

“PREPARING AND SUPPORTING ALBANIA
FOR EU ACCESSION PROCESS:
MONITORING AND SUPPORTING ALBANIA'S
REFORMS ON ITS PATH TO EU”

SUMMARY

The May 2018 EU Summit in Sofia and the June 2018 EU Council of Ministers confirmed the **Albanian EU future**, all by laying the necessary benchmarks to be reached before the official negotiations are opened. Regional cooperation in several sectors pursued within the Berlin Process initiative has been instrumental for bringing into the spotlight the economic growth and convergence challenges that WB6 face in their road to EU membership. Its dynamics and results are visible in the new EU Enlargement Strategy adopted in 2018.

As Albania moves forward in its EU integration path, the process so far has stated the need for the **inclusion** and **engagement** of all societal actors from different sectors. The initiative "Preparing and Supporting Albania for EU accession process (ALBE): Monitoring and Supporting Albania's reforms on its path to EU" aims at supporting the top-down, normative, procedure-driven dynamics of **Enlargement** with evidence-based analysis, impact oriented, value-driven and reform-based efforts emerging from civil society.

The initiative will develop an **innovative monitoring methodology** of both technical and political processes, which will ensure:

- Monitoring and reporting on the progress of engaged reforms in Albania by monitoring and reporting on the progress of reforms, front-loading approach, sector integration, scrutiny of governance, etc., as per the Conclusions of the June 2018 EU Council;
- Monitoring and reporting on Berlin Process Agenda, also by monitoring and regular reporting on regional cooperation including best practices from the front-runner countries in the region, and reforming measures taken by the Albanian Government;
- Encourage, organize and support constructive public debate(s) and outreach to decision makers in Albania and EU, and to public opinion;

The initiative will aim to empower the stakeholders to play an active role in the process, through creation of a critical mass of expert knowledge on **EU accession negotiations** and **country reforms**, regular monitoring and reporting on the commitments taken by Albanian government in the framework of Berlin process, and creation of high-level platform for constructive debate, networking and advocacy at home and abroad.

ALBE is an initiative of Cooperation and Development Institute to monitor, support and explain the reforms engaged in Albania on its way to EU, including regional cooperation in the framework of BP

CDI field of expertise is in the Berlin Process: Connectivity and Regional Cooperation. Started in 2014, the BP is now in implementation phase. This allows us to focus on its impact.

We have observed - to be published in the upcoming 2018 Monitoring Report - that the main cause of the problems Balkan countries face today is the functioning of the democratic State institutions, and their governance.

The way Balkan institutions work, impacts the implementation of connectivity projects as well as the functioning of regional cooperation networks.

2018 Commission Progress Report calls it "state capture in Western Balkans".

That ineptitude of our democratic institutions to properly do their job is the most important shared factor that inhibits all three dynamics: connectivity, country reforms and Enlargement. And this is the starting point of ALBE: providing evidence-based, independent, information about the way our institutions work for reforms, connectivity or enlargement. The next step is to support the necessary change efforts to close this unusually long transitional process.

Our methodology is:

- based on shared challenges amongst Connectivity, Key Reforms, EU policy debates and Enlargement dynamics;
- focused on implementation, and includes the impact assessment;
- independent, evidence-based monitoring, carried on by the "experts" in each field;
- bottom-up approach as regards the: (i) identification of indicators; (ii) definition of priorities; (iii) monitoring; (iv) AND team-work and coordination;
- goes beyond identification and desk-based analysis into constructive approach - for each identified problem we propose measures / policy responses.

Today's event marks the official beginning:

- this event is a collective effort organized by ALL of us around the table;
- we decided that for each Key Priority, one highly reputable NGO will present its definition; the current situation; and recommendations for next steps;
- the goal is to create a common understanding of where the Albania stands, so that hopefully a positive dynamics, non-political !!, finally is engaged and supported by a knowledgeable and constructive Albanian civil society.

Monitoring Fiche prepared by:

*Erida Skendaj,
Albanian Helsinki Committee*



ALBANIAN HELSINKI COMMITTEE

Justice

DEFINITION OF THE KEY PRIORITY 'JUSTICE REFORM'

- Justice reform consists in adopting **constitutional amendments** and relevant laws, to **increase the independence** of the justice system, and **its liberation from corruption** and **ineptitude**
- It envisions a series of transitional measures aimed at clearing the current system from corrupt and incapable individuals through a **Vetting process**
- It is based in **7 pillars**, as: (i) Justice System under the Constitution; (ii) Judicial power; (iii) Criminal justice; (iv) Legal Education; (v) Legal services and free professions; (vi) Fight against corruption; (vii) Financing and Supporting System Infrastructure.
- Impact: The Justice Reform aims at increasing **independence**, **impartiality**, **accountability**, or **professionalism** and **competence**, and **restoring lost faith** of the citizen

ACHIEVEMENTS AND CHALLENGES AS OF FEBRUARY 2019

Two of the **main achievements** of Justice Reform are:

- Re-evaluation process (**vetting**) of nearly 100 judges and prosecutors has been carried out, where half of them are removed from the system at first instance
- Establishment of **new governance institutions of the justice system**, as high judicial council (HJC), high prosecutorial council (HPC) and justice appointment council

Two identified fundamental **problems**:

- The pace of the **vetting process** should be **more dynamic** and the **practice** of the vetting institutions should **be consolidated**, as sporadic cases of double standards have been observed
- **HJC** and the **HPC transparency** should be increased

HOMEWORK FOR ALBANIAN STAKEHOLDERS

- **Dialogue and political co-operation** must be **established** to ensure the **qualified majority** to address legal gaps in the law on the status of judges and prosecutors and the law on the governance of the justice system must be **filled ASAP**; it might bring about lack of functioning of newly created bodies
- These **vetting bodies** should be **proactive** in order to **inform** the citizens about the fate of their **denunciations** and transmit the proper trust to the citizens that any of their denunciations is assessed in the right way
- The **practice** of the **vetting bodies** should be **consolidated** further in order to avoid relevant claims of double standards in their jurisprudence
- Vacancies in the **Constitutional Court**, in **High Court** and **other courts and prosecution office** to be **addressed** in order to achieve in reality a meritocratic appointment of professional and high integrity persons. In this way the access to justice will be properly ensured.

Monitoring Fiche prepared by:

*Afrim Krasniqi,
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Elections

ELECTORAL REFORM / OTHER POLITICAL CRITERIA

Policy Criteria are **crucial** for stability and reforms

- Obligatory: **Dialogue**, **functioning** of the institutions and **ODIHR/OSCE recommendations** for the elections 2019+2021
- As of September 2018: - strong polarization + boycott of parliament
- 2019: “Burning” of MPs mandates \ boycott of local elections quite possible
- One-party parliament \ protest and fully-blown political crisis

Electoral reform?

- 2017-2018: consensual and positive (SP and DP)
- From October 2018: no consensus + no real reform
- OSCE/ODHIR recommendations – stand minimum chance in the current situation

ACHIEVEMENTS AND CHALLENGES AS OF FEBRUARY 2019

Consensus between SP and DP, to:

- Uphold the present electoral system
- Pilot new technologies in elections (2 or more zones)
- Improve the policies on gender quota
- Initiate amendments on electoral financing
- Make some changes through CEC (central election committee)

Disagreement between SP and DP:

- Vetting of politicians in 2019 and 2021
 - Voting from outside Albania in the 2021 elections
 - SP-DP duopoly over electoral administration
-

HOMEWORK FOR ALBANIAN POLITITIANS:

Priorities:

- Support investigations of SPAK against political corruption
- Reform the legislative basis on elections financing
- Conduct local elections / and if - with better standards
- Make a new law on political parties
- Change electoral system / making it more open and more competitive

Monitoring Fiche prepared by:

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ALBANIAN INSTITUTE
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Anticorruption

DEFINITION OF THE KEY PRIORITY 'FIGHT AGAINST CORRUPTION'

- To investigate, prosecute, and convict high-level officials
- To establish the specialized institutions (SPAC and NBI) to fight corruption
- To strengthening the role the high state audit (HSA)
- To improve public procurement, by increasing transparency
- To eradicate electoral corruption (Transparency of Political Party Financing)
- To ban by law un-solicited proposals for PPP.

ACHIEVEMENTS AND CHALLENGES AS OF FEBRUARY 2019

- No cases yet of any high level official in power prosecuted or sentenced for corruption: prosecution File no. 339 in process
 - Supreme State Audit: the Parliament and the President must elect a new Chair as soon as possible to avoid impact in the performance of Auditing
 - No control on the Integrity of Private Business that win Public Contracts (such as shell and offshore companies)
 - Ad Hoc Law(s) and Un-Solicited Proposals have been applied during 2018
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HOMEWORK FOR ALBANIAN STAKEHOLDERS

- Better assessment of the vulnerable areas/sector of high risk of corruption (SOE-s; PPP / Concessions; Public Contracting)
- Improve the role of NGO and Media (risk for control and censorship by Government)
- Approve the draft legal amendments on banning unsolicited PPP
- Parliamentary Control vs. Independent Institutions with a Role against Corruption is Poor, Ineffective

Monitoring Fiche prepared by:

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Fight against Organized Crime

KEY PRIORITY 4 – Fight against Organised Crime

- Increased prominence of Albanian organised crime with adverse implications for Albania and EU member countries
- Combating effectively organised crime, by: (i) ensuring solid track record of proactive investigations; (ii) prosecutions; and (iii) convictions
- Adoption of Albanian Guidelines on the Five Key Priorities (2014): on Fight against Organised Crime, there are (i) 3 main focus areas, (ii) 8 objectives, and (iii) 23 actions:
 - *Organizational capacities, coordination and reporting (2 objectives, 5 actions)*
 - *Establish a track record of investigation of crime (5 objectives, 14 actions)*
 - *Strengthening of international and local partnerships (1 objective, 4 actions)*
- o The document lacks specific indicators and targets to be achieved, particularly quantitative ones
- o No updated version of the Guidelines
- o Other than the information provided in the EU Reports, the government has not produced/published detailed reports on the results achieved through the implementation of the Guidelines

ACHIEVEMENTS AND CHALLENGES AS OF FEBRUARY 2019

Achievements

- Judicial Reform including the adoption of new legal and institutional framework to tackle organised crime
- A decrease by 81% in the amount of cannabis from Albania seized in Italy in 2018 as compared to 2017
- Increased number of arrests of individuals linked to organised crime and seizure of criminal assets

Problems

- Ref. 2018 Report: (i) **little progress in dismantling** criminal groups; (ii) low **final convictions in organised crime cases**; (iii) fight against **money laundering, criminal assets** and unjustified wealth need to increase;
- Notwithstanding law enforcement operations, organised criminal groups are proving resilient: Volume of the proceeds of crime generated by narcotics or human/prostitution trafficking and weapons remain high
- Albanian organised crime groups continued to expand
- No concerted approach to include prevention, prosecution and protection
- Adopted strategic and policy documents lack clarity of action. i.e. *The Inter-Sectorial Strategy on Fighting Organized Crime, Illegal Trafficking and Terrorism 2013-2020*

HOMEWORK FOR ALBANIAN STAKEHOLDERS

- The fight against organized crime should not be based only on **suppression** but on a comprehensive approach that combines **prevention** and **protection** also
- Clear and measurable **indicators** and targets should guide the institutional efforts
- In terms of the territorial scope, organized crime groups and networks operating in Albania and abroad should be treated as **indivisible** and operational capabilities and international cooperation *must be based* on this assumption.
- The reports produced in accordance with the Guidelines on the Five Key Priorities should be subject to **public discussion** and **independent assessments**
- International reports must be complemented with non-governmental sources and / or reports
- There should be a greater involvement of non governmental actors in the policy discussions and dialogue on organized crime

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