and diplomacy as the “*two sides of the same coin, where the goal is to achieve what is possible.*”

³⁶ Joint Statement by EU High Representative Catherine Ashton and Commissioner Štefan Füle on Albania, Brussels 19 July 2011.

http://ec.europa.eu/commission_2010-2014/fule/headlines/news/2011/07/20110719_en.htm

³⁷ An extensive information about the process can be found at:

<http://www.em-al.org/?fq=artikuj&gj=gj2&bir=28>

final success. It would be simplistic to expect the whole European integration process to be shaped in such a clear and depoliticized way. The **12 key priorities** from the EU Commission's 2010 Opinion on Albania's EU application are **less clearly defined than the benchmarks under the visa liberalization process** and that is unavoidable. But an approach as close as possible to the one in the visa liberalization process remains a desirable way forward.

The 2012 election of the President

In the spring of 2012, the government and opposition were making good progress in their cooperation on the basis of the November 2011 agreement. April 30 2012 was established as a deadline for finalizing the important electoral reform and reform of the parliamentary rules of procedure. The deadline was quite close to the start of the election process of the President (May 24.) In March 2012, diplomatic representatives in Tirana were reluctant to make comments on the presidential election in order not to politicize the environment and thus hamper progress on the technical cooperation between the DP and the SP on the November 2011 reform package. Still, in the interviews conducted, some **diplomats voiced concerns** that the presidential election process might result in a **new political stalemate**, blocking important reforms and creating new instability that might sustain until the elections in 2013. The **reasons** for these concerns were linked to the new provisions for the election of the President hastily agreed to in 2008 by Berisha and Rama as part of **the Constitutional amendments**. The provisions said that if the President could not be elected by three-fifths of MPs in the first three rounds, he could be elected by a simple majority in the fourth and fifth rounds. Further to the concerns about a new political stalemate, several diplomats referred to the **importance of the President for the independence of the judiciary**. But some diplomats were also not really concerned about a shift to full power control by Berisha as a result of the new presidential election procedure.

Interlocutors close to the government left no doubt that they weren't interested in political negotiations in order to find a common candidate. The rationale of the 2008 amendments has been exactly to avoid political stalemates and the bringing down of governments through presidential elections³⁸. On the election of the president the Albanian Constitution was fully in line with the German and Italian ones, and the government intended to stick to it.

Interlocutors from the opposition and civil society were well aware of the intentions of the government and were expecting pressure from the international community in order to prevent Berisha and his party from moving towards what they perceived as full power control. They had in mind the successful international pressure in 2002³⁹. The European Parliament, perceived as the most active international player involved in the presidential election in Albania in 2002⁴⁰, was much less active in 2012 however. The 2010 failed mediation initiative was perhaps partly responsible for its reluctance. In any case, the 5th Stabilization and Association Committee EU-Albania was

³⁸ This view was supported by an EU official who referred to the 2007 presidential election as the inspiration for a shift from unanimity towards simple majority; in 2007 it was a last minute jump of six Socialist MPs that made the election of President Topi possible.

³⁹ In 2002 Alfred Moisiu was elected President of Albania with the support of both government and opposition by a majority well ahead of the 60 % required by the Constitution (97 votes out of 140). Agreement between the socialist government and the opposition was strongly encouraged both by the European Parliament's Foreign Affairs Committee and the General Affairs Council of Ministers. Failure to agree on a candidate would result in early elections and political instability, a scenario that would be to the detriment of Albania, the region and the European Union.

⁴⁰ Euractiv: Nicholas Whyte. "*The European Parliament flexes its muscles – in Albania*".
<http://www.euractiv.com/fr/node/199266>

postponed from the end May to early July precisely because of the presidential election; it was considered that the SAPC might be (ab)used by the political parties to politicize the meeting in a counterproductive way.

The Albanian presidential election didn't make international headlines but nonetheless there was massive international involvement. On his May 3 2012 visit to Tirana, Enlargement Commissioner **Stefan Füle** addressed the Members of the Albanian Parliament: *"I sincerely hope you will be able to maintain the current constructive atmosphere for a smooth conduct of the presidential election. The election should comply with the Constitution's letter and spirit, including on the choice of a candidate that represents national unity. This will provide a further opportunity to demonstrate the good functioning of democratic institutions in Albania."*⁴¹

A similar message was part of the Joint Press Release of the 4th Stabilization and Association Council between Albania and the EU on May 15 2012.⁴² On May 17 2012 the Danish Minister for European Affairs, **Nicolai Wammen**, was in Tirana as Representative of the **Danish EU Presidency** and reiterated that the presidential election would be a key maturity test for the Albanian political class, and that it would be monitored by the EU. Whereas there was much diplomatic talk about the need for a 'consensual candidate' and the importance of the 'letter and the spirit of the constitution,' **US Ambassador Alexander Arvizu** formulated already in February 2012 much more explicit expectations: he said he would *"love to see a president selected in the first round"* as a result of *"active consultations among the stakeholders, between the sides, but also involving the society as whole, about the selection of the next president."*⁴³ Closer to the election, Ambassador Arvizu made further public statements that a failure to elect a new head of state with 84 votes or more would be regarded as a lost opportunity by the US. The list of such quotes can be extended and would be a very long one. There **was also high domestic pressure** against regarding the election of the president as an election of a member of the government. Last but not least, insisting on consultations, the Socialist Party and its chairman Edi Rama argued that an eventual failure to agree on a joint presidential candidate would naturally result in a refusal to grant Albania the much-desired EU candidate status by the end of 2012⁴⁴.

International and domestic pressure created high expectations that an agreement could be reached, given that otherwise there might be **repercussions for Albania's EU candidacy**. **The election however turned into a disappointment. It was well in line with the letter of the Constitution (admitted even by SP opposition leader Rama), but the spirit was missing.** The first three rounds passed without either official candidates or voting and didn't fit into the general concept of presidential competition. On 11 June 2012 the Parliament was expected to finally vote on a candidate, but he pulled out right before the vote. With several hours delay, the ruling coalition put to a vote a new candidate - Bujar Nishani, Minister of Interior and MP from Prime Minister Berisha's Democratic Party. The opposition boycotted the vote. Out of the 140 MPs, only 76 participated in the secret ballot, 73 in favor of Nishani.

⁴¹ Štefan Füle European Commissioner for Enlargement and European Neighbourhood: Address to the members of the Albanian Parliament Albanian Parliament Tirana, 3 May 2012; <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/12/322&format=HTML&aged=0&language=EN&guiLanguage=en>

⁴² http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/130254.pdf.

⁴³ Transcript of Interview of U.S. Ambassador Alexander Arvizu with ABC News (February 1, 2012); February 1, 2012;

⁴⁴ A personal meeting between Berisha and Rama on May 8 2012 didn't deliver any results.

The presidential election fell into the ‘legality’ trap. It became more than evident that there would be no sanctions and that the presidential election was never considered a 13th key priority on the Commission’s list and thus an absolute requirement for granting Albania candidate status.⁴⁵ But **Albanians were left with frustration** that will not be forgotten by the 2013 parliamentary elections. In their **reactions the internationals** didn’t go much further than **regretting** that this was “**an opportunity lost,**” with minor differences in the undertone.

The OSCE and US ambassadors included in their congratulation messages a rather high appraisal of the person of the President-elect because of the good cooperation between Bujar Nishani (in his previous capacities) and the US, as well as the OSCE. Both EU ambassadors in Tirana and EU President Barroso were more reserved, hinting in a diplomatic way that the procedures didn’t comply with the expectations of the EU.

Conclusion

The scope for international intervention and clear and united criticism with regard to the 2009 general election, the 2011 local elections and the 2012 presidential election were seriously limited due to prior international acclaim for the 2008 Constitutional amendments. This is especially true with regard to the presidential election. The fact that it was in compliance with ‘the letter of the constitution’ weakened international voices advocating compliance with both ‘the letter and the spirit of the law.’ To a different degree, problems with the (mal)functioning of the Central Election Commission and the Electoral College – related to the 2008 Constitutional amendments and to internationally unaddressed legal gaps – also put limits on external intervention with regards to the 2009 general and the 2011 local elections. Regardless of serious doubt about the rightfulness of decisions taken, international actors were confronted with the challenge to respect the independence of Albanian institutions. This was in contrast not only with the expectations of the opposition but also with wider Albanian expectations for internationals to play the role of arbitrators. Active and uncoordinated on-the-spot international reactions partly fueled these expectations, in 2011 in particular.

⁴⁵ Already after the failed first round on May 30 EU Ambassador Ettore Sequi made it clear in a TV interview that the presidential election was not the 13th priority recommendation set forth by the European Commission on Albania’s EU membership bid. “It is only a process that serves as an indicator of the Albanian political actors’ willingness to engage in dialogue and make progress on democracy’s path,” he said. (Gazeta Shqiptare, May 31 2012).

THE 12 KEY PRIORITIES

The 12 key priorities are part of the Opinion of the European Commission on Albania's application for EU membership. The Commission avoided explicitly saying that Albania failed to fulfill the Copenhagen political criteria. Instead, it formulated the 12 key priorities as a basis for future assessments of progress with regard to the political criteria⁴⁶.

As with previous enlargements, EU conditionality remains a slippery concept. *"All of the accession conditions are general and vague, leaving a lot of room for the EU to interpret them. As the EU has elaborated what constitutes meeting the accession conditions, it has progressively widened the detailed criteria for membership, as new conditions have been added and old ones redefined."*⁴⁷

It has too often been overlooked that enlargement conditionality was never a one-way street, in which the Commission formulates clear-cut conditions to be fulfilled by the candidates. The Commission has rather conveyed issues to be tackled, leaving it up to candidates to develop respective strategies and action plans, mostly in close cooperation with the Commission. Progress has been assessed mostly on the basis of these national strategies and action plans. But they cannot be developed by only a few officials in a country, and even less so as part of a deal between Berisha and Rama (in the case of Albania.) They require the involvement of many national stakeholders. These background explanations are needed in order to understand what happened in Albania in 2011 and the positive role of the European Commission with regard to the 12 key priorities.

On the eve of and after the 2011 elections, EU intervention was mostly about **crisis management with the EEAS** much more involved than the Commission and its Enlargement Directorate. This approach was based on the insistence of the EEAS to be left to do the politics, whereas the Commission should limit its activities to the enlargement agenda. But even at that time, the Commission was very active with the launch of the so-called Seminar Process. The first seminar in March 2011 discussed the Albanian Action Plan which responded to the recommendations outlined in the Commission's Opinion. It was attended on the Albanian side by all key stakeholders including the ruling majority and opposition members of Parliament, as well as by Štefan Füle on behalf of the Commission, together with Commission and EU Delegation staff. Several rounds of discussions in the Parliamentary Committee on European Integration followed the Seminar. The process came to a halt because of the local elections in Tirana but was resumed later on.

Once the opposition returned to Parliament in September 2011, the Commission became more proactive and succeeded in involving a greater number of stakeholders in the process. The most **significant achievements** of this approach were the **November 2011 political agreement** and the **updated Action Plan** (to address the 12 key priorities) adopted in consultation with the opposition and civil society. These two achievements were the basis for progress on many issues related to the 12 key priorities. However, **progress was not linear**. The presidential elections in 2012 provoked an intermediate standstill but the process was later put back on track. As a result of the cross-party agreement reached in the ad-hoc parliamentary committee, the adoption on 19 July 2012 of the amendments to the electoral code was the biggest success before the summer recess.

⁴⁶ The 12 key priorities are listed in: Communication from the Commission to the European Parliament and the Council. Commission Opinion on Albania's application for membership of the European Union; Brussels, 9.11.2010; COM(2010) 680. http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/al_opinion_2010_en.pdf

⁴⁷ Heather Grabbe: *The Process of EU Accession. What will it bring for Southeast Europe?*, The wiiw Balkan Observatory, Working Papers 031, November 2003; At: <http://ideas.repec.org/p/wii/bpaper/bowp031.html>

The Commission was very successful not only in involving stakeholders beyond the government (the opposition and civil society), but also in paying due credit to all of them. As EU interlocutors said, one of the challenges in the polarized Albanian political environment was to design face-saving strategies for both sides (Berisha and Rama). The highest credit that could be given by stakeholders from the Albanian opposition to the Commission is the statement: *“The Commission is Albania’s, not the government’s, best friend.”* In contrast with the consensual appraisal of the Commission’s work, several stakeholders both from the opposition and from NGOs have put into question the impartiality of the OSCE Presence in Albania.

The **12 key priorities** are divided into political and technical ones. Furthermore, in the last days before the summer recess there was a clear message by the Commission that **four political priorities** mattered most: electoral reform, reform of the parliamentary rules of procedure, reform of the immunity system, and reform of the High Court. Commissioner Füle’s spokesperson, welcoming the amendments on the electoral code, continued:

*“We call upon both the ruling majority and opposition to build on this positive development and further embrace constructive political dialogue and cooperation to complete on-going work on the other key priorities of the Opinion and to achieve a **critical mass of results by September**. Reforms in rule of law constitute a key factor for moving ahead on the EU integration path. In this respect voting for **reform of the immunities system and of the High Court** in line with European standards would be an important step to the right direction.”*(authors’ bold)⁴⁸

Albanian politicians will keep both Albanian citizens and European partners in limbo about whether they will deliver on the remaining three political priorities until the very last moment. The majority and the opposition seem to be playing once again the blame game for an audience, while they negotiate deals behind the scenes.

With regard to the **immunities** issue, both Berisha and Rama have been paying lip service to the necessity to lift immunities for years. Albanian interlocutors suspect that neither is willing to do it for their own reasons. The government’s initiative to let the Parliament vote on 6 August 2012 on Constitutional amendments aimed at curbing immunity failed. As a result of this, the ruling party proposed conducting a referendum on the issue. SP leader Rama insisted on a number of additional Constitutional changes dealing with the election of High Court judges and the General Prosecutor that would be voted on together with the amendment stripping ministers, MPs, judges, the head of the State Auditing Office, and the Ombudsman of their immunity from prosecution. But in late August, Rama reversed his previous position and said that his party would vote in favor of the government’s plans to reform the immunity law in order not to jeopardize Albania’s EU candidate status.⁴⁹

In the weeks ahead of the October 10 2012 Commission Report on Albania, the informal Troika of the EU, the OSCE and the US has been very active and united in its messages to Albanian politicians on the need to deliver on the three remaining political benchmarks that will be crucial to considering progress achieved as representing a “critical mass.”

⁴⁸ http://eeas.europa.eu/delegations/albania/press_corner/all_news/news/2012/20120719_01_en.htm

⁴⁹ Albanian Screen TV, 26 August, 2012, http://news.albanianscreen.tv/pages/news_detail/45328/ENG; BalkanInsight: *Albania Socialists Fall Into Line on Immunity Reform*, 7 September, 2012; <http://www.balkaninsight.com/en/article/albania-s-socialists-backtrack-on-immunity-reform>

Conclusion

In 1997 it was considered that Slovakia didn't fulfill the political criteria for the EU and because of that couldn't start negotiations; it was nonetheless considered a candidate country. Turkey received candidate status without a proposal to start negotiations in 1999 and it took six more years before negotiations were opened in 2005. Candidate status and the start of negotiations as two different stages of the pre-accession process were applied also with regard to Croatia and Montenegro. In the case of Serbia it was even more complex - the proposal for granting candidate status was made conditional upon a further examination of commitments to dialogue with Kosovo. Thus, the December 2011 European Council didn't grant Serbia candidate status; the country had to wait until March 2012. As a high-ranking EU official said: "*Enlargement is not any longer a linear process.*"

There is no doubt that the start of negotiations with Albania is not on the agenda for now. When pushing for further progress on the 12 key priorities, Commission officials talk only about 'candidate status' and **refer to a 'critical mass' of achievements**. Albanians themselves don't expect anything more either.⁵⁰ Since 'critical mass' remains a quite vague concept, different EU Member States might have a different understanding of what can be considered as 'critical mass'. However, anything short of the four political benchmarks formulated by the Commission would not qualify. **Key priority 5 – Elections conducted in line with European and international standards** – is not part of the 'critical mass' definition. Neither can it be perceived as fulfilled ahead of the 2013 general elections. But it **will no doubt remain a priority for a start of the negotiations**, whenever that might be.

In October 2012, the Commission might come up with a proposal to either "consider" candidate status for Albania or may have a clearer proposal to "grant" Albania candidate status. Then, it would be up to the Council of Ministers and the European Council to take a decision.

⁵⁰ Although during the 5th SAPC in Brussels (July 2012) Ditmir Bushati, Chairman of the Parliamentary European Integration Committee, referred to the need to get the two chapters linked to judiciary on the table (like Montenegro) in order to facilitate progress on judicial reform.

CIVIL SOCIETY AND CIVIC ENGAGEMENT

Albanian civil society organizations (CSOs) could not count on any dissident legacy deriving from the Stalinist Hoxha regime as many other post-communist countries were able to in eastern and southeastern Europe. The country was isolated over decades. Thus, civic engagement and CSOs emerged almost from scratch and started to find and define their role as an active part in the democratization process. Civil society still has a crucial role to play in building peace and democracy, particularly in countries like Albania. However, as a study from the German GTZ concludes: “Twenty years after the fall of communism, despite some positive achievements, Albania is still struggling to develop a vibrant civil society.”⁵¹

International actors are facing a variety of problems in their support or non-support of CSOs in transition countries. Michael Weichert, the former head of the regional office of the German Friedrich Ebert Foundation in Tirana, got to the heart of the dilemma:

“One of the main objectives of international engagement in the Balkans (and elsewhere) is to set the agenda – e.g., the agenda of transformation, of reforms and the agenda for EU integration. This entails convincing society and their leaders of the importance of an issue, a project or a political programme, in order for them to accept it as a goal and to get politicians and the institutions of state as well as the different interest groups to take action and make an effort to achieve the objectives of the reform agenda. This has become a crucial element of political consultancy and public diplomacy.”⁵²

There has been a lot of support by different countries and organizations to help Albanian CSOs to emerge and to motivate civic engagement. Yet, Albanian CSOs are still weak and struggle with the climate of mistrust between the two larger political parties, which dominates the political culture in the country. The bi-polar political spectrum and the two parties’ dominance put CSOs in a difficult situation. They are frequently confronted with the question: “are you with us or against us,” and advice/expertise are treated as such.

When asked about the role of internationals in shaping a sound CSO sector, we came across very critical statements in Tirana. It was generally and strongly underlined that there is a need to strengthen civil society and to provide space for other actors in the country. One interlocutor actually stated: “We have to radio SOS for the CSOs in Albania and have to find a strategy to support independent voices.” Albania, we were told, has never been a priority country in comparison to CSO support in other Balkan countries like Serbia, Kosovo and Bosnia because of the wrong presumption that NATO members are per definition democratic, open societies.

The critics of international support to CSOs in Albania went even further. Terms of references “sometimes do not reflect the real needs on the ground in Albania.” While it was seen as undisputable that issues like gender equality, the situation of the Roma and problems for gay, lesbian citizens in Albania deserve attention, interview partners stressed that “we have much more serious problems here. You cannot solve the Roma problem with modest funds.” And, it was added, there is “also a lot of ambiguity. Critical voices are less funded by international donors and grants are often going to those CSOs which are affiliated to the government. There is a lack of strategy and vision

⁵¹ See: GTZ: Strengthening Civil Society and Democratic Structures in Albania. Lessons Learnt.

<http://www.giz.de/Themen/de/SID-3595E09C-A4667EB3/dokumente/en-civil-society-democratic-structures-albania.pdf>

⁵² Michael Weichert: *How to Make Them Do What You Want Them To Do?* – in: Johanna Deimel / Wim van Meurs (eds.): *The Balkan Prism: A Retrospective by Policy Makers and Analysts*; Munich 2007.

about what donors want from Albania.” The most concerning voice in this context was the complaint that the “OSCE competes with local NGOs for money in Albania. OSCE projects should be dedicated to elections. For us as CSO the funds are a matter of survival.”

In addition, Albanian politicians and the government have learned their lessons. They are heavily investing in “GONGOs” (governmental NGOs) and are spending *“a lot of money for fake projects.”* On the other hand, CSOs in Albania were also criticized by one of its representatives: *“They are clinical, politically correct and donor dependent.”* More or less like in neighboring countries, it is often difficult for CSOs to do something substantial and in a neutral manner. NGOs are an important employer and the lines between business, politics, and CSOs are not easy to draw. It can thus maybe be questioned whether their activities and programs “connect with the real needs of the people” – a problem also concerning the difference between “top-down” and “bottom-up” approaches. The EU Commission is now trying to *“reach out more effectively to local community-based organizations, to better target needs in each country and to provide longer-term seed-funding to NGOs.”*⁵³

Some progress has been achieved regarding the involvement of CSOs by the Albanian government with regard to the 12 key priorities. The Ministry of European Integration has asked CSOs for their input. 32 CSOs were invited and asked for their expertise in areas covered by the 12 key priorities (human rights, anti-corruption, etc.). Up to the time of the interviews in Tirana in March 2012, CSOs attended two meetings with the Ministry of European Integration and two with the Parliamentary European Integration Committee. While the hearings of the CSOs are an important step which could help in awareness-raising and embedding of the EU accession process within the society, the EU Commission in its 2011 report says that: *“... further limited consultation with third parties, including civil society, raise questions about the quality of adopted laws (...) Consultation of civil society in the legislative process remains insufficient.”*⁵⁴ And: *“Civil society has been consulted on some legislative initiatives, particularly in the field of human rights. However, no systematic dialogue is in place and consultation of NGOs in the legislative process remains insufficient overall.”*⁵⁵

Civic engagement is gaining momentum in Albania and deserves much more attention and support by international stakeholders, the initiative to hold a referendum on waste management being just a recent example.⁵⁶

⁵³ EU Commission: ALBANIA 2011 PROGRESS REPORT; Brussels, 12.10.2011; SEC(2011) 1205 final; p. 6; http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/al_rapport_2011_en.pdf

⁵⁴ *Ibid.*, p. 7.

⁵⁵ *Ibid.*, p. 18.

⁵⁶ Information about the initiative and international reactions in the separate Excursus section of the report.

GREATER ALBANIA / PAN-ALBANIAN SENTIMENTS

Greater Albania as a concept and strategy, a potential trigger for new conflicts in the Western Balkans, is still valid in some political and intellectual circles but does not have a realistic chance of materializing because any new drawing of borders is firmly opposed by the international community, in particular the EU and the US. The invitation to Albania to join NATO in 2008 and full membership since 2009 was primarily motivated by regional stability considerations with a special focus on Albania's role vis-à-vis Kosovo, Macedonia and Serbia. Albanian government officials emphasized during our interviews in Tirana that *"Albania is the fatherland of Albanians in Kosovo, Montenegro, Serbia, Macedonia and Greece. Albania could have done a lot of damage to the region (put oil on the fire) but NATO membership gives us much responsibility."*

Since March 2012 Albania's political party system has been enlarged by the "Red and Black Alliance" (Aleanca Kuq e Zi) which transformed from a movement into a political party and is chaired by the former deputy head of the High Council of Justice of Albania, Kreshnik Spahiu. The pan-Albanian program of the Red and Black Alliance has to be carefully observed. But though the movement has a nationalist agenda, according to its statements it does not aim to create a "Greater Albania" but merely to foster the rights of Albanians living throughout the region⁵⁷. Like in Kosovo with the Vetëvendosje movement, the new political party addresses mainly the younger generation, uses social media for its communication and attracts those parts of the younger electorate that are frustrated and disillusioned with the political class in their country. Both parties challenge the established political parties with fresh ideas and follow a clear anti-corruption agenda (propaganda.) While Vetëvendosje in Kosovo can profit from the unfinished status issue and plays the Greater Albania card for blackmailing national and international stakeholders, the Red and Black Alliance mainly confronts the Greek minority in Albania and is more a challenge to the political establishment than to regional stability.

Pan-Albanian sentiments in the region

According to an opinion survey conducted by Epoka University in Tirana in December 2011, 73% of respondents want Albania and Kosovo to unite, while 70% want Albania, Kosovo, and Macedonia to unite. Asked whether Kosovo and Albania will unite in the next 10 years, only 40% answered "yes" and "most probably yes," while only 26% gave the same answer regarding the unification of Albania, Kosovo and Macedonia. The result indicates the aspirations of Albanians, but also illustrates the pragmatism of the Albanian population regarding Ethnic Albania.⁵⁸

The construction of new highways connecting Albania with Kosovo, Macedonia, Montenegro, Serbia, and the rest of the Balkans have a critical role in transforming relations between neighbors and bringing closer together the divided Albanian population in the region. Albanians are coming out of their relative isolation and are becoming a part of the region, Europe, and the world. On the one hand, the highways contribute to opening the minds of Albanians and cultivating a sense of belonging to Europe; on the other hand, they enable deepening connections among the divided Albanian populations in Albania, Kosovo, and Macedonia.

⁵⁷ BalkanInsight: *New Force Vows to Break Mould in Albania*, 12 January 2012; <http://www.balkaninsight.com/en/article/new-force-vows-to-break-mould-in-albania>

⁵⁸ Center for European Studies, Epoka University, Tirana: "Albanian Public Opinion perceptions of Socio-Cultural and Foreign Policy Issues," Epoka University Press, December 2011.

Albanians have the potential to become a regional driving force given their connections with other Albanians in Kosovo and Macedonia, their increasing sense of belonging together, a young and growing population (the only growing population in the Balkans), and a strong entrepreneurial spirit. But polarized domestic political landscapes, lack of economic progress, limited prospects for the young population, and delayed EU membership can also turn this positive potential into a negative one.

The role of the international community in channeling emerging Albanian nationalism into a constructive direction will be indispensable. Albanian politicians, who have made concerted efforts for years to avoid intensifying Albanian nationalism, now say that they will need good advice from the US and Europe on how to deal with public pressure for Albanian unity amidst growing ethnic tensions in Macedonia and nationalist aspirations in Kosovo and Albania.

The competing interests of the international community, which often prefers to appease the fighting political parties in the name of regional stability, now come to one point: without substantive democratic changes in each of the Balkan countries with an Albanian population, lasting regional stability will be at stake. In this sense, domestic democratic and economic progress becomes a geo-strategic concern that deserves a higher place on the US and EU international agenda.

The EU is carefully observing pan-Albanian sentiments in the respective countries, but from a different angle. They are not considered as a security threat in terms of re-unification ambitions but as a growing frustration potential mainly in the younger generation which could transform into social unrest and – if not met by actions – might further spiral and affect the entire region (including Greece.) Anchoring Albania in the enlargement process would help the further shaping of the reform agenda, providing incentives for economic development and consolidating democratic European standards. EU candidate status for Albania is no doubt about Albania's own merits but has to be considered also as a potentially positive signal to the Albanian communities in the region.

EXCURSUS

Civic Engagement – The Referendum on Waste Imports

Except the referendum on the Constitution in 1998, Albania has held only one referendum. At present, it is in the process of considering a referendum on waste imports into the country. What makes this effort interesting is that the referendum is being organized not by a political party but by politically active citizens from all over the country under the organizational lead of the “*Alliance against the import of waste.*”

In November 2011, after a marathon debate in parliament, the Assembly passed a law on the import of waste from abroad with the votes of the ruling majority. President Bamir Topi as well as the opposition in the parliament opposed the bill, as did hundreds of protesters outside the Assembly⁵⁹. President Topi vetoed the law, arguing that the import of waste contradicts the goal to minimize and manage waste in Albania. Prime Minister Berisha told the parliament that “*the law we approved in this parliament defends Albania from toxic waste. This law requires the government to exclude all toxic waste.*”⁶⁰ The law on integrated waste management allows the import of non-hazardous waste into Albania for recycling purposes, but activists worry that by opening the door to trash imports, Albania will become Europe’s landfill, underlining that the country’s weak and often corrupt administration is unable to guarantee that toxic waste won’t find its way in⁶¹.

The worries of the opponents to the law were not groundless. A 2008 UNDP study⁶² on Albania’s environmental policy and actions points out that “*insufficient attention has been paid to institutional capacity and the capability required addressing [sic] this issue properly.*” Furthermore, the European Environmental Agency in November 2011 underlined that Albania has “no system for safe management” of hazardous waste⁶³. Intellectuals and former politicians of the country have backed the *Alliance Against Waste Imports*, including former President Alfred Moisiu, writer Fatos Lubonja and environmental and civil society activists, in its call for a nationwide referendum on the issue⁶⁴. “*It is tragicomic that the Minister of Environment, the same minister who was responsible of the Gërdec tragedy guarantees ‘that nothing will happen with the waste imports,’*” we were told in Tirana.

Public participation and awareness of the issue grew significantly. Even though civic engagement was a permanent postulate by the international community with regard to reforms and democratization, the referendum initiative by the *Alliance Against Waste Imports* was almost completely neglected. “*With the exception of the British Ambassador there was never any support for the referendum,*” an interlocutor in Tirana told us, adding that “*the EU is even afraid of the referendum,*” in the sense that Brussels doesn’t want to challenge the government. In this sense the meeting of the fifth SAPC EU-Albania in Brussels on 11-12 June 2012 was quite interesting: after Adriana Gjonaj from the

⁵⁹ Radio Free Europe: *Albania Passes Waste Import Law*, 4 November 2011.

http://www.rferl.org/content/albania_passes_waste_import_law/24380971.html

⁶⁰ Benet Koleka: *Albania passes waste import law despite protests*; Reuters, 3 November 2011;

<http://uk.reuters.com/article/2011/11/03/idUKL5E7LS28120111103>

⁶¹ BalkanInsight: *Albanians Back Referendum on Trash Imports*; 09 January 2012

<http://www.balkaninsight.com/en/article/albanians-back-referendum-on-trash-imports>

⁶² UNDP: *The Western Balkans Environmental Programme: Review of Policy Integration and Capacity Development Need Assessment Studies*. Albania. September 2008.

⁶³ BalkanInsight: *Albania Pledges to Probe Illegal Waste Imports*, 14 March 2012.

<http://www.balkaninsight.com/en/article/albania-to-reduce-waste-imports>

⁶⁴ BalkanInsight: *Albanian Intellectuals Demand Referendum on Waste Law*, 25 October 2011

<http://www.balkaninsight.com/en/article/albania-activists-join-forces-against-trash-imports>

Democratic Party extensively presented the law on waste management and on the import of waste (with no mention of the referendum), not a single question was addressed to her by the members of the Committee. Even at the European Parliament, the referendum and the problem of waste imports was not an issue. When we asked the OSCE Head of Mission in Tirana about his and the organization's stance vis-à-vis the referendum, he was not able to provide one.

An ambassador in Tirana was at first positive about the initiative and said that it is an "achievement *per se*" that people are jointly active and engaged in the preparations for a referendum. Moreover, while the law is a product of assistance by the EU Commission and as a consequence "*the law meets European standards,*" – "*laws are not always implemented properly, since there is neither the political will nor the administrative capacities. People in Albania are afraid of toxic waste à la Italian mafia (...) those who aim at importing waste are members of the political elite who easily can bribe inspectors.*"

In February 2012 the Albanian public was shocked by the news that 588 tons of hazardous waste was imported from France in 2004 without any records. The EU Commissioner on Environment Janez Potočnik pledged to investigate the issue. A month later things got worse: BalkanInsight reported that thousands of tons of waste had been imported over a decade despite an official ban. The majority of this waste, the report says, came from the 27 EU member states⁶⁵. "*Driven by an exceptional 'low risk – high profit' margin, illegal waste trafficking and disposal activities have become one of the fastest growing areas of organised crime,*" Europol warned in August 2011⁶⁶. And the EU Organised Crime Threat Assessment report of 2011 refers to Albania as a target country for toxic waste.⁶⁷

The referendum initiative was very much supported by the population, although the regulations for a referendum stipulated in the Constitution are very restrictive and almost preventive⁶⁸. Government institutions attempted to hamper the initiative by setting new regulations for the collection of valid signatures. The Central Electoral Commission (CEC) required photocopies of identity cards attached to the signatures as well as the residency registration of each signatory. Despite these difficulties, the *Alliance Against Waste Imports* collected almost 64,000 signatures – according to the Constitution, 50,000 were required. On 21 June 2012, US Ambassador Arvizu expressed his disappointment with how the referendum request had been handled thus far and raised concerns about the independence of the Central Election Commission and its decision-making processes:

"Not long ago, many Albanians were motivated to action by reported plans to import tons of waste from outside the country. With parts of Albania seemingly drowning in garbage, the concerns expressed by some citizens seemed to be a valid one. I want to make clear that it is not my place or that of the United States to pass a judgment on this issue. But I do have this question: why do the legal mechanisms of the state, why is it that so far they have prevented the referendum from coming to fruition? Why is it that the Central Election Commission, which is obligated to act within a specified time period on a referendum request that is supported by 50,000 signatures, why, once again, is the

⁶⁵ BalkanInsight: *Albania turned blind eye to Illegal Waste Imports*; 2 March 2012;

<http://www.balkaninsight.com/en/article/albania-turned-blind-eye-to-illegal-waste-imports>

⁶⁶ <https://www.europol.europa.eu/content/press/europol-warns-increase-illegal-waste-dumping-1053>

⁶⁷ Europol: OCTA 2011. EU Organised Crime Threat Assessment.

⁶⁸ Related articles in the Constitution (Art. 150; 151; 152) in the Appendix of the Report

Central Election Commission undermining the public confidence in its ability to act impartially and in the interests of all citizens, not just a few?”⁶⁹

Finally, perhaps as a result of this critical statement, the CEC on 26 June 2012 unanimously approved the referendum request. However, the CEC decided it would forward the decision to the Constitutional Court only in January 2013. The Court will then need two months to decide on a date for the referendum⁷⁰. Critics doubt that the referendum will happen in an election year (parliamentary elections are scheduled for the summer of 2013), and believe it will be held in 2014 at earliest. The *Alliance Against Waste Imports* deemed the CEC’s delay to send its approval to the Constitutional Court as arbitrary, and filed an appeal with the Electoral College in order to speed up the process. On August 31 2012, the specialized court on electoral issues rejected the appeal, causing outrage among environmentalists. *“The denial of the right to appeal by the court immunizes the CEC to breach the electoral code without fearing the courts,”* the *Alliance* concluded.⁷¹

One thing can be said however: it is no longer so easy to illegally import waste into Albania. On 19 July 2012 the Italian Customs Agency stopped 21 tons of non-hazardous waste from being illegally shipped to Albania. And the Albanian Ministry of Environment has decided to reduce the ‘green’ list of waste materials classified as legally acceptable for import from 55 to 25 types. Civic engagement is gaining momentum in Albania and deserves much more attention and support by international stakeholders.

⁶⁹ Remarks by U.S. Ambassador Alexander A. Arvizu at the ACT Now Initiative Launch (June 21, 2012); <http://tirana.usembassy.gov/press-releases2/2012-press-releases/remarks-by-u.s.-ambassador-alexander-a.-arvizu-at-the-act-now-initiative-launch-june-21-2012>

⁷⁰ BalkanInsight: *Albania Steps Closer to Waste Ban Vote*, 29 June 2012.

<http://www.balkaninsight.com/en/article/albania-eyes-referendum-on-waste-ban>

⁷¹ BalkanInsight: *Albania Waste Referendum Ruling Outrages Greens*, 4 September 2012,

<http://www.balkaninsight.com/en/article/albania-court-decision-on-referendum-raises-eyebrows>

APPENDICES

INTERNATIONAL PLAYERS AND PROGRAMS IN ALBANIA

Council of Europe

Albania became a member of the **Council of Europe** on 13 July 1995 and holds at present the Chairmanship of the Committee of the Ministers (May-November 2012.) There is and has been close cooperation between the Council's **Venice Commission** and Albania on constitutional, electoral and other issues. In support of the anti-corruption strategy of the Albanian government and with funding from the European Commission, the Council of Europe launched in September 2009 a new technical assistance project against corruption in Albania (**PACA.**) Since 2001, Albania is a member of the Council of Europe's **GRECO** (Group of States Against Corruption.)

European Union

Albania's aspirations to join the **EU** can be traced to the very early stages of the transition from dictatorship to democracy. The realistic perspective to join the **EU** was opened for all Western Balkan countries in 2003 at the Thessaloniki European Council. Albania submitted its EU application on 29 April 2009. The Commission adopted its Opinion on 9 November 2010 and formulated 12 key priorities for Albania to be tackled before the country could start accession negotiations. The key priorities imply that the country does not comply with the Copenhagen political criteria for EU membership. Because of this, Albania failed to get candidate status both in 2010 and 2011 but is aspiring to succeed in 2012.

Day-to-day cooperation between the EU and Albania is coordinated by the **EU Delegation in Tirana** and **DG Enlargement of the Commission in Brussels**. Under the Stabilization and Association meetings, contacts with the **European External Action Service** and the **Council of Ministers** are organized within the Stabilization and Association Councils. The forum for contacts with the **European Parliament** is the Stabilization and Association Committee.

15 **EU Member States** are represented in Tirana through their embassies and 5 more through consulates.

EURALIUS ("Consolidation of the Albanian Justice System") is an EU-funded project aiming to bring the Albanian justice system closer to EU standards. Through technical assistance drawn from EU Member States, the project supports the reform of the judicial system in accordance with the priorities of the EU acquis in the areas of the judiciary and fundamental rights as well as European best practices and standards in these areas.

PAMECA (the Police Assistance Mission of the EU to Albania) began its work in 2002, building on previous experience and knowledge of the needs and gaps in guaranteeing public order, security and the rule of law in the country. Since then, PAMECA has spent more than €17 million on trainings, capacity-building, equipment and infrastructure.

OSCE

In March 1997 the Permanent Council of the **OSCE** decided to establish an OSCE Mission in Albania with the mandate to provide advice and assistance to Albania with regard to democratization, media, and human rights on the one hand, and election preparation and monitoring, on the other. The mandate of the **OSCE Presence in Albania** has been prolonged several times, the present one going

to 31 December 2012. The incumbent Head of the OSCE Presence in Albania estimates that the mission might be needed for 10 more years.

The OSCE Office for Democratic Institutions and Human Rights (**ODIHR**), based in Warsaw, Poland and active in the fields of election observation, democratic development, human rights, tolerance and non-discrimination, and rule of law, is actively involved in Albania.

NATO

Albania's aspirations to join **NATO** can be traced to the very early stage of the transition from dictatorship to democracy. A realistic perspective for Albania to join **NATO** is linked to the April 1999 Washington Summit that decided to offer the possibility of accession to nine candidate countries - including Albania - through Membership Action Plans (MAP.) The Riga NATO summit of November 2006 extended candidate status to Albania as well as the possibility of receiving a membership invitation at the 2008 Bucharest Summit. The invitation to join NATO was extended to Albania at this Summit. The Protocol of Accession was signed on 9 July 2008 and on 1 April 2009 Albania officially became a NATO member.

United States of America

Diplomatic relations between the **United States** and Albania were re-established on March 15, 1991. Albania's NATO aspirations were strongly promoted and supported by the US. The US Department of Justice implements through the US Embassy in Tirana two programs aimed at improving Albania's criminal justice and law enforcement sectors -- the Overseas Prosecutorial Development, Assistance and Training Program (**OPDAT**) and the International Criminal Investigative Training Assistance Program (**ICITAP**.)

USAID (United States Agency for International Development) programs in Albania strengthen democratic institutions, promote civil society, reduce corruption, promote gender equality, and at the same time create a more favorable environment for inclusive economic growth.

In June 2012 the US Ambassador launched the **ACT now!** Initiative with the aim to give more space to civil society and individuals (ACT stands for Albanians Coming Together.)

TIMELINE OF EVENTS

12 June 2006 – Stabilization and Association Agreement EU- Albania signed

November 2006 - Riga NATO summit extends candidate status to Albania as well as the possibility of receiving a membership invitation at the 2008 Bucharest Summit

2 February 2007 – Martti Ahtisaari, UN Special Envoy for the Future Status Process for Kosovo, introduces his draft to the parties in Belgrade and Pristina

17 February 2008 - Kosovo declaration of independence adopted by members of the Assembly of Kosovo

15 March 2008 – explosion at an ex-military ammunition depot in the village of Gërdec, close to the capital Tirana, kills 26 and injures hundreds of people

17 March 2008 - Fatmir Mediu, Minister of Defense of the Republic of Albania, resigns from his governmental position in the wake of the Gërdec tragedy

3-4 April 2008 – Albania is invited to join NATO at the Bucharest Summit

June 2008 – the European Commission presents a road map identifying specific requirements for visa liberalization with Albania

9 July 2008 - Protocol of NATO Accession signed

1 April 2009 - Albania officially becomes a NATO member

1 April 2009 – Stabilization and Association Agreement with the EU enters into force

28 April 2009 - Albania submits its application for EU membership

28 June 2009 – Parliamentary elections; DP Sali Berisha re-elected; SP starts parliamentary boycott

16 November 2009 - European Council asks the Commission to prepare an Opinion on Albania's application

20 May 2010 – European Parliament's "Crocodile Diplomacy" initiative (Martin Schulz of S&D and Joseph Daul of EPP fail in their attempt to reconcile Berisha and Rama)

15 April 2010 - Albania delivers replies to the Commission's Questionnaire

27 May 2010 - European Commission adopts a proposal to enable citizens of Albania and Bosnia and Herzegovina to travel to Schengen countries without needing a short-term visa

6-7 October 2010 – the European Parliament votes in favor of lifting the visa requirements for Albanian citizens

8 November 2010 – EU interior ministers adopt the Commission's proposal on a visa-free regime for citizens from Albania and Bosnia and Herzegovina travelling to the EU

9 November 2010 – the EU Commission adopts its Opinion on Albania's EU application

15 December 2010 - visa liberalization for Albanian citizens travelling to the Schengen area enters into force

January 2011 - publication of video which allegedly shows Deputy Prime Minister Ilir Meta and Ex-Minister Dritan Prifti discussing corrupt deals in March 2010 (Meta was Minister of Foreign Affairs at the time and Prifti was Minister of Economy)

21 January 2011 – anti-government protests in Tirana turn violent; 4 people killed, about 60 injured

March 2011 – opposition returns to Parliament without working in committees and voting

8 May 2011 – local elections in Albania

25 June 2011 – Central Election Commission proclaims L. Basha as winner of Tirana mayoral race

September 2012 – Opposition returns to full participation in Parliament's work

November 2011 – agreement between the Albanian government and opposition to cooperate on the 12 key priorities of the EU Commission

22 December 2011 – Igli Totozani approved as Ombudsman by the Albanian Parliament by consensus

March 2012 – updated Action Plan to address the 12 key priorities of the EU Commission's Opinion adopted in consultation with the opposition and civil society

3 May 2012 – visit of EU Enlargement Commissioner Štefan Füle in Tirana; meetings with President, Speaker of the Parliament, governmental officials, and opposition. Address to the members of the Albanian Parliament. Füle calls for "full light on the events of 21 January 2011 through a credible judicial process free from political interference"

24 May 2012 – deadline set by the Albanian Parliament for conclusion of reform package (re-confirmed by EU Enlargement Commissioner) not met; start of the presidential election procedure; work of ad hoc parliamentary committees on electoral reform and on the reform of rules of procedure of the Parliament are blocked.

11 June 2012 – Bujar Nishani, DP Minister of Interior, elected President of Albania with simple majority in the fourth round of the election process; opposition boycotts the voting; US Ambassador Arvizu and EU Ambassador Sequi don't attend the voting; OSCE Ambassador does.

10-11 July 2012 – 5th Stabilization and Association Committee EU – Albania in Brussels, welcomes electoral reform consensus, urges additional reforms

12 July 2012 – agreement on electoral reform between the majority and the opposition in the Albanian Parliament

24 July 2012 - Bujar Nishani resumes office as President

6 August 2012 – Parliament fails to pass the amendments on the Constitution aimed at curbing the immunity of elected officials, ministers, and judges; proposal by Berisha to organize a referendum on the respective immunity provisions

LIST OF INTERLOCUTORS

Tirana, 11 – 14 March 2012

- Bregu Mejlinda: Minister for European Integration
- Bushati Ditmir: Chairman of the Parliamentary Committee for EU Integration
- Bylykbashi Oerd: Chief of Cabinet of the Prime Minister Berisha
- Dervishi Lufti: Director of Transparency International
- Dobrushki Andi: Executive Director, Soros Foundation Albania
- Gaiani Massimo: Italian Ambassador to Albania
- Haxhinasto Edmond: Minister of Foreign Affairs
- Kajsiu Blendi: Analyst
- Lani Remzi: Director of Albanian Media Institute
- Mcilwham Fiona: British Ambassador to Albania
- Misha Piro: Director of Institute for Dialogue and Communication
- Müller-Holtkemper Carola: German Ambassador to Albania
- Pollo Genc: Minister of Innovation and Information Technology
- Rakipi Albert: Director of Albanian Institute for International Affairs
- Rama Ina: General Prosecutor
- Sequi Ettore: EU Ambassador to Albania
- Spahiu Kreshnik: Leader of Red and Black Movement
- Veliaj Erion: Socialist Party
- Weichert Michael: Head of Friedrich Ebert Foundation Regional Office
- Wollfarth Eugen: Ambassador, Head of Mission OSCE in Albania

Brussels, June 5-6 2012

- Gentilini Fernando: EU External Action Service, Director for Western Europe, the Balkans and Turkey
- Jonsson Jonas: European External Action Service, Head of Division Western Balkans
- Kukan Eduard: Member of the European Parliament, Chair of the Delegation for Relations with Albania, Bosnia and Herzegovina, Serbia, Montenegro and Kosovo
- Maragos Vassilis: Head of the Albania Unit, European Commission
- Petersen Terkel: European External Action Service, Desk Officer
- Sannino Stefano: EU Commission, Director General for Enlargement
- Stratulat Corina: Policy Analyst, European Policy Center

Attendance as observer at the 5th SAPC EU-Albania; July 11-12 2012, Brussels

Washington, April-June, 2012

- Benjamin Robert: Director for Europe, National Democratic Institute
- Biberaj Elez: Director of Eurasia Service, Voice of America
- Bugajski Janusz: Senior Associate, Center for Strategic and International Studies (CSIS)
- Darmanovic Srdjan: Ambassador of Montenegro to the United States, Member of the Venice Commission
- Gjelic Nesti: Program Officer, International Republican Institute (IRI)

- Gregorian Raffi: Senior Advisor & Deputy Director, Office of South Central European Affairs, US Department of State
- Hutchison Sara: Albania, Macedonia Desk Officer, Office of South Central European Affairs, US Department of State
- Karakushi Albana: Former Franklin Fellow, Department of Labor, Democracy and Human Rights, US Department of State
- Mustafaj Avni: Executive Director, National Albanian American Council (NAAC)

ABBREVIATIONS

CEC – Central Electoral Commission

CSO – Civil Society Organization

DP – Democratic Party of Albania (Demokratike e Shqipërisë)

EEAS – European External Action Service

EP – European Parliament

EPP – Group of the European People’s Party in the European Parliament

S&D – Group of the Progressive Alliance of Socialist and Democrats in the European Parliament

EU – European Union

LSI – Socialist Movement for Integration (Lëvizja Socialiste për Integrim)

NATO – North Atlantic Treaty Assembly

NGO – Non Governmental Organization

ODIHR – Office for Democratic Institutions and Human Rights (OSCE)

OSCE – Organisation for Security and Cooperation in Europe

SAPC EU-Albania – Stabilisation and Association Parliamentary Committee EU - Albania

SP – Socialist Party of Albania (Socialiste e Shqipërisë)