

The Democratic Impact of European Integration: Case Study of Albania

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Abstract

To be a part of European Union is a challenge for all the countries of Western Balkans, and the European Union confirmed the European future as potential candidates of these countries. The Stabilisation – Association process is to help the countries to enter on EU, and to impact the strategy to adjust and to implement the necessary reforms. The Western Balkans countries have done a significant progress in the Stabilisation and Association process. The factors of stability, democratic elections, social-economic and institutional developments makes a gradual approach with European Union. The principle of democracy is a challenge for these countries, but the parliaments and parliamentary bodies are still characterized by the slow step of reform. General and local elections in the countries of Western Balkans were considered basically free but the participation of voters was generally low because the behavior of many political leaders leaves much to be desired.

Keywords: Democracy, Copenhagen criteria, integration, approximating legislation

1. Introduction

Between 1990-1992 Albania ended 46 years of xenophobia Communist rule and established a multiparty democracy. The transition has proven difficulties as successive governments have tried to deal with high unemployment, widespread, corruption and a dilapidated infrastructure. Albania wants to be a part of European Union, but we have to consider the fact that during the Cold War it was completely deprived of any relations or agreement with European Community or European Union. The process of Integration is not one – lateral and duty of the countries that aspire for European Union only. It is a tow- lateral process with involvement and responsibilities of the leading institutions of European Union and of its member states as well. Precisely, my paper analyses these issues, regarding Albania by going through three main parts; Accordingly, my working hypothesis is: What is the route Albania has followed and how far has it gone in trying to meet the Copenhagen political criterion? What is the impact of EU commitment and engagement in achieving success on this aspect related to Albanian developments?

2. The Stabilization – Association process and the Copenhagen criteria in the Western Balkans

To be a part of European Union is a challenge for all the countries of Western Balkans, and the European Union confirmed the European future as potential candidates of these countries. The Stabilization – Association process is to help the countries to enter on EU, and to impact the strategy to adjust and to implement the necessary reforms. The values and norms of EU are related to democracy, the rule of law, human rights, protection of minority and a market economy. This process is a "process" between the EU and these countries (Report from the Commission (2005). "The Stabilisation –Association process for the South East Europe" Second Annual Report. pg. 3). The EU recalls the Commission's second annual report, which reflects the progress and remaining problems, as well as the challenges for each of the Western Balkans countries. The recommendations of Commission, fully endorsed from the Council, should guide the efforts of the countries for further reforms (Federiga M. Bindi&Irina Angelescu,). The membership conditions were approved in the 1993 European Council at Copenhagen, the so-called "Copenhagen Criteria". The candidates countries must obtain:

- "Stability of institutions guaranteeing democracy, the rule of law, the respect for human rights and protection of minorities."
- "The existence of a functioning market economy as well as the capacity to cope with the competitive pressure and market forces within the Union."
- "Ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union" (The "Copenhagen Criteria" for membership (June 21-22, 1993). Conclusions of the Presidency-Copenhagen European Council. pg. 9).

The important of not only accession the *acquis communautaire* into national legislation, but ensuring its effective application through appropriate administrative and judicial structures.

2.1 Overall political development

The Western Balkans countries have done a significant progress in the Stabilisation and Association process. The factors of stability, democratic elections, social-economic and institutional developments makes a gradual approach with European Union. Important developments in the increasing political stability in Albania, which have enabled the country to move a closer relationship with the European Union. The negotiations for the Stabilisation and Association Agreement with Albania were formally opened on January 2003, after the Council adopted the directives for negotiation. On 18 February 2008, the Council adopted a new European partnership with Albania. Stabilization and Association Agreement (SAA) with Albania was signed on 12 June 2006 and entered into force on 1 April 2009 ("The Stabilisation and Association Agreement" (2006) between EU & Albania). It replaces the Interim Agreement on trade issues, which entered into force in December 2006. Visa facilitation agreement between Albania and the EU came into force in January 2008 and Readmission Agreement in 2006. The principle of democracy is a challenge for these countries, but the parliaments and parliamentary bodies are still characterized by the slow step of reform. General and local elections in the countries of Western Balkans were considered basically free but the participation of voters was generally low because the behavior of many political leaders leaves much to be desired. Unresolved the constitutional arrangements continue to non-fulfillment reforms and so non-implementation of Stabilization and Association process. The public administration is under reconstruction reform and these countries have difficulties to reinforce their administrative and judicial capacity. In the sector of the justice and home affairs we see a progress in these countries with the reform in their judicial systems a key factor for the rule of law.

Organised crime and corruption affect negatively the institutional and the economic progress in these countries. The Summit in the Thessaloniki in June 2003 will represent an opportunity for countries to give evidence of their commitment with the first concrete achievements in the fight against organized crime and corruption, with a national plan for each country how to fight the organized crime in time (Report from Commission 2007 pg.23). The situation in the fields of human rights and protection of minorities has progressed but these countries have a lot of work to do in these fields.

3. Political Criteria: Albania steps toward criterion implementation and the problems it face.

3.1 What the Political Criteria imply and what does it intent

The first and most important criterion is the Political Criteria for the associated countries. This criteria implies that the candidate country have to achieve: the stability of institutions guarantying democracy, the rule of law, the human rights and respect and protection of minorities.

- The principle of democracy has to do with: "Strengthening democratic institutions" and with the "Progress in the reform of state institutions".
- The rule of law has to do with the reform in Judiciary and the fight against Organized Crime, Illegal Trafficking and Corruption.
- To respect and to apply the Human Rights the associated countries has to deal "Strengthening Independent Institutions for the Defense of Human Rights", "The Guaranty of Economic, Social, Cultural rights" and the creation of the conditions for the exercise of religious freedoms.
- The respect for the right and the Protection of Minorities has to do with the implementation of international agreements in the field of minority, and the "Guaranty of the Principle of non discrimination.

3.2 Albania achievements and failures to meet this criteria and the pressure of EU

Albania has made limited progress to meet the Political Criteria. The relative, although still fragile political stability and renewed inter party dialogue achieved in spring 2002 allowed the smooth election of new President. This new political climate has led to some progress in the implementation of the international community's recommendations to improve Albanian's electoral procedures (Milo P. 1997 pg. 3). Regarding the restitution of or compensation for land expropriated during the communist era, the parliament of Albania approved an act of law which was the object of criticism for the past big land owners in Albania, and has not been sufficient to respond to the constitutional requirements. The progress in the Reform of State Institutions is going slowly. In conformity with the strategic framework of the mission and on the basis of the criteria determined at the European Council Summit of Copenhagen in 1993, the government of Albania has made a strategic plan for the process (pg. 21). The implementation of rule of law remains deficient, notably due to weak law enforcement institutions, limited administrative capacity (Report from the Commission 2002 pg. 26). The Fight against organized crime, illegal trafficking and corruption is a priority of Albanian government. The government has completed the current legislation for the fight against organized crime and intensification of international and regional, bilateral or multilateral relations for this purpose. Is making the institutional strengthening of units specialized in combating organized crime ("The Strategic plan of the Government of Albania for European Integration. December 2001 pg. 17). Also the Albanian government has made a national strategy against trafficking in human beings, drafting the necessary legislation and increasing regional cooperation in this direction. About corruption the Albanian government has approved the strategy against corruption and assessment of the measures and the instruments for the active participation of the public in the fight against corruption. The big failure for the Albanian Government is the big corruption of public administration. In the political sphere, corruption was identified by several witnesses as big problem. The current legislation exists but the application of legislation it's not fulfilled by the state. The same thing is even for Organized Crime and the Illegal Trafficking.

Albanian law guarantees the individual freedoms and the human rights (Report from the Commission 2001 pg. 26). The Albanian Human Rights Group was active in documenting and reporting serious violations including police violence, interference with the media freedoms and abuses in the government's antiterrorist campaign. Albanian's executive and judicial authorities continued to fail to combat the police violence. Torture and physical abuse of detainees were generally unpunished. With the media freedom we have violent attacks against journalists, often intended to suppress critical reporting particularly in corruption related issues. The violence went largely unpunished, and mostly the responsible for these cases were the police officers. Albania continues to be a major point of transit and origin of trafficking in human beings. Most victims are women and girls trafficked for forced prostitution and children trafficked into forced labor. The Albanian government has adopted an anti-trafficking strategy and taken some steps towards combating the problem ("The Strategic plan of the Government of Albania for European Integration", December 2001, pg.28). Albania has substantially left behind the violence and instability but continues to face serious human rights challenges on the road to European Integration. Albania attitudes towards minorities remain generally constructive but there has been limited ambition to strive for higher standards. The tensions between the Albanian government and the ethnic Greek minority are especially evident in areas of cultural and educational policies (www.hrw.org/hrw/summaries/s.albania952.html). Another problem between the Albania and the Greek community (minority) is about the real number of this minority in Albania. The version of Albanians declare that the percentage of Greek minority is 11% but the Greek minority pretend that the number is much more than 11% of population in Albania.

All these problems, which confront the Albania, must be fulfilled within the political criteria and the implication is that the European Union makes the pressures in the fields that Albania must work much more. We have the pressure of European Union in the reform progress because was insufficient and particularly in areas that are vital for Albanian's future and its successful integration. A crucial area in which the EU is eager to see more tangible results is that related to the fight against organized crime and corruption. The EU hope that all Albanian political parties will work together to ensure the timely implementation of the joint recommendations formulated by OSCE, Organization for Democratic Institutions and Human Rights (ODIHR) and the Council of Europe ((A letter with the recommendations in the name of European Commission by Mr. Christopher Patten (member of the European Commission to the prime minister of Albania Mr. Fatos Nano 1999 pg.2). For EU the final phase of the adoption of the "Law on Restitution and Compensation of Property" by the Parliament was controversial; that last minute amendments, in particular regarding the composition and competencies of the State Committee for restitution and Compensation, seriously undermined the transparency of the process. The forthcoming Parliamentary elections in 2005 are also a matter of serious concern. The EU will want to see that these elections will be carried out in full compliance with international standards. They will constitute another crucial

test of Albanian's capacity to respect fundamental democratic principles, which are essential elements to any future SAA. The EU calls upon the Albanian political leaders to overcome personal animosities and start to work together on issues fundamental to Albania's socio-economic developments (www.eu2004.nl). These are the areas in which Albanian state must fulfill the pressures and the recommendation of European Union.

3.3 Approximating Albanian Legislation to European Union Legislation step to future Integration

Historically speaking, Albania's legal system, like that of most and Eastern European countries, was based in civil law. During the Communist regime, laws were profoundly transformed to ensure that control remained with the central government. While developments in Central and Eastern Europe after the fall of the Berlin Wall, could hardly be described as adjustments or juridical transitions, there is a continued attempt to create new legal frameworks with renovated judicial structures. European Union membership implies, firstly the adoption of EU laws, however this would be possible without a supporting institutional framework capable of keeping pace with the EU. The impact of Albania's membership into the EU might be adverse to both new and old members. In principle, this could also be asserted with regard to preferential relations such as the SAA. From the perspective of real membership, or association, approximation of legislation becomes a fundamental pre-condition for taking the steps towards integration with the European Union. In its conclusions at the Copenhagen Summit the EU outlined the criteria for establishing preferential relations with, and eventual admission to Central and Eastern European countries ("The Copenhagen Criteria" for membership (June 21-22, 1993) Conclusions of the Presidency-Copenhagen European Council. pg.12). In analyzing these criteria the three issues clearly imply approximation of legislation. In essence the *acquis communautaire* holds the general principles of European law, without which the whole institutional and material system could exist. Approximation to these principles is conceptually more important. In 1999 the Directorate for Approximation Legislation to the *acquis communautaire* was created in the Ministry of State for Legislative and Institutional Reform (Bianku L. (2003). pg. 6). The establishment of this Directorate marked a very important step forward in the approximating process, which was nevertheless, unsuccessful. In December 2001, the Council of Ministers presented the Action Plan for negotiating the SAA. In May 2002 the Council of Ministers presented the Strategic Plan of the Albanian Government for European Integration, which was:

- The establishment and processing of a system for comparing Albanian legislation with that of the EU, according to sectors.
- Identification of the legal gaps on the basis of this system.
- Sector assessment of the impact of the adaptation of legislation of the EU, according to the stages of the process of integration mentioned in the Mission Strategic Framework.
- Assessment of the legal and administrative techniques that are appropriate for an effective adaptation of the legislation of the EU.
- Putting the structures charged with adaptations of EU legislation into full efficiency.

The Strategic Plan has not yet received formal approval by the Council of Ministers, whereas the Action Plan has already overcome this procedural hurdle. It cannot be said that this movement carries determinant values as to the progress of the SAA process. However both the Action and the Strategic Plans provide for one of the priorities that concerns precisely the approximation of legislation.

The Albanian state without a modern legislation, it can not be part of integration. Result of collaboration European Union – Albania is the new Constitution issued recently.

4. What is European Union doing to help Albania

From 1991-2002-2012 the EU has helped the Albania in economic area under PHARE programme, and in 2001 under CARDS programme (www.europa.eu.int/comm/external_relations/see -The EU's relations with South Eastern Europe (Western Balkans) – Albania: the European contribution). The humanitarian assistance has finished in 2001. The EU is helping Albania in this areas:

4.1 Democracy and Human rights

The EU provides Assistance to NGOs working in the field of democracy and human rights. Projects include raising awareness on the role of human rights in building a civil society, production of radio and TV programmes promoting understanding and tolerance.

4.2 Strengthening of public administration and judiciary

Helping Albania to develop a modern judiciary compatible with the standards of EU. A program from EU supports the reform of judicial system of Albania. Reinforcing the professionalism of the civil service with the aim of establishing an efficient public administration in line with EU standards.

4.3 Police and public order

Helping and providing strategic advice, training and equipment to the Albanian police through successive police missions. A strong Albanian police force provides internal security and combats the crime.

4.4 Customs

Working with Albania Customs service to secure revenue collection and to improve customs management and procedures. A Customs Assistance Mission in Albania (CAM-A) is helping to fight the corruption and to reinforce the service.

4.5 Statistics

Providing assistance to INSTAT the national statistical institution.

4.6 Development of infrastructures

The EU is helping to improve the areas of energy, transport and water networks for the development of Albanian economy. Public services and infrastructure are generally scarce and of low quality. The EU is financing supervision of works on some sections of Pan-European Corridor 8 and the North-South national axis, and rehabilitation works in the main ports.

4.7 Local community development

The EU is helping with its programs the realization of projects for local community level in Albania. The main objective is to improve access to remote areas, improve public services such as water, health and education, and to achieve higher standards of living.

4.8 Environment

In the field of environment the assistance aims at the strengthening the Albanian environmental institutions and enforcing environmental law.

We have the assistance of EU and in the areas of Education, Cross-border Cooperation and Agriculture.

5. Conclusions

The Albania lost too much time in these 22 years in the road to European Integration. The main reasons were the backwardness and the poverty in the time of dictatorship but even the continues crisis in last years. But the great responsibility for this historical retardation in the integration process falls upon the Albanian political class. This political class in these years combated for the power without respected the rules and the democratic standards of governing.

This political behavior led to the deficiency of political stability in Albania. So Albania has to do a lot of work in all fields. It must make profound reforms and orientated clearly in its European perspective. For further reforms Albania must follow the rules and the criterion, which European Union has decided for the states, which want to be a part of Integration Process. When the Albania fulfills the Political Criteria it will pass into others important stages in the long way Integration Process. An important test for the government of Albania will be parliamentary elections to be held on 23 June 2013. Despite of what has been reached so far positively considered by European Parliament, Commission,

Council of Ministers and the governments of EU members' states, it doesn't prove that the EU "doors" are open for Albania.

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