

THE EUROPEANISATION OF ALBANIA AND NORTH MACEDONIA:
A COMPARATIVE ANALYSIS OF THE PERIOD 2000-2019

GERI PILACA

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APPROVAL PAGE

Student Name & Surname: Geri Pilaca

Faculty: Faculty of Law and Social Sciences

Department: Department of Political Science and International Relations

Thesis Title: The Europeanisation of Albania and North Macedonia in: A comparative analysis of the period 2000-2019

Date of Defense: 22 December 2022

I certify that this final work satisfies all the requirements as a PhD Thesis for the degree of Doctor of Philosophy in Political Science and International Relations

Dr. Reina SHEHI ZENELAJ
Head of Department

This is to certify that I have read this final work and that in my opinion it is fully adequate, in scope and quality, as a PhD Thesis for the degree of Doctor of Philosophy in Political Science and International Relations

Assoc. Prof. Dr. Lisen BASHKURTI
Supervisor

Examination Committee Members

Title / Name & Surname	Affiliation	Signature
1- Prof. Dr. Gjergji SINANI	Kolegji Bedër	
2- Prof. Dr. Eralda ÇANI	UT	
2- Prof. Dr. Endri PAPAJORGJI	EPOKA University	
4- Assoc. Prof. Dr. Islam JUSUFI	Researcher, North Macedonia	
5- Assoc. Prof. David FELSEN	EPOKA University	

**THE EUROPEANISATION OF ALBANIA AND NORTH
MACEDONIA: A COMPARATIVE ANALYSIS OF THE PERIOD
2000-2019**

ABSTRACT

The main purpose of this thesis is to contribute to the field of Europeanisation and European Integration in the Western Balkan, as the potential region to join the European Union. For this purpose, Albania and North Macedonia were used as case studies to measure the progress of Europeanisation through the policy adaptation process in these two countries, from 2000 to 2019. Following this approach, the thesis has developed the main research question: 1) Has the Europeanisation regarding the policy adaptation been reached out on same levels in Albania and North Macedonia during the period 2000-2019? Consequently, the thesis developed the following hypothesis: 1) While Albania and North Macedonia are found at the same stage of the Accession process by the year 2019, it doesn't necessarily make the case for the both countries to have the same results regarding policy adaptation in the whole spectrum of the Accession criteria.

The thesis employs a comparative analysis based on the "Small-N" case-based approach, aiming to find the similarities and differences in 3 (three) indicators: 1) Political System; 2) Judiciary; and 3) Good neighbourly relations and regional cooperation. These indicators are assessed on their Europeanisation progression based on the "three-degree approach" of policy adoption (verbal, legal, and substantive) based on the work of Elbasani (2013). Through this research design, the thesis provides a new approach in the application of the Europeanisation literature in the context of the candidate countries and beyond. In particular, the use Elbasani's (2013) three-degree level of policy adoption measurement in

the practice on measuring the Europeanisation on concrete countries through the use of a comparative analysis.

The results of the analysis indicate that the Europeanisation of the policy adaptation process in Albania and North Macedonia has been tumultuous and at approximate levels of difficulty but retaining particular differences. In the political system, the most distinctive differences are reflected by their political composition and political maturity. In the Judiciary, the most distinctive differences are reflected by the extension of reforms in this sector and the efficiency of the system. Lastly, in the Good neighbourly relations and regional cooperation, the most distinctive differences are reflected by the bilateral relations established with the neighbours.

Overall, both countries have shown to progress over the years, by addressing several issues, however, considering that North Macedonia has resulted to reach out the EU accession milestones quicker than Albania, and in parallel also the Europeanisation in two of the three variables, it may indicate that it will move at the similar pace even during the accession negotiations phase but taking into consideration that the solving of the issue with Bulgaria will play a role prior to the signing of the accession Treaty.

In conclusion, the results serve as reference points that can be useful to predict the dynamics regarding the said indicators of the Europeanisation of these two countries. However, the approach taken for the comparative analysis cannot be considered as the sole model to assess Europeanisation.

Keywords: Europeanisation, Accession, Albania, North Macedonia

EVROPEANIZIMI I SHQIPËRISË DHE MAQEDONISË SË VERIUT: NJË ANALIZË KRAHASIMORE E PERIUDHËS 2000-2019

ABSTRAKT

Qëllimi kryesor i kësaj teze është të kontribuojë në fushën e Evropianizimit dhe Integrimit Evropian në rajonin e Ballkanit Perëndimor, si rajoni potencial për t'u anëtarësuar në Bashkimin Evropian. Për këtë qëllim, Shqipëria dhe Maqedonia e Veriut u përdorën si raste studimore për të matur progresin e Evropianizimit nëpërmjet procesit të përshtatjes së politikave në këto dy vende, nga viti 2000 deri në vitin 2019. Duke ndjekur këtë qasje, teza ka zhvilluar pyetjen kërkimore kryesore: 1) A është arritur Evropianizimi sa i përket përshtatjes së politikave në të njëjtin nivel nga Shqipëria dhe Maqedonia e Veriut gjatë periudhës 2000-2019? Rrjedhimisht, teza zhvilloi hipotezën e mëposhtme: 1) Ndërsa deri në vitin 2019, Shqipëria dhe Maqedonia e Veriut u gjenden në të njëjtën fazë të procesit të anëtarësimit, jo domosdoshmërisht përbën rastin që të dy vendet kanë dhënë të njëjtat rezultate në lidhje me përshtatjen e politikave në të gjithë spektrin e kriterëve të anëtarësimit.

Teza përdor një analizë krahasimore bazuar në qasjen “Small-N” rastësore me qëllim gjetjen e të përbashkëtave dhe ndryshimeve. Për të kryer një analizë të tillë, teza është përqendruar në 3 (tre) tregues: 1) Sistemi politik; 2) Gjyqësori; dhe 3) Marrëdhëniet e mira fqinjësore dhe bashkëpunimi rajonal. Këta tregues vlerësohen në ecurinë e evropianizimit të tyre bazuar në “qasjen me tre shkallë” të miratimit të politikave (verbale, ligjore dhe përmbajtësore). Nëpërmjet këtij modeli kërkimor, teza paraqet një qasje të re në aplikimin e literaturës së evropianizimit në kontekstin e vendeve kandidate dhe më gjerë. Në veçanti, përdorimi i matjes së miratimit të politikave të Elbasanit (2013) me tre shkallë në praktikën

e matjes së evropianizimit në vende konkrete nëpërmjet përdorimit të një analize krahasuesimore.

Rezultatet e analizës tregojnë se Europianizimi i procesit të përshtatjes së politikave në Shqipëri dhe Maqedoninë e Veriut ka qenë i trazuar dhe në nivele të përafërta vështirësie, por duke mbajtur diferenca të veçanta. Në sistemin politik, ndryshimet më dalluese reflektohen nga përbërja e tyre politike dhe pjekuria politike. Në Gjyqësor, ndryshimet më dalluese pasqyrohen nga zgjerimi i reformave në këtë sektor dhe efikasiteti i sistemit. Së fundmi, në marrëdhëniet e fqinjësisë së mirë dhe bashkëpunimit rajonal, ndryshimet më të dallueshme pasqyrohen nga marrëdhëniet dypalëshe të vendosura me fqinjët.

Në përgjithësi, të dy vendet kanë treguar progres gjatë viteve, duke adresuar disa çështje, megjithatë, duke pasur parasysh se Maqedonia e Veriut ka rezultuar në arritjen e etapave historike të anëtarësimit në BE më shpejt se Shqipëria, dhe paralelisht edhe evropianizimi në dy nga tre variablat, mund të tregojë se do të ecë me të njëjtin ritëm edhe gjatë fazës së negociatave të anëtarësimit, por duke pasur parasysh se zgjidhja e çështjes me Bullgarinë do të luajë një rol përpara nënshkrimit të Traktatit të anëtarësimit.

Në përfundim, rezultatet shërbejnë si pika referimi që mund të jenë të dobishme për të bërë parashikime mbi dinamikën në lidhje me treguesit e përmendur të Europianizimit të këtyre dy vendeve. Sidoqoftë, qasja e marrë për analizën krahasuese nuk mund të konsiderohet si modeli i vetëm për të vlerësuar Europianizimin.

Fjalët Kyçe: Europianizimi, Anëtarësimi, Shqipëria, Maqedonia e Veriut

DEDICATION

I would like to dedicate this thesis firstly to my beloved family, my mother, my father, and my sister, who have supported me and provided their unconditional love through the entire writing process. Without them, I wouldn't have achieved the things that I have so far and wouldn't have become the man that I am today and the one that I strive to become. I am also thankful to my closest friends who have always believed in me and encouraged me to keep on carrying on.

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DECLARATION

I hereby declare that this Ph.D. thesis, titled “The Europeanisation of Albania and North Macedonia: A comparative analysis of the period 2000-2019”, is based on my original work except for quotations and citations which have been duly acknowledged. I also declare that this thesis has not been previously or concurrently submitted for the award of any degree, at Epoka University, or any other university or institution.

Geri Pilaca

January 2023

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LIST OF ABBREVIATIONS

AJP	Academy of Judges and Public Prosecutors
CEE	Central and Eastern Europe
CEFTA	Central European Free Trade Agreement
COP	Council of Prosecutors
DP	Democratic Party
DPA	Democratic Party of Albanians
DSL	Digital Subscriber Line
DUI	Democratic Union for Integration
EC	European Commission
EU	European Union
EUFOR	European Union Force Bosnia and Herzegovina
FDI	Foreign Direct Investment
FTA	Free Trade Agreement
FYROM	Former Yugoslav Republic of Macedonia
FRY	Former Republic of Yugoslavia
GDP	Gross Domestic Product
GPO	General Prosecution Office
HCJ	High Council of Justice

ICJ	International Court of Justice
ICTY	International Criminal Tribunal for the Former Yugoslavia
IPARD	Instrument of Pre-Accession for Rural Development
ISIS	Islamic State of Iraq and Syria
IT	Information Technology
JC	Judicial Council
KLA	Kosovo Liberation Army
MP	Member of Parliament
MoU	Memorandum of Understanding
MSSD	Most Similar System Design
NATO	North Atlantic Treaty Organisation
NLA	National Liberation Army
OECD	Organisation for Economic Co-operation and Development
OSCE	Organization for Security and Co-operation in Europe
PISA	Programme for International Student Assessment
PPA	People's Party of Albania
PPP	Public-Private Partnership
PM	Prime Minister
PHARE	Poland and Hungary: Assistance for Restructuring their Economies
RCC	Regional Cooperation Council
R&D	Research and Development
SAA	Stabilization and Association Agreement
SAP	Stabilisation and Association Process
SDSM	Social Democratic Union

SME	Small and Medium-sized Enterprises
SMI	Socialist Movement for Integration
SOM	School of Magistrates
SP	Socialist Party
TAP	Trans Adriatic Pipeline
TV	Television
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNMIK	United Nations Mission in Kosovo
US	United States
USSR	Union of Soviet Socialist Republics
VMRO-DPMNE	Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity
WB	Western Balkans
WTO	World Trade Organization
WWII	World War II

CHAPTER 1

INTRODUCTION

The history of European integration is marked by great achievements such as the safekeeping of peace and stability, enhancement of cooperation among the countries of the continent, and the freedom of movement and goods. Over time, the integration process became more scrutinizing by adding criteria of membership that would serve as a tool for the change of the aspiring countries. Such a process that would be labeled “Europeanisation” became more evident in the Central and Eastern European countries which had broken from the communist regime.

The Copenhagen Criteria imposed in 1993 served as the baseline for the Europeanisation of CEE which showed readiness and will to quickly adopt the EU rules and standards. Moreover, the process of integration was seen as a key factor in guaranteeing a stable democratic regime in these countries. In the end, these countries successfully managed to become full members of the European Union, and such a case was initially seen as a success story for the enlargement strategy of the EU and its "Conditionality" scheme.

However, it was seen that within a region such as the Western Balkans, the process of integration and Europeanisation has experienced a different approach. In contrast to the CEE countries, the EU would consider the enlargement with the Western Balkans countries only by the late 20th and early 21st century. Throughout the '90s, the EU did not have a certain specific development or cooperation policy for the Western Balkans, notwithstanding an enlargement policy. Also, the EU was focused more on assisting in reconstruction and recovery, like in the case of the post-Balkan war or in the case of the 1997 crisis in Albania, rather than on fostering policy changes (Jano, 2010).

The only considerable agreements which were launched by the EU towards the Western Balkans were the PHARE and OBNOVA programs. Even though the PHARE was also established in the rest of the CEE, it had different goals compared to the ones that were present in the Western Balkans. While the PHARE program in the CEE had the institutional built up as its main goal, which would serve to the reaching of the enlargement criteria, in the Western Balkans it was used for humanitarian purposes. After the war in Bosnia, the EU engaged more of an inclusive policy toward the Balkans, and thus, it was possible to establish the regional approach policy which would bring the countries of the region much closer, by establishing certain partnerships. One of the examples was the Raymond process, which would promote and support civil society and the various multilateral dialogues between journalists, experts, different organizations, and parliaments (Tatham, 2009; Jano, 2010).

However, this cooperation remained at the level of the bilateral agreements, aiming more in providing post-conflict assistance rather than conflict prevention policies. This was because the concrete and inclusive enlargement policy were still missing. Moreover, the regional approach wasn't quite tangible with the situation in the Balkans as not all the countries were the same in terms of economic development. Some countries were more advanced but still, they would be treated equally with the rest of the region, and thus they would be forced to undergo the same enlargement process that is not based on individual assessment, but rather on a collective one (Jano, 2010).

Having considered the probable failure and the defects in the regional approach policy, the EU decided to elaborate on a different approach that would put the enlargement towards the Balkans on their agenda. Therefore, the EU would introduce a Stability Pact for South-Eastern Europe at a meeting in Cologne in 1999, which would not only include cooperation and stability policies but also include sustainable development policies toward European enlargement (The Council of the European Union, 1999). Using the CEE region as an example, where the enlargement agenda served as an engine for the country's state-building and democratization, the EU assumed it would replicate the same scenario with the Balkan countries.

The enlargement strategy then developed into the Stabilization Association Agreement (SAA) adopted at the Zagreb Summit. Such an agreement will act as a reform driver and train the Western Balkan countries for membership (Tatham, 2009). The Zagreb Summit

was followed by the Thessaloniki Summit, which reshaped the SAA by channeling its priorities into each country, with specific policies and requirements to be met (The Council of the European Union, 2003). The new policies introduced by the SAA offered Western Balkan countries the opportunity to gain candidate status based on the Copenhagen criteria when they met certain periodic requirements (Jano, 2010).

From then on, European integration became the main political agenda as it was considered the only course that they would take for their future. The promise of a future membership into the EU was sold to these countries as an opportunity for prosperity and equality among the other European nations and also as a redefinition of neighbour relations. Also, considering the positive experience with the CEE region, the Western Balkans countries were optimistic that they would experience the same success.

Moreover, through the financial assistance provided by the EU, it was managed to provide good results in these countries compared to the early '90s. It was made possible to stabilize the region by not only setting the Accession as a common political goal but also by enhancing the neighbourhood relations. Besides, infrastructure and the public administration experienced an evident improvement, and also bilateral trade agreements among the surrounding countries were completed. The same goes for the legal framework which is much closer to being in line with the EU legal principles than before (Dinan, 2004).

However, the accession requirements would become tougher after Romania and Bulgaria joined the EU back in 2008. The membership of these two countries was faced with criticism as in fact they had carried out issues regarding corruption, economy, and democracy. Nevertheless, it is assumed that the decision to accept them was primarily for strategic reasons as it was important for the EU to extend its borders to the Black Sea. Regardless of that, the weak performance provided by Bulgaria and Romania encouraged the EU to make the rules of procedure more difficult for the Western Balkans countries (Balfour & Stratulat, 2011).

Nevertheless, the attention on the enlargement towards the region was redirected towards the global financial crisis that hit in 2008 and the Syrian refugee crisis in 2011. These two events had the EU waste its financial resources and energies on stabilizing debt in the most highly affected member states such as Greece and managing the influx of Syrian refugees fleeing from the warzone. Sooner, the Syrian crisis turned also into a security issue as ISIS

became active in Europe during that time by also infiltrating the people that arrived in Europe as refugees (Stockemer et. al, 2019). In light of such a situation, the populist parties in most of the EU member states rose in popularity criticizing the Brussels government and demanding their countries exit from such Union (Algan et. al, 2017). Consequently, the matter of enlargement became not a priority and little or no space was provided in the high table discussions in Brussels.

Amid such a situation, the enlargement process towards the Western Balkans would continue but with very little progress. Croatia was one of the first countries in the region to sign the Stabilization and Association Agreement but its process of accession was long and relatively complicated. Like the rest of the Western Balkans countries, Croatia had border issues with its surrounding neighbors, one of which was Slovenia which became a member state in 2004. Due to the territorial dispute with Slovenia, Croatia's EU negotiations were postponed as the former would use its veto power in the Council. Another factor that dragged the process was the issue of the war criminals during the Balkan wars in the early '90s which Croatia had to cooperate with the International Criminal Tribunal for the Former Yugoslavia, or the EU threatened to not continue with the negotiations (Šeperić, 2011).

Serbia's accession journey is not and has not been quite easy considering its ambiguous relationship with the EU and the complicated situation with Kosovo. Being the country, which has suffered the most from the western forces' interventions during the late 90's it was accompanied by distrust and low support for the UN, NATO, and EU as well. Despite having established normalized relations with the EU in 2004 and having made progress in its accession process, Serbia has always been followed by severe issues both domestic such as rule of law, corruption, and democracy, its low efforts to cooperate with the ICTY, and the Kosovo issue. There would be an improvement in the situation in 2011 when the process of normalization between Serbia and Kosovo would start with the help of the EU (Economides & Ker-Lindsay, 2015). In 2012, the candidate status was granted and a year later, the accession negotiations were opened, and phew progress was made since (Simić, 2019).

Kosovo is the youngest country in the Western Balkans to declare its independence back in 2008 with the prospect of future membership. In 2016, Kosovo signed the SAA and aspired to gain visa liberalization upon the fulfillment of certain conditions imposed.

However, despite the EC's positive assessment in the 2019 report, the Council didn't approve the movement of Kosovo citizens within the Schengen area (Manu & Elbasani, 2019). However, the lack of recognition from Serbia and the 5 EU member states has complicated the situation and is a major obstacle to Kosovo's accession, together with the internal issues that the country is facing.

Bosnia & Hercegovina as well are entrapped in a difficult situation, still suffering the aftermath of the war that broke in the late '90s and the ethnic tensions inside and with the surrounding countries. Its difficulty to come out with a unifying policymaking model for the state apparatus due to the political and ethnical divisions among Croats, Serbs and Bosnians had provided weak performance in the accession process which is reflected in the inability to gain the candidate status up until 2019 (European Commission, 2019).

On the other hand, Montenegro has had a steadier and better performance compared to the other five western Balkans lately. Being a young state, gaining independence from Serbia in 2006, the small country is seen in the eyes of Brussels as the only country in the region which has the highest chances of reaching EU accession by 2025 (European Commission, 2018). Its economic growth and lack of territorial and ethnic disputes with the neighbouring countries have contributed to such a process, but it should be mentioned that issues such as corruption, organized crime, and questionable democracy remain to be addressed.

However, the highlight of the last two years was the accession of Albania and North Macedonia which were placed at the center of the debate in Brussels. The two countries have come a long way since the establishment of their first relations with the EU. Nevertheless, during their European course, several issues have been immersed which have showcased that in fact, the road to membership is more complicated than it would have seemed.

Coming out from one of the harshest dictatorships and full isolation from the world, Albania directly embraced the European perspective when its people chanted for the first time in the early 90s “we want Albania to become like Europe”. Such pro-Europeanism was manifested in the political area as well where all the major players in the game, regardless of being left-wing or right-wing, had European accession as the end game for their vision. The strong support for EU integration has remained high, even higher than the

rest of the Western Balkans countries, striking a 93% of the Albanians being in favor of such a process (van Gerven Oei, 2019).

On the other hand, Albania has and still is experiencing high difficulty in trying to Europeanize itself and reach closer steps towards EU Accession. Although the country has received financial and technical aid from the EU yearly, it has always shown a low performance in providing a working and strong state. From a macro perspective, the presence of the EU in Albania from the '90s and on, as the representative of the western world and model of development should have changed the country already.

The integration process is quite gradual and thus, it is required for each country to fulfill the expected goals to sign the respective agreements which would bring them closer to the EU. In this sense, timing is an indicator of a country's performance in reforming its domestic features and progressing with criteria fulfillment. In the case of Albania, the performance was quite bumpy as it was not only accompanied by a delay in time but also got carried away by various domestic setbacks. In all the history of EU-Albania relations, there can be found 3 important events which, despite being considered the milestones of the country's European integration, have been established under high difficulties.

Firstly, it is the event of the Stabilization and Association Agreement (SAA), whose negotiations were decided to be opened by the European Commission on June 7th, 2001 (Bogdani & Loughlin, 2007). Despite the importance of this agreement in sealing the irreversible process of Albania's integration into the European Union by reinforcing bilateral cooperation, the SAA ratification would only occur in 2009 (Stabilization and Association Agreement, 2009).

Secondly, Albania managed to show progress in the accession process by obtaining Visa Liberalization in 2010 (Council of the European Union, 2010). This agreement did have a direct impact on the society as the Albanian citizens weren't required any longer to follow the bureaucratic procedures in the embassies of the respective European countries of destination that were part of the Schengen area. The visa liberalization provided Albanian citizens the right to travel without visas in the countries that have signed the Schengen agreement for 90 days.

Thirdly, the establishment of the Visa Liberalization was the last achievement of the Democrat government as in the 2013 elections the Socialist Party came into power. What follows is that a year after its governance, the Socialist government managed to convince

the EU to grant Albania Candidate status (European Commission, 2014a). The candidate status was granted after years of denial by the EU since the country had quite a serious problem in not only eliminating a criminal cell, that was deliberately trafficking marijuana under the control of some organized criminals, but also it had problems with the public administration.

Lastly, Albania has been one step closer to opening the accession talks with the EU as the EC has stated in two consecutive reports, namely in 2018 and 2019, that the country is ready for the next stage. The talks would be opened upon Albania's progress on five key priority areas: the establishment of an independent and depoliticized public administration, strengthening of the judicial bodies, fight against corruption, fight against organized crime, and the protection of human rights (European Commission, 2019a). Out of these priorities, the state of the judicial system as well as the fight against organized crime were received by countries such as France and Netherlands with skepticism and highlighted that more serious efforts needed to be taken (Exit. al, 2019).

On the other hand, North Macedonia has had more of a faster pace regarding the accession process. The country, despite having only a small history of statehood and intra-ethnic tensions managed to sign the Stabilization-Association Agreement, being the first from the western Balkans to ever sign and enter into force such an agreement, in the year 2001 and 2004 respectively, despite having serious issues with the rule of law, political stability, economy, and security (Secretariat for European Affairs). A major push factor to the signing of the SAA was the need for a solution for the uprisings from the Albanian ethnic minority that occurred in early 2001.

SAA had a large effect on the countries' constitution which was changed thereafter to be more in line with the EU norms and standards, as well as respecting certain values. Besides, such an agreement was seen also as an act of good relations with its neighbors and particularly with Greece with which it had a dispute over its name.

The improved relations continued as well in 2003 when Greece was holding the Presidency of the Council which culminated with the Thessaloniki Summit of that year. The summit was important as it provided real efforts in normalizing the relations between the two countries such as the signing of an Interim Accord (Council of the European Union, 2003). Nevertheless, this didn't resolve the name dispute to which Greece was keen on not letting

go and such a stance would turn into an obstacle for North Macedonia's EU path in the following years.

In 2005, North Macedonia was capable of gaining candidate status (European Commission, 2006b), and in 2009, the European Commission has recommended to the European Council the opening of the accession talks (European Commission, 2009). However, the relationship between North Macedonia and its surrounding neighbors, namely Greece, and to a lesser extent Bulgaria, turned up to be a major obstacle. Since 2009, Greece has used its veto power in the Council to block the opening of the accession talks with the country due to the “name dispute” (Tziampiris, 2012).

Such a dispute has shaped the country's progress towards EU accession as it has created quite tense situations. Regardless of the many attempts from international actors such as the United Nations to normalize the situation, both the countries were radically positioned and hadn't shown any sign of readiness to solve the situation. Consequently, Greece has behaved negatively regarding the accession process of North Macedonia. On the other, the situation in North Macedonia had begun to deteriorate as problems in the rule of law and democracy had arisen.

The highlight of such issues was the wiretap scandal in 2015, during the Gruevski government, in which it pushed the opposition party SDSM headed by Zaev to boycott the parliament and engage in protests demanding the resignation of the prime minister (Georgievski, 2015). Such political turmoil was solved through the “Przino agreement” later that year (Marusic, 2015), which paved the way for the holding of early elections and the arrival of the opposition into power which proclaimed further integration of the country into the EU. Also, the Zaev government put real effort into improving as well the relationship with the ethnic Albanian minority from whom he got the support to rise into power.

Recently, North Macedonia undertook a radical change in its relationship with Greece by reaching the “Prespa agreement” in 2018. As part of the agreement, the “Former Yugoslav Republic of Macedonia” would change its name to the “Republic of North Macedonia”, which was accepted as well by a referendum held in the two countries. With this agreement, Greece withdrew the threats of using the veto in the Council and from then on, the path towards the opening of the accession talks for North Macedonia was cleared in this regard (European Commission, 2019b).

However, the Council's decision to not open the accession talks with any of the countries due to France's blockage and other countries has undermined North Macedonia's efforts. Such an agreement came with a heavy price and was important to guarantee further stability and the European future. Considering that, the Agreement turned into a political boomerang for North Macedonia which would go into early elections by 2020, as PM Zaev had stated in case of a negative decision from the EU Council in 2019 (Marusic, 2019).

Nevertheless, the latest decision of the European Council to not open the accession talks with these countries despite the latter having provided satisfying results in their undertakings has put into question the will of the member states to carry out the enlargement process. On the other hand, the failure of the EU member states to reach a consensus regarding the accession talks has as well showcased that the two countries are seen differently despite them being treated similarly (Rankin, 2019).

The reason why these countries, which are found in the same position, are perceived in different ways by the EU and especially its member states can be found in their performance regarding their Europeanisation process. As the existing literature in the field of Europeanisation provides so, the adaptation of the EU policies is one of the main processes in this regard (Börzel and Risse 2000; Radaelli 2003), and it is no surprise that it is put at the core of one of EU core monitoring documents, such as the annual country reports. It is within the context of such a process that the following question arises:

Has the Europeanisation regarding the policy adaptation been reached out on same levels in Albania and North Macedonia during the period 2000-2019?

In reference to the above research question, the following hypothesis is provided:

While Albania and North Macedonia are found at the same stage of the Accession process by the year 2019, it doesn't necessarily make the case for the both countries to have the same results regarding policy adaptation in the whole spectrum of the Accession criteria.

To provide a concise and accurate answer to the question and hypothesis, I conduct a comparative analysis by utilizing performance indicators that primarily originate from the Copenhagen criteria. For the analysis, three comparative indicators are selected: 1) Political System; 2) Judiciary; and 3) Good neighbourly relations and regional cooperation. The selected period for the analysis is from the year 2000 up until 2019, considering that the most important events regarding the integration process have occurred in this particular

time frame and also because Europeanisation initiated following the launching of the Stabilization and Association Process in 1999. Moreover, the predominant theoretical paradigm used is Europeanisation, which provides for the conceptualization of these two countries' integration processes as well as critically analyzes the capabilities of the two countries to adopt the EU policies and models.

CHAPTER 2

LITERATURE REVIEW

The Europeanisation process has taken the attention of scholars in the recent decade due to its importance that plays out in the countries in which is present but also its effect on a regional and EU scale. Although at first, the literature considered Europeanisation as a process that is only entailed to the EU member countries, it has embraced the concept that it lays over to the prospective candidate countries as well. However, it should not be interchanged or confused with the European Integration literature as they represent two distinctive levels of analysis without disregarding the connection with one another.

2.1 Literature on Europeanisation

One of the main pieces of literature of reference in the discourse of Europeanisation and integration is probably Featherstone's and Radaelli's book. Such a book is not only a unitary analysis of the two authors but is also a collection of working essays related to the matter of the European integration process. Each essay chapter provides a conceptual framework on how the process of Europeanisation works as well as its main factors. Despite the variation of the authors, it's the work of Radaelli, Featherstone, Börzel & Risse, and Grabbe which provided more concrete conceptualizations regarding the Europeanisation mechanisms and whose work is necessary to be reviewed.

Defining Europeanisation is quite complex work as in fact it is not only a concept but also a process, or better, a set of practices that make European Integration a reality. As Featherstone claims, Europeanisation has been applied in 4 general categories: historical process, cultural diffusion, institutional adaptation, the adaptation of policy, and policy processes (Featherstone, 2003).

- *Historical process.* According to Featherstone, Europeanisation did not have the same conceptualization as in fact it had evolved in time. In one of its interpretations in modern history, Europeanisation was often seen as the exportation of the European set of rules and authority, as well as its institutions, values, and beliefs.
- *Cultural diffusion.* The practice of Europeanisation in such terms relates to the realization of identity, cultural norms, and behavior diffusion within the European countries throughout a cross-national process. However, cultural diffusion tends to be often a complex process as it had been present in many aspects such for instance in the field of education or even in the matter of citizenship.
- *Institutional adaptation.* This form of Europeanisation practice remains one of the most important and effective ones as it bases the adoption of the EU institutional model on top-down pressure.
- *Policy adaptation.* The process by which, a country changes its domestic policies due to its binding with the EU regulations. Consequently, the domestic policies of the country became ambivalent.

Radaelli's definition served as a point of reference for Featherstone who provided quite a broad analysis of the patterns of Europeanisation which consisted of the historical process, cultural diffusion, institutional adaptation, policy adaptation, and policy processes (Radaelli, 2003). With his analysis, Featherstone wanted to explain how the nature of Europeanisation could shift away from the regular patterns and endeavoring processes such as policy transfer from a certain EU country to a non-EU country. Such an analytical framework pushed Radaelli into conducting a similar analytical pattern with the exception that his focus is more concentrated on the domestic policy change as a process inflicted by the EU. From then on, he sets up an analytical scheme for measuring and determining what are the mechanisms of Europeanisation and what sorts of directions such mechanisms take throughout the process. As Europeanisation is a sort of concept which varies and assumes

certain values it is necessary to channel them into one working framework. Therefore, Radaelli managed to create a taxinometry of these various conceptualizations to provide a much more specific organizational typo of Europeanisation and integration by putting it into 3 main domains: Domestic structures, Public policy, Cognitive and normative structures. After clarifying the modules of Europeanisation, the question is that what happens next or how do countries will react to the absorption procedure? In broad terms, Radaelli claims to be 4 possible results: Retrenchment, Inertia, Absorption, and Transformation (Radaelli, 2003).

While on the other hand, Börzel and Risse provide a different approach from Radaelli and Featherstone as they concentrate more on the domestic level and the variables which undermine the conditions of the policy and institutional adoption. The process of policy adoption would be framed within the adaptation pressure inflicted upon the state by the EU which is pinpointed by the level of the misfit. The “misfit” has a direct effect on pressurizing and generating a domestic change within the framework of EU integration. Moreover, Börzel and Risse (2000) discuss the three possible outcomes of the adaptation pressure (Adaptation, Adoption, and Transformation) as well as their difference.

Despite Börzel & Risses’s work on the adaptation pressure, as well as Radaelli’s mechanisms of Europeanisation, it was Grabbe (2003) who wanted to put the concept in the context of the enlargement. She claims that the previous sets of analyses in regards to the Europeanisation process can hold even when it is about the candidate countries. Thus, Grabbe provides a much more concrete approach to how the EU fosters Europeanisation in countries that aspire the membership by emphasizing the procedural and behavioral patterns that are followed throughout the enlargement process. As a point of reference, she takes the example of the CEE and how the policy adoption in these countries has been conducted within the lines of the Europeanisation mechanisms and outcomes provided by the previous authors (Grabbe, 2003).

Regardless of the above, Europeanisation as a process was crystalized and narrowly framed within the bargaining process paradigm between the EU and the CEE. Schimmelfennig and Sedelmeier (2004) claim that the bargaining process in this context occurs between actors which aim for the fulfillment of their interests. In this case, the EU aims the impose the conditionality upon the countries to reach out for the required standards while the latter is obliged to abide by such terms. However, as Schimmelfennig

and Sedelmeier (2004) claimed, this is essentially a “stick and carrot” situation, and thus, the pressure applied and the promising rewards will eventually push forward Europeanisation. Such a process was otherwise coined by the authors as the “External Incentives Model” (Schimmelfennig and Sedelmeier, 2004).

In the upcoming years, it was seen that Europeanisation is a plausible process even for other parts of Europe, in particular the region of the Balkans which itself has aspired for a prospect accession into the EU. In this regard, Anastasakis (2005) claims that the process of Europeanisation is similar to the one of the CEE countries. However, the only distinct difference is that the countries of the Balkan peninsula are in a much-disadvantaged position as opposed to the Europeanisation process, considering that such process is based on the principle of abiding by the transformative means of the EU which in essence are unnegotiable and patronizing (Anastasakis, 2005).

The recognition of Europeanisation as a process that extends beyond the scope of the EU member states and the CEE was later embraced even by scholars of early studies of such literature. Grabbe (2006), in a later work, acknowledges that Europeanisation has been found to occur not only in the context of the Member States but also in the candidate countries as well. Moreover, here Grabbe (2006) provides the grounds for differentiating Europeanisation from EU Enlargement as the former serves the latter, and thus, concepts and pieces of literature must not be interchanged.

Later on, these Europeanisation concepts and mechanisms have been ultimately applied in the Albanian case by various scholars. One of the most competent works in this regard was provided by Elbasani (2013), who has put the issue of integration and Europeanisation into a critical discourse regarding the top-down policies that the EU is imposing on the countries and also regarding the role of the domestic actors in executing the Copenhagen criteria. She argues that the EU’s conditionality should not be overestimated when it comes to the Europeanisation process and that the domestic factors are more determining in this sense. Therefore, she claims that the strength of the state can determine the integration of a country. Moreover, Elbasani claims that there are three degrees in adopting the EU regulations: verbal, legal, and substantive degree (Elbasani, 2013). The verbal adoption relates to the endorsement or acceptance of the EU regulations by the domestic actors. On the other hand, legal adoption is referred to the regulation of domestic legislation following

the EU regulations. Lastly, the substantive degree is the final level of adoption in which the EU regulations are to be fully implemented (Elbasani, 2013).

Klodiana Beshku and Orinda Malltezi (2013) tried to provide a much more complex approach to the Europeanisation process by attaching it to the transitology concept. The authors implemented the transitology paradigm to explain the democratization process which sets forth the European Integration. Beshku and Malltezi (2013) argue that the process of democratization doesn't often go on a parallel way with the implementation of the EU regulations as in fact although the countries in the Western Balkans put democratization on top of their top agenda it did fail in fully implementing the given regulations.

A closer look at the behavior of the political class and their role in the integration process was well explained by Peshkopia (2015), which, through a comparative analysis that he conducted between Albania and Macedonia, pointed out that political actions concerning the country's progress derive out of pure rationality. The results that he provided showed that the behavior of the domestic political class towards the undertaking of the reforms which were under the umbrella of the EU conditionality varied whether such reforms would benefit them or not. In cases when particular reforms are seen to go against the personal interests of the politicians, the latter would become hesitant or would try to stall the process while the opposite would occur if the reforms would be in their favor (Peshkopia, 2015).

Lastly, the Europeanisation, by the end of 2019, has made it possible to provide much more visibility to its course with the Western Balkan countries, which has not been as effective as it was hoped to be. Florian Bieber identified some macro and micro factors that have impacted the progression of Europeanisation. At first, he claimed that during the time, the conditionality of the countries grow stronger as demands and requirements would be added to the experiences that the EU gained from former members such as the CEE or Croatia recently in 2013. Secondly, he listed the weak statehood accompanied by issues with rule of law as highly determinant which are considered to be legacies of the past, primarily of their former communist regimes. Thirdly, the recurrence of authoritarian leadership disregards the rule of law and the institutions which pose a threat to democracy and fundamental rights in their own countries (Bieber, 2019).

The above assessment of the current situation of Europeanisation finds also grounds in the assessment of the previous models such as the “External Incentives Model” (EIM). Recurring such a concept, Schimmelfennig and Sedelmeier (2019) claim that the reward that the EU holds for the South-East European countries [membership] is the same as the ones for the CEE. However, the credibility in the SEE countries regarding the process is significantly lower compared to the CEE this is attributed to the level of development that the former group of countries has. Moreover, Schimmelfennig and Sedelmeier (2019) acknowledge that the credibility aspect of the function of the EIM suffers from time inconsistency as the reward will come only once all the conditions are fulfilled. In this context, the reward becomes a distant premise which over time it is put into question whether it will eventually be seen (Schimmelfennig and Sedelmeier, 2019)

2.2 Europeanisation and the European Integration

In the literature of European Studies, Europeanisation and European Integration are treated as two separate levels of analysis, but nevertheless, they retain a connection with one another.

As Ladrech (2014, p.15) has explained, Europeanisation “is a process of domestic change in which the EU is wholly or partially involved”, while European Integration is the process of entering and impacting the existing structure of the EU. Such distinction, as Ladrech (2014) recalls, was made as well by Radaelli (2000) (Radaelli, 2000) who claimed that Europeanisation is a process that depicts the effects that the EU produces once in place while the European Integration or Political Integration depicts the process of pooling the countries’ sovereignty.

If it is to refer to the literature on the European Integration theories, it can be seen that the focus centers around the impact of the Member States on the transformation of the structure and philosophy of the European Union. Starting from ideas of Neo-functionalism (Haas 1958; Schmitter, 2004), continuing with Intergovernmentalism (Milward, 1992; Moravcsik, 1998; Moravcsik & Schimmelfennig, 2009), Post-Functionalism (Lipset & Rokkan, 1967; Marks, 2012) and Multi-level governance (Marks, Hooge & Blank, 1996) and ending with Constructivism (Deutsch et al. 1957; Adler, 1997; Adler & Barnett, 1998;

Christiansen, Jorgensen & Wiener, 2001; Risse, 2004; Schimmelfennig & Sedelmeier, 2005), the European Integration process as placed the role of the States at the center of the attention.

However, as Murray (2009) and Ladrech (2014) claim, the theories of European Integration have not taken into consideration the role that Europeanisation has played in the EU. In eventuality, Europeanisation plays a role not only in the relationship between the EU and the Member State but also in the effect that a Member State has on the EU dynamics (Murray, 2009).

CHAPTER 3

METHODOLOGY

As was provided in the previous chapter, Europeanisation occurs through four processes: Historical process, Cultural diffusion, Institutional adaptation, and Policy adaptation (Featherstone, 2003). Considering that the policy adaptation process is more regarded by other scholars of Europeanisation (Börzel and Risse 2000; Radaelli 2003), it is then used for the purpose of this study. Concretely this study conducts a comparative analysis by taking Albania and North Macedonia as units of analysis.

The comparative method used is a “Small-N” case-oriented analysis, as the study involves two countries as a unit of analysis taken in a given context and time period. According to Lijphart (1971), such an approach is valuable as it provides for a structured analysis of the cases selected. While according to Ragin (1987), this approach provides for the analysis of a common historical process or outcomes for limited cases. In this regard, the comparative approach for the two cases selected highlights the elements of similarity and difference regarding the Europeanisation process of policy adaptation in Albania and North Macedonia in particular variables that are confined within the Copenhagen Criteria: 1) Political System; 2) Judiciary; and 3) Good neighbourly relations and regional cooperation.

As regards to the case selection, it is necessary to explain why Europeanisation is selected, why are these two countries are taken as units of analysis and why it is necessary to compare them. As a start, the Europeanisation process is ongoing and relevant not only for the EU member states but also for the candidates which have undertaken the commitment to adopt the EU standards which by the end serve not only to their transformation but also for the overall convergence between the member states and beyond. In this regard, the

importance of such process provided for the need to assess how the candidates and in particular, the Western Balkans countries have performed under such prism. To follow suit with such approach, Albania and North Macedonia were selected as units of analysis due to their status as candidate countries and moreover as neighbouring countries that share a common border. Taking into consideration such commonalities, the need to compare these countries as regards the Europeanisation process arises, in order to identify the similarities and differences in this regard.

The selection of the three variables was based on the importance and weight that they have held for the accession process for these two countries. On one hand, the Political System represents the capability of the political class to construct a full functioning democratic system, one of the key criteria for accession, as accentuated by the European Commission in their annual reports. In service to the democracy, the continuous reforming and improvement of the judiciary has also been considered as a key accession priority by the EC and also due to the impact that such sector has on the other aspects of a country. And lastly, the good neighborly relations and regional cooperation hold a heavy importance for two countries coming from a region with a recent history of territorial and historical disputes, wars, and current tensions.

Before the comparative analysis, and apart from the Introduction, the study provides firstly for the *Literature review*. The literature review comprises a recapitulation and analysis of Europeanisation theories, concerning it. In this regard, the study recapitulates its core ideas and the assumptions that were added to it in the years to come. Moreover, the study acknowledges that there is a need to make a differentiation between the Europeanisation theories and the European Integration Theories. While it accepts that the two are separate disciplines, they nevertheless are interconnected as they refer to two processes that impact one another.

Thereupon, a specific chapter is provided for the *History of European Enlargement and Accession criteria* and how valid it has been for the Western Balkans countries, considering that such a region has been facing difficulties in trying to adopt the EU model. This chapter serves the purpose of not only providing a better understanding of the EU enlargement history from its establishment up until recently but also displaying how the Europeanisation process has been reinforced by the increase of the Accession criteria after every enlargement. Moreover, this chapter provides a discussion on the veto mechanism's

relevance in the enlargement process, the merit-based evaluation, and the geopolitics and geostrategy of the EU towards enlargement that is put into place.

The following part is divided into *three chapters* that correspond to the variables of the comparative analysis (Political System; Judiciary; Good neighbourly relations and regional cooperation; and The capacity to cope with competitive pressure and market forces within the Union). In each of these chapters, Albania and North Macedonia are compared regarding their respective performances of Europeanisation for the respective criterion which itself is divided into indicators. Such research design is used to analyze these indicators across 20 years (2000-2019). These two decades mark the most important steps regarding the progress and setbacks that these two countries have shown regarding their Integration process, concretely, the initiation of the Stabilization and Association Process and the end of the “old” enlargement methodology, prior to the one introduced in 2020. Another reason why this period has been selected is as well to show the evolution of the Integration and simultaneously the Europeanisation process starting from the CEE and finishing with the accession of Croatia. During this period, the EU had undergone structural changes and provided several approaches and initiatives but also faced difficulties that all had an impact on how the Enlargement would proceed.

In the *Political System* chapter, the study assesses the Europeanisation process by analyzing the capability of the countries to provide a democratic and functioning political system. For this reason, political composition and policy-making processes, and political stability are provided as performance indicators for this part. The political composition and policy-making processes part provides a general description of the political and party system in both countries and emphasizes the political homogeneity or heterogeneity, taking into consideration that the ethnic structures in both countries differ, and also the legal acts adopted by the Parliament to showcase the consensus-reaching capability as well as the legal framework sustaining the functionality of the political life in the country. While the political stability part looks to the behaviour and capability of the political class to guarantee cooperation and constructive dialogue.

In the *Judiciary* chapter, the study assesses the Europeanisation process by analyzing the capability of the countries to provide for a judiciary that guarantees the rule of law. For this reason, legislation or strategic documents, independence and impartiality, accountability and professionalism, and efficiency, are provided as performance indicators. They

originate from the EC annual reports with the difference that they have been reorganized and merged into four indicators for practical reasons. As their title indicates, these four indicators respectfully require that a country have adequate legislation and a clear strategy for the judiciary, an independent and impartial court and prosecution system, accountable and professional judges and prosecutors, and an overall efficient judiciary.

In the *Good neighbourly relations and regional cooperation* chapter, the study assesses the Europeanisation process by analyzing the capability of the countries to maintain good relations with their neighbors and be supportive of the regional cooperation initiatives, and for that reason, these two requirements serve as the performance indicators. This criterion holds a lot of weight in the Western Balkans countries, considering that this region has a long history of conflict had still held tensions. It is important that none of the countries must have open conflicts or issues with their neighbours prior to the accession process.

By Europeanisation performance comparison, it is implied the comparison of the ability of the countries to fulfill the various requirements that are set out by the European Commission in their annual reports for both countries. Considering that, the study analyses the Europeanisation process from a top-down approach. This method of measuring Europeanisation takes inspiration from Radaelli's (2003) attempt to measure the policy adaptation process of EU member states, but it applies to the candidate countries. However, as also Radaelli (2003) states, there is no particular formula of measurement for the extent of Europeanisation, but rather, the measurement is conducted by referring to other pieces of literature and conducting a simplistic screening of the said variables concerning the standards and requirements set in the Copenhagen criteria and the available models in the EU. Nevertheless, considering that the Europeanisation literature provides a variety of key points on which to focus regarding the Europeanisation measurement or progress tracing, it is necessary to provide a final assessment of this process by the end of each variable's analysis.

In this regard, considering that two Western Balkan countries are taken as units of analysis, and the focus is on the policy adoption process, this study has selected Elbasani's approach to policy adoption. However, it must be highlighted that what the Europeanisation literature refers to as the policy adoption process, is not only the adoption of government policies but also a set of legal documents (Bossaert & Demmke, 2003). As it was previously mentioned, according to Elbasani (2013) there are three degrees of policy

adoption: **verbal**, **legal**, and **substantive** degree (Elbasani, 2013). The **verbal degree**, in the words of Elbasani (2013), occurs when domestic political actors have endorsed the policy adoption through rhetoric. In this sense, the display of the discourse of the Albanian and North Macedonian politicians regarding their willingness in adopting the EU policies is taken as a point of reference. The **legal degree** is the second degree and comprises an attempt to adopt legal documents or institutions in line with the EU set of rules (Elbasani, 2013). For this purpose, the amount and the alignment of the pieces of legislation adopted are taken into account. Lastly, the **substantive degree** implies the implementation of legal documents and verbal rhetoric. Elbasani (2013), defines the implementation as a process in which norms are transposed, adhered and enforced. For this purpose, the level of implementation will derive from how these norms are depicted in the EC reports. However, the EC reports serve as a point of reference for the previous degrees as well.

Lastly, an assessment of these three degrees of policy adoption from 2000 to 2019 will be provided by the end of each variable's analysis based on the findings provided by the respective indicators at play.

In the end, the study concludes with a *final chapter* that displays the difference in the Europeanisation of Albania and Macedonia for the four main indicators during the past 20 years as well as indicates the main limitations that this study faced. In addition, the conclusive chapter, based on the results provided attempts to predict how this process will proceed for both countries in the future.

The research mainly takes into account *secondary sources* such as data analysis and reports provided by Albanian, North Macedonian, and international institutions. However, as has been explained before, the EC annual reports are the main secondary sources. The reason why these reports are the point of gravity for the Europeanisation assessment for this study is that they are the EU's main instrument of tracing the progress made regarding the fulfillment of the accession criteria. These reports draw data and conclusions from observations that are mainly conducted by the EU commissioners residing in Albania and North Macedonia, whose role is to observe the situation, mediate with the local political actors and report to the European Commission. Thereafter the European Commission publishes frequent reports on the country not only based on the commissioner's observations but also based on the data analysis conducted on the specific issues of concern. On one hand, these reports are indeed one of the key sources in conducting the

research. On the other hand, these reports are based on research analyses that are conducted by various institutions or researchers that use numbers and calculations to analyze the domestic situation of Albania and North Macedonia in a scientific way. However, considering that the annual reports have changed over time in structure and composition, which had not always provided consistent data regarding the performance indicators, the study uses other secondary sources such as books, research papers, statistical data generated from competent institutions, as well as individual reports from other EU member states. The selection of these sources has been quite strict as the events happened in these decades and its actors are still present in the political arena thus, in a way it makes it difficult to interpret the whereabouts and the causes of some certain events which are quite sensitive and still unsettled. Therefore, the study argues based on authentic, unbiased, and reliable sources.

Through this research design, I provide a new approach in the application of the Europeanisation literature in the context of the candidate countries and beyond. In particular, the use Elbasani's (2013) three-degree level of policy adoption measurement in the practice on measuring the Europeanisation on concrete countries through the use of a comparative analysis.

Moreover, I aim to expand the literature on the Balkan studies and the Europeanisation in the Balkans as well as contribute to feeding the interest for further research on this region. In addition, researchers, scholars, policy-makers, from the two countries may use such research to assess the recurrent patterns of concern over the years and provide analysis and/or take decision in order to address them in the future.

However, I acknowledge that the use of such a comparative method does not ought to provide for an exact and singular formula for measuring Europeanisation but rather provides for a better and more in-depth analysis of the case studies.

CHAPTER 4

HISTORY OF THE EUROPEAN UNION ENLARGEMENT AND ACCESSION CRITERIA

The end of World War II provides the grounds for the European Countries to set aside their differences and come together in the spirit of cooperation and mutual interest which at first was primarily economic but surely had political incentives and was crowned by the establishment of the European Steel and Coal Community in 1952 by 6 countries: Belgium, France, Italy, Luxembourg, the Netherlands, and West Germany through the signature of the Paris Treaty. In the framework of making the coming together of the European countries much closer politically and economically as well as providing for the basis of the present European Union, the Treaty of Rome in 1957 (Holland, 1994).

The Treaty of Rome proposed the establishment of the customs union, an internal market, a Common Agriculture Policy, a Common Transport Policy and European Social Fund, and the European Commission, and also, provided the baseline criteria for other countries of the Continent. In this regard, the Treaty stated that it “calls on members of the Community to preserve and strengthen peace and liberty and invites the other peoples of Europe who share their ideal to join in their efforts (Holland, 1994).

From then on, the enlargement process was initiated but the first enlargements would occur only in 1973 with Great Britain, Ireland, and Denmark (European Commission). At its core, the European Community remained still a Western European club of states and there were hesitations in accepting other countries that did not belong to such a political spectrum. The hesitation wasn't very much related to a geographical location but rather to the political ideology and political system that each of these countries shared: a functioning democratic regime. During that period, countries such as Spain, Portugal, and Greece were

under authoritarian regimes, while Central and Eastern Europe were behind the Iron Curtain, as parties of the Warsaw Pact.

Nevertheless, the enlargement would enter its second phase when Spain, Portugal, and Greece transitioned into democracy and opted to join the European Community. At that precise moment, we experience the emergence of the first concrete membership criteria which involve the presence of a functioning democratic regime and the protection of human rights. Eventually, Greece became a full member, in 1981 and it was followed by Spain's and Portugal's accession in 1986. While Turkey, another Mediterranean country, applied for membership in 1987 but its accession process has remained pending to this day. Meanwhile, the next enlargement was to happen in 1994 with the entrance of Austria, Sweden, and Finland.

With the fall of the Iron Curtain, the EU was expected to be expanded on its eastern side, but considering that the prospect countries of the region in concern, at that time had differences from the Western European countries, and taking example from the enlargement of Spain, Portugal, and Greece, it was decided to strict the accession process. For that reason, during the 1992 conference of the Maastricht treaty (European Commission, 1992), the EU member states agreed to the introduction of stricter accession criteria considering that the enlargement must not be at the expense of the Union itself. These criteria would then be reaffirmed during the European Council's meeting in Copenhagen a year later where it was agreed to the welcoming the desire of the countries from Central and Eastern Europe to become members of the EU. In this meeting, the so-called Copenhagen criteria or accession criteria were introduced:

1. Stable institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities;
2. A functioning market economy and the capacity to cope with competition and market forces in the EU;
3. The ability to take on and implement effectively the obligations of membership, including adherence to the aims of political, economic, and monetary union.

Besides the Copenhagen criteria, the CEE countries needed to resolve the issues with one another under the principle of good neighbourly relations. This principle required that the prospective countries must resolve all territorial and historical issues with one another

before the accession process. For that reason, the EU has been highly observant of the open dispute in these countries, some of which being, for instance, the Gabčíkovo dispute between Hungary and Slovakia in 1993 or the partition of Czechoslovakia into two countries in 1992 (Smith, 1993). To better orient the accession process for the CEE countries, the EU introduced the Accession Partnership in 1998 for each of them. This partnership pinpointed the areas that needed intervention and assistance by the EU (European Commission, 2011).

To prepare for the accession of the CEE countries, the EU ratified the Treaty of Nice in 2003. This Treaty was the most consolidated version of a European Constitution at that time as it reorganized the institutional framework of the Union by giving more power to the European Parliament. The idea behind these institutional changes was to further boost the principle of democracy and cohesion within the EU (Treaty of Nice, 2001). Consequently, a year later, the biggest enlargement in the history of the EU occurred with the accession of ten countries (Poland, Hungary, Czech Republic, Slovakia, Slovenia, Latvia, Lithuania, Estonia, Malta, and Cyprus). Four years later, two other countries of this region, namely Romania and Bulgaria became members as well amounting to the fifth (Tatham, 2009). While the enlargement towards the Western Balkans would stall, with only one exception being the accession of Croatia in 2013.

4.1 Enlargement towards the Balkans

The enlargement toward the Balkans faced right away the repercussions of the 1990s war following the dissolution of Yugoslavia. Up until the mid-1990, the idea of a potential enlargement in this region has not been popular and the EU did not have much of a presence. A sign of attention toward the region by the EU was seen after Dayton Agreement was signed, which ended the war in Bosnia. In that framework, the EU engaged as an actor who was aligned with the international community in the effort to secure stability in the region through the introduction of a clear strategy that would address the pressing issues that had undertaken the Balkan countries but also the rest of south-eastern Europe. The first joint international initiative in this matter occurred on December 13th, 1995, in Royaumont, France, where the Foreign Ministers of the EU, together with the

delegations from the United States and Russia, representatives from international organizations such as the Council of Europe, NATO and OSCE and also the neighbouring countries met with the representatives of Bosnia-Herzegovina, Croatia, Former Yugoslav Republic of Macedonia (FYROM) and Former Republic of Yugoslavia (FRY). In that meeting, the participating parties launched the “Process for Stability and Good Neighbourliness in South-Eastern Europe”, otherwise known as the “Royaumont Process” (Tatham, 2009). Such initiative longed to guarantee the implementation of the Dayton Agreement and also to foster the process of democratisation through the introduction of several developing projects in this region (Ehrhart, 1999).

As a complementary to the Royaumont Process, the EU launched its “Regional Approach”. Within the framework of the Regional Approach, the EU provided financial assistance and unilateral trade preferences, intending to encourage the Western Balkan countries to restore economic cooperation with each other. More specifically, it was tailored for those countries which at the time did not qualify for the conclusion of European Agreements, except for Albania which had already signed trade agreements with the EU (Ehrhart, 1999). It was made clear to these countries that the signing of these agreements would occur only if there would be signs of visible willingness to cooperate in the name of peace preservation as well as the respect of the EU’s principles such as democratic principles, human rights, and minority rights (Tatham, 2009). However, it can be said that such a statement was more implied for the former countries of Yugoslavia who needed to comply with the commitments set forth by the Dayton Agreement, one on them being the return of the internally displaced persons and refugees to their country of origin and also their cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY).

Following this line, the European Council, on July 25th, 1996, adopted Regulation (EC) No. 1628/96 for the four former Yugoslav republics (Bosnia-Herzegovina, Croatia, FYRO), which became known as the “OBNOVA” Regulation. This regulation stipulated that the main principles such as democratic principles, the rule of law and human rights, and fundamental freedoms must be respected by these countries (The Council of the European Union, 1996). In its essence, the OBNOVA regulation had more encompassing obligations and criteria that the said countries must fulfill and show willingness for their fulfillment. Compared to the previous programmes and initiatives, the OBNOVA regulation had a direct focus on the former Yugoslav republics' participation in the early 1990’s war and that the completion of the requirements set forth by this regulation would

grant them EU assistance (Tatham, 2009). However, the conditions provided in this regulation were formulated in broad terms and thus they were fairly fuzzy. This problem was addressed by the Council on April 29th, 1997, which adopted guidelines that explained such conditions that regulated the relations between the EU and this region (Tatham, 2009). These guidelines, for the first time, distinguished conditions that applied to all countries of the region from conditions that applied to individual countries only.

4.1.1 Stability Pact for South-Eastern Europe

The initiatives launched turned out to not be as effective as the EU desired, considering that they failed to prevent the occurrence of the Kosovo war in 1999. During that war, the international community was mobilized into seizing the war and preventing the genocide of the Albanian population in Kosovo conducted by the Serbian military. Concretely, on May 17th, 1999, NATO initiated an airstrike in Serbia, as a result of the support from the United States and the United Kingdom. On the other hand, the EU engaged in reconfiguring its strategy toward the Western Balkans, and for that reason, its Council of Ministers launched the Stability Pact for South-Eastern Europe, as a strategy that would aim the prevention of any future conflict and war in this region, on a long term (The Council of the European Union, 1999). The Stability Pact was launched on June 10th, 1999, in Cologne, Germany, on the exact day that NATO's airstrikes on Serbia came to an end, after eight consecutive days.

However, it should be highlighted that the Stability Pact was not an instrument for the functioning of the EU or its institutions, despite being launched by it. The Stability Pact The Pact was more of a political declaration that stated the commitment of the EU member states and introduction of a framework agreement that would provide for the states to cooperate for the launching of a strategy that would guarantee the stability and development of the Western Balkans and beyond. In other words, the Pact, much like the previous programmes launched, aimed for the implementation of the Dayton Agreement through the support for developing projects that targeted political stability, economic development, and regional cooperation among the countries of the Western Balkans in particular. (The Council of the European Union, 1999).

4.1.2 Stabilisation and Association Process

In 1999, the European Commission initiated the Stabilisation and Association Process (SAP) and it was the EU's first official and serious attempt to assist the Western Balkan countries in meeting the criteria that were necessary to become a member state and being accepted as an official candidate (Commission of the European Communities, 1999). Such process was cemented a year later, at the EU Council's meeting in Santa Maria da Feira, where the Foreign Ministers clearly stated that the countries part of the SAP were recognized as potential EU member candidates (Anastasakis & Bechev, 2003).

On the November 2th of the same year, the heads of the Governments of the EU member states gathered at a Summit in Zagreb to agree on the main conditions and objectives of the SAP. (Tatham, 2009). The Zagreb Summit would then be proceeded by the Thessaloniki Summit on June 21st, 2003, between the EU and the Western Balkans where it was reinstated that the SAP as the main strategic framework for the accession process of the region (European Commission, 2003). Such a framework would serve as a mechanism to foster the initiation of several structural and essential reforms in the Western Balkans that would make the latter reach the EU standards, similar to the example of the CEE countries at that time. Also, the parties agreed to the set of priorities that needed to be undertaken in the future by the said countries. For that reason, the parties agreed to a pre-accession agenda that would steer the way to full accession. This agenda was to help the Western Balkans countries set their priorities and also to help the EU prepare for a future enlargement with this region, similarly to the way it prepared itself for the 2004 enlargement. Also, the Thessaloniki Summit was aimed to provide more political exchange and involvement at the highest levels between the EU and the Western Balkans countries through the cooperation of their Institutions (Parliaments, governing institutions), as well as through several Forums of discussions that were launched such as the EU-Western Balkans Forum and "European Partnerships".

Overall, the overarching goal of the Thessaloniki Summit was to convey to the Western Balkans the message that their future is in the EU and the latter has seriously taken the commitment to make it a reality. As such, it would positively encourage the Western

Balkans countries to transform themselves and advance the democratization process, and also secure the stability and prosperity of the region that still held fresh memories of the 1990's war. Consequently, such a process created the illusion that prosperity and development were guaranteed once the accession of these countries would be complete as the desire to achieve them was high. However, the reality more than a decade later showed that such a target has not been reached as of the seven countries of the Western Balkans, only Croatia, succeeded in becoming an EU member state (Balkans in Europe Policy Advisory Group, 2014). Michael Merlingen (2013) notes that the EU promise for membership was more of a "moral obligation" that aimed to address the disappointment of the EU to prevent the war conflicts after the dissolution of Yugoslavia. From this argument, it can be assumed that the membership promise was more of a reactive policy to the failures of the EU's foreign policy in the Balkan wars in the 1990s rather than the desired goal. Nevertheless, the EU had provided its assistance to the Western Balkans, during their accession process, under the SAP with leverages in trade, freedom of movement, and other financial and technical assistance to keep the enthusiasm alive. However, the dynamics in the EU enlargement policy towards the Western Balkans have experienced fluctuations. Soeren Keil (2015) notes that "the challenge for the region is no longer about peace-building but a process of preparation for membership in European structures". Under this framework, the EU has turned its attention more to the preparation of the Western Balkan countries on a regional level. However, many EU countries have pointed out that these countries are not the same and that their accession should come based on a merit-based system of evaluation.

4.1.3 The pre-accession process of the Western Balkans

The pre-accession process of the Western Balkan countries is a continuation of the pre-accession process which was established during the 1990s for the countries of Central and Eastern Europe since the EU decided to open the door to eastern enlargement. At the same time, in this period the EU in its external relations established the instrument of conditionality as one of the mechanisms of Europeanisation in the non-member state (Schimmelfennig, 2012). Milada Vachudova (2005) explains that the EU "has adopted a roughly merit-based approach to enlargement: an applicant's place in the membership

queue has corresponded to the progress it has made toward fulfilling the EU's requirements. All of the candidates are subject to the same requirements and are evaluated in a manner that has proved to be more or less based on merit" (Vachudova, 2005, p.112).

According to Antoaneta Dimitrova (2004, p.8) "enlargement is explicitly defined by the EU and accepted by the candidates as an 'asymmetrical process' of taking over the rules of a club". According to EU officials, the assessment of the potential and candidate countries in the pre-accession process is based on merit as well as on the threat of exclusion from the defined stages of the accession process if the country does not comply with the EU requirements. The European Commission monitors the progress made by the countries each year and publishes Annual Progress Reports in autumn. This event attracts the attention of the domestic political elites and the media in the candidate countries.

Formal recognition of the efforts done by the potential candidate for EU membership on the road to European integration is given by granting a candidate status which at the same time means that the country is preparing for opening the negotiations. The decision for opening membership negotiations is unanimous by the EU Council, which means that all EU governments have agreed upon it. Nevertheless, it is important to emphasize that the EU enlargement is a complex process most usually overshadowed by many tensions, political power struggles, bargaining, imbalances, and imperfections.

The negotiations for EU membership take place between the European Union and the candidate country concerning the EU acquis which is divided into different policy fields or 35 Chapters and take place at the platform which is called an intergovernmental conference. These Chapters are focusing on the various areas that need to be negotiated such as the free movement of goods, workers, and capital, right of establishment and freedom to provide services, public procurement, company, and intellectual property law, competition policy, financial services, information society, and media, agriculture and rural development, food safety, veterinary and phytosanitary policy, fisheries, transport policy, energy, taxation, economic and monetary policy, statistics, social policy and employment, enterprise and industrial policy, trans-European networks, regional policy and coordination of structural instruments, judiciary, fundamental rights as well as justice, freedom and security, science and research, education and culture, environment, consumer and health protection, customs union, external relations, foreign, security, and defense policy,

financial control, financial and budgetary provisions, institutions and other issues (European Commission).

The extensive and widespread issues that need to be addressed in the negotiation process imply that the country should negotiate over its national sovereignty on domestic issues and depart from previously established practices in various areas and implement new practices. The complexity of the whole process of negotiation is overwhelming and huge, especially for countries with low administrative capacities and weak institutions. The entire process refers to a project of state reformation that is usually externally driven and therefore even more demanding and time-consuming for the domestic actors. There is no specific time framework that should be met in advance as the pace of the membership negotiations according to the EU official claims depends on the country's speed of reform and alignment with the EU law.

A process of "screening" precedes the opening of the negotiations, which means that the European Commission is examining how well the country is prepared so far i.e., "Commission scrutinizes to what extent the legislative norms and standards of the EU's *acquis* have already been adopted by the candidate states. The negotiations then pertain to whether the *acquis* has been implemented, or how and in what time frame it will be implemented in the future" (Vachudova, 2005, p.124). Moreover, the implementation of the EU's *acquis* starts with the adoption of the *acquis* by the national parliaments of the candidate country, but more important is the actual implementation by the state administration which requires strong institutions and the existence "for regulatory and legal oversight to ensure compliance, including redress to the legal system" (Vachudova, 2005, p.124).

It is important to underline that the European Union sets the fulfilment of the Copenhagen political criteria as a key condition for opening the membership negotiations with the candidate country and the process of enlargement can take place only when the EU governments make political decision to conclude the negotiations and sign the treaties that afterward shall be ratified by all EU members states.

The political decision for enlargement can take place after the assessments of the implementation of the *acquis* as this allows the country to assume the membership responsibilities and function as a member of the EU and more important after the positive assessment of the fulfilment of the Copenhagen criteria. Additionally, in the case of the

countries of the Western Balkans, a positive assessment of fulfilling the special conditions determined by the Stabilization and Association Process (SAP) is required.

The pre-accession process for the Western Balkan countries described above was more or less in line with the pre-accession process for the countries of Central and Eastern Europe. However, after the accession of Croatia in 2013, the EU formally introduced a new approach to negotiation in the areas of rule of law and economic governance.

4.1.4 The new approach in the negotiations

The European Union has introduced a new approach in the negotiations with the candidate countries for membership after the accession of Croatia in 2013. “Combination of anxieties related to institutional, political and economic pressures inside the Union, as well as to daunting regional and country-specific issues in the Balkans, led to a more complex mosaic of EU demands on the Balkan countries, and to a more exacting method of applying the enhanced membership conditionality” (Balkans in Europe Policy Advisory Group, 2014).

Moreover, this new approach is based on the experiences gathered from the previous enlargements of the EU and especially with the latest negotiation process with Croatia, Bulgaria, and Romania. According to Elbasani (2014) “the EU’s ‘new approach’ has transformed the standard policy of enlargement which has been applied to the candidates in Central and Eastern Europe. The tools of enlargement [...] reflect the growing concerns with the difficult, multi-layered, post-communist, post-conflict and post-nationalist transformation across the Balkans”.

The new approach in the negotiations is more demanding and more challenging for the countries. Besides the focus on economic governance, the candidate country is required to open negotiations in Chapter 23: Judiciary and fundamental rights and Chapter 24: Justice, freedom, and security at the beginning of the negotiating process and close them at the end of the accession process. Furthermore, every delay in fulfillment of obligations in these two chapters can affect the pace of negotiations in other chapters. The progress of negotiations in other negotiating chapters depends on the implementation of European

standards in this area, whereas this was not the case in the previous accession talks and enlargement rounds.

The rule of law is recognized as the key area in the process of negotiation with the European Union since this was one of the major lessons from the previous enlargement rounds. It was recognized by the EU that it should deal with the candidate countries in a way that contributes to the real permanent reforms in the society. As a result, it can be argued that the main goal of the European Union is to make Europeanisation in the candidate countries an irreversible process that encourages structural changes in their societies.

The EU has recognized the need of addressing the most important reforms early in the negotiation process i.e., the judiciary reforms, the fight against corruption, and public administration reform. These two Chapters should be tackled early within the negotiation process to allow sufficient time to establish the necessary legislation, institutions, and solid track records of implementation before the closure of negotiations. The important part of the new approach in the negotiations is the introduction of the ‘overall balance’ clause according to which the European Commission can give a proposal to stop opening or closing other Chapters in case there is significantly lagging in the progress under the Chapter 23 and Chapter 24 in the overall process of negotiations. Moreover, “the Union has tightened its oversight and refined its ‘enforcement toolkit’, becoming more rigorous in the way it applies its improved conditionality. New mechanisms were introduced, for instance: opening, intermediary, equilibrium, and closing benchmarks; safeguard clauses to extend monitoring; more routing procedures to suspend negotiations; early screening processes, and the strict requirement for the Balkan countries to demonstrate that they are able to implement the policies adopted” (Balkans in Europe Policy Advisory Group, 2014).

The new approach is intended to tackle any stalemates in the rule adoption and reforms in delicate and complex areas such as the rule of law, the fight against corruption, the judiciary, and fundamental rights. Moreover, the new approach is expected to minimize the reluctance of the candidate countries of the Western Balkan to address organized crime and corruption which are seen as the main obstacle to democratic stability and economic development.

4.1.5 The new enlargement methodology

In light of the ever-presence of the populist parties in the European Union which have fed Euroscepticism since the World Financial crisis in 2008 and onwards and also the disappointment with the performance of countries such as Romania and Bulgaria, slow progress towards the fight against corruption and organized crime in the Western Balkans, it had brought uncertainty to the Enlargement process and specifically to its efficiency in impacting the adhering countries for the better. Such a thing was reflected by France and its president Emanuel Macron who in 2019, before the Council's meeting on the opening of the accession talks with Albania and North Macedonia had stated that there would not be any enlargement until the EU would be reformed.

With the new EU government elected in late 2019, it was proclaimed that the Enlargement would be put again into the spotlight, and more energy needed to be put into the process. In the meantime, France had drafted a proposal for a new enlargement methodology which would serve as the basis for the strategy document that the EC would publish in February 2020.

The core of the new methodology would be the enhancement of the enlargement process by providing a more incredible process, a stronger political steer, and a more dynamic and predictable process (European Commission, 2020).

Yet again, it was given importance to the fulfilment of the fundamental reforms such the judicial reform, the functioning of the democratic institutions, and the economic reform, whose progress will be monitored and evaluated on a merit-based system, and upon successful results, it would provide the country the opportunity to move on to the next stage,

One of the novelties of the methodology is a more proactive role of the Member States will play in the monitoring and evaluation of the candidate countries' progress. Besides the EC reports, which had served previously as the baseline for the measurement of a country's achievements or gaps, the Member States will have the opportunity to deploy their field expert to a given country and draw their data.

Perhaps the most distinctive addition to the methodology was the reorganization of the negotiating 35 chapters into 6 main clusters: Fundamentals, Internal Market, Competitiveness and Inclusive Growth, Green Agenda and Sustainable Connectivity, Resources, Agriculture and Cohesion, and External Relations. In this context, Negotiations on each cluster will be open as a whole – after fulfilling the opening benchmarks - rather than on an individual chapter basis. Negotiations on the fundamentals will be open first and closed last and the progress on these will determine the overall pace of negotiations.

And lastly, The Commission will provide greater clarity on what the EU expects of enlarging countries at the different stages of the process. It will make clearer what the positive consequences progress on reforms can bring, and what will the negative consequences will be when there is no progress.

To encourage demanding reforms, the Commission will better define the conditions set for candidates to progress and will provide clear and tangible incentives of direct interest to citizens. Incentives could include accelerated integration and “phasing-in” to individual EU policies, the EU market, and EU programs - while ensuring a level playing field - as well as increased funding and investments. The more candidates advance in their reforms, the more they will advance in the process. Equally, the Commission proposes more decisive measures proportionally sanctioning any serious or prolonged stagnation or backsliding in reform implementation and meeting the requirements of the accession process. Negotiations could be put on hold in certain areas, or in the most serious cases, suspended overall, and already closed chapters could be re-opened; benefits of closer integration, like access to EU programs, could be paused or withdrawn, and the scope and intensity of EU funding could be adjusted downward.

Overall, the revised methodology is based on the same, well-established criteria to join the EU. These were defined already in 1993 at the European Council in Copenhagen: the need to have stable institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities; a functioning market economy, and the capacity to cope with competition and market forces in the EU; the ability to take on and implement effectively the obligations of membership.

4.2 Veto mechanism provided theoretically and applied practically in the EU history

The voting of the Council of EU is regulated by the Treaty on the European Union as amended lately with the Lisbon Treaty, and Council Decision 2004/338/EC which adopts the rules of procedures of the Council.

According to Article 11 of the EU Council's rules of procedures, the voting is initiated upon the initiative of its President or upon the request of a member of the Council or the Commission, provided that a majority of the Council's members so decide. For these voting to proceed, the required quorum of the member states of the Council must be present in such a meeting (Council Decision 2004/338/EC).

While on the other hand, The Lisbon treaty stipulates that the Council can establish their voting based on the models of the qualified majority and simple majority voting (Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, 2007).

According to article 16 of the Lisbon Treaty, the qualified majority voting is reached under the ordinary legislative procedure, meaning that the Council acts in co-decision with the EU Parliament. In cases when the Council votes based on the proposal of the Commission or the EU's High Representative for Foreign Affairs and Security Policy, the qualified majority is reached through:

- Majority of EU countries or 55%.
- Majority of the population or 65%.

While in cases where Council votes on a proposal not made by the Commission or the High Representative, the qualified majority is reached through:

- Majority of EU countries or 72%.
- Majority of the population or 65%.

As regards, a simple majority, it is required at least 14 members of the council are in order to reach the decision and it is usually applied in cases regarding procedural matters, and

organization of its secretariat general, the adoption of the rules governing the committees foreseen in the treaties (Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, 2007).

Based on the Lisbon treaty, the veto mechanism, or “unanimity” as it is referred to in the EU legislation, can be used by the EU Council, following a special legislative procedure and after obtaining the consent of the European Parliament, in cases which are deemed as sensitive by the member states such as:

- Social security and social protection;
- Rights of the European citizens;
- EU internal market;
- Common foreign and security policy;
- Harmonisation of national legislation;
- EU accession;
- Justice and home affairs;
- EU finances, etc.

4.2.1 Veto mechanism in theory and practice

The veto mechanism has a long history in the EU and has had a considerable effect on its functioning and also in the enlargement process. However, what has been the purpose of the veto throughout the EU’s history of decision-making? Has it been for the sake of the union or the sake of individual countries' interests?

When we talk about veto powers, we must emphasize that we are talking about tools that are handled in the hands of individual states which hold individual interests per se (Waltz, 2000). In the context of the European Integration, the veto mechanism has been an accompanying element in the reforming of the EU as full unanimity was needed for the adoption of the treaties in the intergovernmental conference. In these conferences, the member states would play the “power game” in order to lay their influence on the

finalization and adoption of the treaties which would impact their role and position in the EU (Slapin, 2011).

The power game finds an explanation in the inter-governmentalism and multilevel-governance theory of European integration. As I have previously explained, inter-governmentalism adheres to the national identity and supports the idea that states are the most important actors in international politics and especially in matters regarding European Integration. Moreover, inter-governmentalism claims that disagreements between the states come at times when differences in national identities come to the surface (Milward, 1992). While multi-level governance adheres to the idea that states' decision makings can be also a result of the personal choices of the powerful individuals which are constrained by the settings in which are placed (Marks, 1992).

The above theories suggest that decision-making in the EU is both a result of state-level and individual-level interests and the concrete cases throughout history support such theories. In fact, one of the most known practices was the veto of France on the UK's accession in 1963 and 1966 (Connolly, 2017). The reason behind UK's long-lasting accession process was that France, through its president Charles De Gaulle had imposed the veto. As records indicate, the veto was used to protect the interests of the EU as the UK wasn't perceived as an adequate partner, considering the concerns that it would act as "an agent of the Americans" (Connolly, 2017). However, this was also a result of the anti-American and Anglo-Saxon sentiment that De Gaulle had and also of his desire for the establishment of a Franco-German alliance in the EU.

France's veto triggered a political confrontation at the EU level as it put into question the supra-nationalist aspect of the Union as opposed to the inter-governmentalist philosophy that De Gaulle had embraced. In the Council's meeting in 1965, in which France hold the Chairmanship, Charles De Gaulle boycotted the meeting over disagreements with European Commission's proposal regarding the Common Agricultural Policy (CAP) and the qualified majority voting system, which created the political crisis labelled as "Empty Chair Crisis" (Slapin, 2011; Ziller, 2017). In light of such events, the Commission, to put an end to the crisis, in 1966, proposed that, on sensitive topics, such as the CAP, the members shall vote based on unanimity, such solution was named the "Luxembourg Compromise" (Slapin, 2011; Ziller, 2017).

From then on, and up until the adoption of the Single European Act in 1986, unanimous voting, became the dominant voting mechanism (Golub, 1999; Slapin, 2011). While the veto has not been applied in the case of Greece and even Portugal's and Spain's accession, the threat that such a mechanism would be triggered was present. For instance, in the case of Portugal and Spain, Germany and France were highly reluctant for these countries to join and were not just for common reasons pertaining to the EU but rather to national interests. Concretely, the president of France Mitterrand, was not in favour of Spain's accession as the latter would be highly competitive in the agricultural sector, and such it would pose a threat to French products (Cunha, 2018). On the other hand, Portugal which was seen as less of a threat in this case and had lesser setbacks suffered from Spain's disapproval of France, suffered from the EU's decision to not decouple these countries, even though their performance was measured based on merit (Cunha, 2018).

In the case of Greece, the veto has not been a direct threat to its accession, however, such mechanisms were triggered on an occasion that indirectly postponed the accession. Concretely, during the time of Greece's accession application, the EU countries, especially France was concerned that accepting the South European states, would pave the way for the accession of Spain and Portugal as well (Karamouzi, 2014). As a result of that, the increase in the number of Mediterranean states in the EU meant reform of the Common Agricultural Policy. The reforming of the CAP and the fear of the competitiveness of the other Mediterranean states pushed France to use the veto to not allow for such reforming to happen but rather to have Greece comply with the current CAP (Karamouzi 2014).

The application of the veto mechanism would see a surge in the 21st century, starting with the Greek (Tziampiris, 2012) and Bulgarian (Đukanović, 2019) veto of North Macedonia's accession negotiations and NATO membership, respectively over the name, language, ethnicity and history. The triggering of the veto mechanism in the case of North Macedonia will be further explained in the following section.

Besides that, the veto was used in other bilateral disputes between Balkan countries such as Slovenia and Croatia, who the former used the veto over some border disputes that needed to be solved (Šeperić, 2011), and Croatia and Serbia, where the former blocked the path for the latter over justifications that pertained to the European values but were more related to

the relations between the two countries and the repercussions of the 1990's Balkan war (Anastasjevic, 2016).

Lastly, the veto mechanism has been used on Albania by the Netherland to block the country from reaching the candidate status in 2013, (The Netherlands vetoes Albania's EU candidate status, 2013), by Germany from 2016 to 2018 against the opening of the accession talks (German Bundestag Intends to Block EU Accession Albania, 2016) and France in 2019 (Tcherneva & Varma, 2019).

4.2.2 The veto on Albania and North Macedonia

In the previous section it was made clear that the veto mechanism was foreseen in the Lisbon Treaty to be used in matters that were deemed sensitive, one of which being the Enlargement process (Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, 2007). However, history has shown that the veto has not always been used for the sake of conditionality or fulfilment of the Accession criteria, as was seen with the case of France's veto on the UK's accession to the EU (Connolly, 2017), or Croatia's veto on Serbia (Anastasjevic, 2016). Stemming from this, the question arises whether the veto on Albania and North Macedonia was more a matter of accession criteria fulfilment or a matter of national sentiments in these countries.

For Albania, the veto has been imposed on the basis of domestic problems that the country had. Firstly, the Dutch veto in 2013 came with the justification that there have been serious concerns about the fight against corruption in Albania at that time (Gotev, 2013). Such justification was fair, considering that for that year, Albania ranked 116th place and scored 31 points on Transparency International's Corruption Perception Index (Transparency International, 2013). Moreover, such reluctance of the Netherlands has not been only on Albania but also on the rest of the Western Balkan countries as previously it had imposed the veto on Serbia's candidate status (The Netherlands vetoes Albania's EU candidate status, 2013).

The German veto of 2016 had a similar basis as the Dutch one of 2013 but with more concrete demands in this case. To provide clear results in the fight against corruption and organized crime, Albania had to implement a justice reform, a practice that had been followed by the previous member states such as Croatia and Romania (German Bundestag Intends to Block EU Accession Albania, 2016).

The French veto, on the other hand, had little to do with Albania's domestic problems, although there were many, and more with the current state of the EU which, according to French President Macron, was not ready for an upcoming enlargement (Tcherneva & Varma, 2019). As such, both Albania and North Macedonia, remained in the waiting room until the blockage would be lifted after a reform of the Enlargement mechanism, which was brought up in February 2020 (European Commission, 2020).

On the other hand, North Macedonia had experienced vetoes that were related not so much to its domestic issues but disputes instigated by its neighbours, Greece and Bulgaria over their national interests.

The Greek and North Macedonian dispute over the name of the latter finds roots deeper in history, and to be precise in the ancient times during the era of the Macedonian Empire ruled by Philip the II (359–336 BC) and his son Alexander the Great (336–323 BC). Considering that the Empire that Alexander the Great had established and expanded in many territories of Asia, Africa, and Europe, it was comprised of several ethnicities, but yet remained part of the Hellenic world, meaning that the “lingua franca” remained the Greek language (Nimetz, 2020). After the death of Alexander, the Macedonian territory was divided and fell under the occupation of several empires, starting from the Roman and the Byzantine, and later the Ottoman Empire (Heraclides, 2021). In the meantime, the records indicate that throughout history, there has not been any indication of a Macedonian nationality, considering that that territory was inhabited by different ethnicities such as Albanians, Vlachs, Turks, Greeks, Macedons, etc. As such, Macedonia was rather a geographical concept that referred to the territory, that, during the Byzantine times corresponded to the region of Thessaloniki and Strymon, while during the Ottoman rule such a name did not exist (Heraclides, 2021).

After the fall of the Ottoman empire, the question regarding the territory of Macedonia arose as to who it belonged to and would its fate be. Such a dilemma was labelled in history as the “Macedonian Question” (Nimetz, 2020; Heraclides, 2021). During the Balkans Wars that were initiated in 1912, Greece, Serbia, and Bulgaria annexed several parts of the territory of Macedonia. For Greece, the claims on Macedonia, started after the former gained independence from the Ottoman Empire in 1832, under the “Megali idea” a political philosophy that aimed to reunite the “Hellenic world” (Heraclides, 2021). However, the full conquest of the Macedonian territory by the Greeks was stopped by Bulgaria and Serbia who themselves had claims on the territory.

A period of entente was reached with the establishment of the communist regimes in the Balkans where the territory of Macedonia became a Yugoslavian republic under the name of the People’s Republic of Macedonia in 1946 (Đukanović, 2019). It was in the period of Yugoslav Macedonia, that the identity of this country was molded—a country populated by people called “Macedons” that spoke “Macedonian”, a Slavic language (Nimetz, 2020). However, as it has been previously explained after the Macedonians gained independence from Yugoslavia, Greece watched with concern such an event, as it still held its claims over such territory. And as such, refused to recognize the independence and set conditions that such a country must fulfill such as the changing of the name, acceptance of the Greek minority in Macedonia, and a declaration that it had no territorial claims over Greece (Tziampiris, 2012). Such a situation, ensued a confrontation over what is perceived as geographical Macedonia which formed the basis of the long and disturbing path of Macedonia’s accession to international organizations, specifically NATO and EU, impacted by the veto of Greece, as it was previously explained (Tziampiris, 2012; Nimetz, 2020; Heraclides, 2021).

Similar to Greece, Bulgaria saw the rise of the Bulgarian consciousness and greatness at the end of the 19th century with the April Uprising against the Ottoman Empire. As such, under the idea of the Greater Bulgaria, the whole part of Macedonia was considered part of the Bulgarian nation considering that a majority of the population spoke a Bulgarian dialect (Heraclides, 2021). In the midst of such a tense situation, in the territory of Macedonia, the movement for the autonomy of such territory was born, called the Internal Macedonian Revolutionary Organization (IMRO) (Đukanović, 2019; Heraclides, 2021).

The founding fathers of such a movement studied in the Bulgarian schools and had as a goal an autonomous Macedonia with Bulgarian predominance (Heraclides, 2021).

The IMRO would culminate its activities with the uprising that took place on August 2, 1903, at the vilayet of Monastir, against the Ottoman Empire, known as the “Ilinden Uprising” (Đukanović, 2019; Heraclides, 2021). At such an event, the IMRO leaders declared the establishment of the Kruscevo Republic, a state which represented Bulgarians, Greeks, and Vlachs. It is such an event that has become one of the topics on which North Macedonia and Bulgaria failed to agree. For the former, the event is key to the consolidation of Macedonian nationalism, while for the latter is part of the Pan-Bulgarian world, and it does not hold the same weight as other historical events such as the 1876 April Uprising (Heraclides, 2021).

Considering the historical progression of these two countries, it has been seen how Bulgaria has always considered Macedonia as part of its history and its language as a dialect of the Bulgarian language. Such a stance, as it has been previously explained, has been present until recent times, and right after Bulgaria joined the EU in 2008, the Macedonian question re-emerged (European Commission, 2009b). However, Bulgaria would only utilize the veto in 2020 at a moment when both North Macedonia and Albania were considered ready to open the accession negotiations with the EU (Bulgaria blocks EU membership talks with North Macedonia, 2020).

To conclude, in this case, it can be said that the veto used on Albania has been for reasons related to the domestic situation in the country as regards the fight against corruption and organized crime and also the progress on the justice reform that started in 2016. Also, I should be disregarded the political context in the EU, considering that the enlargement fatigue took also a heavy toll on Albania’s accession process. As regards North Macedonia, the veto imposed by Greece was mostly stemming from national interests and had little to do with the fulfillment of the Copenhagen criteria, although good neighbourly relations are a criterion. Also, the veto mechanism had been consistent throughout the years and it has not been triggered randomly, which would have raised concerns that the Council was hiding behind the Greek decision. While the Bulgarian veto arrived at a moment when the EU had grown tired from the enlargement and was overwhelmed by the Covid-19 pandemic, nationalist rhetoric, and inside some of the EU countries. Moreover,

the decision to not decouple Albania from North Macedonia can raise doubts that the Bulgarian veto might have been backed up by the Council itself.

Moreso, this situation has created irritation by the Albanian side which has fallen victim to the “coupling” with North Macedonia. Such thing was expressed by the Albanian PM Edi Rama in late December 2021 when he announced that if North Macedonia and Bulgaria do not strike an agreement which would lead to the lifting up the veto within the next 6 months, then he would request for the decoupling (Mima, 2021). His declarations faced the reaction of the North Macedonian Foreign Minister, who emphasized that nowhere is written that the fate of the two countries is tied in as the process is individual and merit-based (Osmani për deklaratën e Ramës: Askund nuk shkruan se Shqipëria duhet të presë RMV-në për anëtarësimin në BE, 2021; Ministri maqedonas: Shqipëria ka të drejtë të kërkojë shkëputjen nga MV në rrugën drejt BE-së, 2022). While the French ambassador in Tirana has reinstated that both countries would not be decoupled, thus putting an end to such discussion (Shuhen shpresat? Integrimi në BE, ambasadorja e Francës kundër ndarjes së Shqipërisë dhe MV, 2022). On the other hand, there seems to be an optimistic situation with the new Bulgarian government which has shown readiness for cooperation and to intensify the work with its North Macedonian counterparts to solve their disputes (Maqedonia e Veriut dhe Bullgaria mund të arrijnë marrëveshje për të hequr veton e integritit, 2022; Bullgaria do heqë veton! Pengoi Maqedoninë e Veriut dhe Shqipërinë në integrimin në BE, 2022; Kovaçevski: Jam i gatshëm të hap një faqe të re në marrëdhëniet me Bullgarinë, 2022; E vetmja pengesë edhe për negociatat me Shqipërinë, Kryeministri Bullgar premtos: Heqim 'veton' ndaj Maqedonisë së Veriut nëse ka progres për çështjet që na ndajnë, 2022), even though at the end, no real date has set for that, despite some assumptions having set a 6 months target (Bullgaria heq afatet për t'i thënë “Po” Maqedonisë së Veriut për integrimin në BE, 2022).

4.3 The evaluation criteria provided by the EU treaty

The evaluation criteria for the accession of potential candidate countries into the EU are embedded in the Lisbon Treaty, which stems from its core principles. Concretely, Article 6 (1) of the Treaty stipulates that:

“The Union recognises the rights, freedoms, and principles set out in the Charter of Fundamental Rights of the European Union of 7 December 2000, as adapted at Strasbourg, on 12 December 2007, which shall have the same legal value as the Treaties (Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, 2007).

While in article 49, the Treaty sets out the conditions which every candidate country must follow in order to become a member of the EU:

“Any European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union. The European Parliament and national Parliaments shall be notified of this application. The applicant State shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the consent of the European Parliament, which shall act by a majority of its component members. The conditions of eligibility agreed upon by the European Council shall be taken into account. The conditions of admission and the adjustments to the Treaties on which the Union is founded, which such admission entails, shall be the subject of an agreement between the Member States and the applicant State. This agreement shall be submitted for ratification by all the contracting States in accordance with their respective constitutional requirements” (Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, 2007).

However, the concrete criteria of accession were moulded under the Copenhagen criteria that were introduced in 1993, for the prospect countries that would join in the years to come, after the EU decided to envision and decide the enlargement towards the Central and Eastern European countries. In the EU Council’s Summit of 21 and 22 June 1993, in Copenhagen, it was stipulated that:

“The European Council today agreed that the associated countries in Central and Eastern Europe that so desire shall become members of the European Union” ... and that “Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of

minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union” (European Council, 1993).

While the EU has promoted the evaluation based on merit and individual level, stemming from the Council’s Summit in Madrid in 1995 (Madrid European Council, 15 and 16 December 1995, Presidency Conclusions) and the Intergovernmental Conference held in 1996 (Council of the European Union, 1996). A year later, the EU introduced the “regatta” principle of accession, which entails a group accession rather than an individual accession. The idea was at first to provide for the simultaneous accession of all the 11 candidate countries (Cowles & Smith, 2001). However, considering the complexity of the situation, it was deemed more efficient to introduce a more relative regatta which would entail groupings of states which are in similar conditions (Cowles & Smith, 2001).

As such, we would see that the upcoming enlargements would be split up into groups of 10 countries (Poland, Hungary, Czech Republic, Slovakia, Slovenia, Latvia, Lithuania, Estonia, Malta, and Cyprus) in 2004 (Tatham, 2009), and two countries (Romania and Bulgaria) in 2008 countries (Balfour & Stratulat, 2011), with the exception being Croatia’s accession in 2013 (Bieber, 2019). Even so, the regatta principle has been utilized in the case of opening the accession talks of Montenegro (European Commission, 2018) and Serbia in 2012 (Simić, 2019).

4.3.1 The coupling of Albania and North Macedonia in the evaluation procedures

The decision to impose the veto similarly to Albania and North Macedonia, starting from France’s decision in 2019 and continuing to Bulgaria’s decision in 2020 derives from two main reasons: The regatta principle applied before in the previous enlargements and the situation in which the EU is found.

First, as it has been previously explained, the regatta principle came as a solution to provide more flexibility for the EU in handling the candidate countries as it will require

less time consumption of the process and more synergy, considering that the grouping implies putting together countries that are similar (Cowles & Smith, 2001). From the EU's perspective, this principle makes sense in the case of Albania and North Macedonia, since both countries share similarities in terms of population and economic size, as well as in cultural backgrounds and geographical proximity.

However, from the perspective of these candidate countries, it puts into question, the merit-based system and whether all the attempts and reforms that they make under the pretention that they would fulfil the Copenhagen criteria would go futile as one's path is related to the fate of the other. Such concern was seen on behalf of Portugal's accession, considering that it had to suffer the consequences of Spain's disagreement with France, which eventually postponed the process as these two countries were coupled (Cunha, 2018).

Considering all that, the EU has proclaimed that the decoupling of these two countries is not the best solution. The reason for the contestation of the decoupling is made clear by the EU institutions however it might suggest that it is related to the overall political situation in the Union. The French veto of 2019, made it clear that the EU needed to reform itself before accepting other countries (Tcherneva & Varma, 2019), even though Albania was objectively regarded as not ready from concerns raised by the Netherlands over the fight against corruption and organized crime, while North Macedonia as more prepared and coming after the Ohrid Agreement.

To understand the French veto, it is important to understand the context in which the EU is founded. As a start, the EU experienced a shockwave after the 2008 global financial crisis which provided the first cracks inside the union and spiralled discontent among the several member states, especially the ones that were heavily hit by the crisis (Serricchio, Tsakatika, & Quaglia, 2013). The other cracks were inflicted by the 2011 migrant crisis which showcased that certain member states were unwilling to cooperate in solving the situation (Stockemer et. al, 2019). Considering that, the EU experienced an increasing wave of nationalistic rhetorics by populist parties which advocated either the disruption of the EU or the exiting from the EU (Algan et. al, 2017). The result of that was the Brexit situation which led to the United Kingdom leaving the EU in 2020, after a long and difficult negotiation to strike an agreement with the latter (Brexit: What you need to know about the UK leaving the EU, 2020). As such, the EU's agenda, for many years had been

dealing with the crisis that was at hand and thus shifting the attention from the enlargement process.

In parallel, the veto's imposing in recent years seem to have served to the EU's enlargement fatigue and scepticism, especially the sudden decision of Bulgaria to block the accession process of North Macedonia at a time when the latter stroke a painful but important agreement with Greece.

The increased discontent and distrust towards Brussels by the Western Balkans countries might impact their overall performance in fulfilling the Copenhagen criteria as it could demotivate the politicians of this region to keep forward with the reforms or show substantial progress in key areas such as the rule of law, as it was seen in the case of Montenegro and Serbia where both countries have performed poorly as regards the negotiating chapters (Montenegro to open its final chapter with EU, Serbia only the second this year, 2019).

4.4 The geopolitics and geostrategy of EU toward Western Balkan's accession

The enlargement policy of the EU, as was discussed before, was based on the principle of meritocracy upon the completion of the Accession criteria and adoption of principles on one hand, and the individual interests of the member states on specific occasions on the other. However, the Enlargement is not only a technical process but also a political one that also adheres to the interests of the Union as a whole, especially regarding the Western Balkans.

As was previously mentioned, in the early 1990s the Western Balkan countries weren't perceived as potential member states and such a thing was reflected in the EU's foreign policy towards such a region. At that time, the EU's only geostrategic objective towards such a region was the reconstruction and peacekeeping after the Balkan war through aiding programs (Jano, 2010). One of the key strategic choices in this manner has been the promotion of cooperation among countries through the launching of the Raymond process (Tatham, 2009; Jano, 2010) and later the Stability Pact for South-Eastern Europe (The Council of the European Union, 1999).

As time went by, the EU's geostrategy towards the Western Balkans changed from establishing partnerships with the region to considering its countries as potential states starting with the Stabilization Association Agreement (SAA) adopted at the Zagreb Summit and pushed forward and consolidated in the Thessaloniki Summit (Tatham, 2009; Jano, 2010). From that moment on, it was made clear that the future of this region would be in the EU. As such, the EU became the main investor and foreign trade partner for the countries of the Western Balkans considering, and also the political and economic orientation of these countries have gravitated towards European Integration.

However, the Enlargement policy was overshadowed by the complexity that the 2008 global financial crisis, the 2011 migrant crisis, and the ISIS threat (Stockemer et. al, 2019), the increased nationalism in several EU member states (Algan et. al, 2017), and Brexit (Brexit: What you need to know about the UK leaving the EU, 2020). Considering that, the geopolitics in the EU changed by turning the attention towards solving its internal problems in its institutions and member states.

By putting the Enlargement to the backstage, it had created a power vacuum in the international politics in the Western Balkans, considering that the European dream grew distant as time progressed. Unsurprisingly, several regional and global powers have not remained silent but rather quite active in filling such void.

First, Russia has remained a key partner for Serbia in terms of political and military support (Öztürk, 2019) while also being suspected to have played role in instigating tensions in Bosnia and Hercegovina (Gadzo & Karcic, 2019) and political assassinations in Montenegro ('Russian nationalists' behind Montenegro PM assassination plot, 2016). Moreover, Russia had made public invitations to Albania and North Macedonia to join the Eurasian Economic Union, an organization that might be perceived as a rival to the EU (Russian Representative to EU invites N. Macedonia and Albania to join EEU instead, 2019). Furthermore, the war that Russia initiated in Ukraine in February 2022 and the defiance and mistrust of the Russian leaders towards western organizations such as the EU and NATO have raised the alarm for a further spillover of the conflict to other neighboring countries that were once part of the Soviet Union (Harlan, 2022).

Another power ready to take advantage of the situation is China, which has openly made clear its plans to extend its economic and political influence to Europe through the Belt and Road Initiative. Under such initiatives, China has been able to enter Southeast Europe through the implementation of investments such as the acquisition of the Port of Piraeus in Greece and the building of the highway which connects the city of Bar in Montenegro with the city of Belgrade in Serbia (Doehler, 2019). Moreover, another major investment that would spill over the region of CEE is the project for the construction of the railway from Budapest to Belgrade, which has initiated in 2013 and has not yet been concluded (Brînză, 2020). However, it is important to be mentioned that foreign policy objectives under the Belt and Road Initiative for the region of the Western Balkans, are organized under the umbrella of the 16+1 initiative or the “Cooperation between China and Central and Eastern European Countries”, which aims to promote cooperation between the CEE countries and China, which was launched in 2012 (Szczudlik, 2019).

Lastly, Turkey, as a regional power has in the last decade increased its political and economic influence in the Western Balkans. By taking advantage of the historical and cultural ties with such regions, Turkey has provided a clear and consolidated foreign policy under a neo-“ottomanist” approach to attract these countries through soft-power diplomacy emitted through their soap operas, investments in the reconstruction of cultural sites such as ottoman mosques, influencing over the Muslim communities in these countries and even becoming an important investment country (Durson-Özkanca, 2019). Some visible dynamics in the region are for instance the establishment of the Albanian national airline “Air Albania” (Irtak, 2019) or the operation of one of Turkey’s biggest banks in Serbia and North Macedonia (Ozturk & Stojanovic, 2018; Kostidis, 2019), and also not underestimating Turkey’s influence over some part of the Muslim community in Bosnia and Herzegovina (Buyuk, 2019).

4.4.1 Geopolitics as possible Accession criterion for Albania and North Macedonia?

Considering the political vacuum and the “threat” it is posed by these powers, has the EU made attempts to accentuate the geopolitics’ importance in the Accession process?

The answer to that is that the EU has been aware of the situation, and had given more importance to the geopolitics in the 2018 Enlargement strategy. Aside the common criteria that are required to be fulfilled such as the rule of law, protection of democratic values, human rights, etc., the EC in the 2018 Enlargement strategy document has written about the necessity for further reforms and more integration and intensification with the EU cooperation and mentality, or rather an aim to provide more synergy with the partners (European Commission, 2018d). Moreover, the introduction of the new EU government in 2019, gave hints that geopolitics would have an important role, which implied also in the case of their relations with the Western Balkan countries, as EC President-elect Ursula von der Leyen had stated (European Commission, 2019c).

However, such an attempt remains insufficient to turn the tide as the EU has many major problems to deal with inside their house, as has been stated by French President Macron when vetoed Albania's and North Macedonia's opening of accession talks in 2019 (Tcherneva & Varma, 2019). Aside from France, even Germany led by Chancellor Angela Merkel, a strong supporter of the Enlargement process, remained sceptical that the region would be integrated anytime soon (Highlights of the EU – Western Balkans Summit in Sofia, 2018).

Acknowledging the geopolitical importance of the Western Balkans as well as the concerns raised by French President Macron in 2019, the EC introduced in 2020 the new enlargement methodology. At the core of this methodology was the focus on the political involvement of the EU member states and thus making the accession process less technical-based (European Commission, 2020). The rationale surely was to assess these countries' future also from a much macro perspective instead of dwelling on the technicalities.

Nevertheless, a potential threat to the “geopolitisation” of the EU accession process may lie in the veto mechanism of the Council. As it has been previously discussed, the veto has been used by the member states based on bilateral issues that they had with the candidate countries, and not necessarily on the fulfillment of the Copenhagen criteria. Perhaps, as some may suggest, changing the voting mechanism can provide more oxygen to the Accession process and also speed up the process of the Enlargement, considering that the opposing member states in this regard have only been a few of them (Cvijić & Bechev, 2021). In case the veto mechanism is not lifted as regards the Enlargement process then it

is highly likely that it will still play a role in prolonging the process and deepening the distrust between Brussels and the Western Balkans.

Besides, the EU's political involvement in the region calls for more efficiency in solving the crisis in Bosnia and Hercegovina, which is threatened to be separated, following the tensions in the region of the "Republika Srpska" (Burgess, 2018). The situation does not look promising even in the case of Kosovo-Serbia relations, which do not seem to give hope for a normalization of relations in the near future (Xhambazi, 2020). Also, the EU decision to not provide visa liberalization for Kosovo, despite having declared that it has fulfilled the requirement, has weakened the image of the Union in this country (Morina, 2019).

Perhaps, the conflict between Ukraine and Russia can provide grounds for a switch to more geopolitical handling of the Enlargement process. Considering the fear that a potential spillover to other Eastern European countries might occur and that conflict in the Western Balkans might ignite once again, the EU might consider speeding up the enlargement process (Marusic, 2022).

CHAPTER 5

POLITICAL SYSTEM IN ALBANIA AND NORTH MACEDONIA

5.1 Introduction

The political system falls under the Rule of law and Democracy as fundamental criteria of the EU accession. Throughout time, the EC, through its annual reports has monitored the functionality of the political system in the candidate countries as one of the elements which have a direct impact on the country's accession and Europeanisation process. As a key indicator of assessing political performance, the EC has utilized the political climate for which it is necessary to be stable and characterized by a mature and cooperative political class. The importance of stable political climates lies in the success of adopting and implementing vital reforms for the country. However, one must not disregard the legislative and institutional aspects of the countries. For that reason, the EC has as well emphasized the protection of the pluralistic system and separation of powers by the domestic constitutions of the candidate countries. These two aspects form the indicators that are necessary to analyze Europeanisation progress.

This chapter analyzes the Europeanisation of the political system in Albania and North Macedonia for the period 1999-2019 by focusing on two aspects, the political composition and policy-making processes, and the political climate. To analyze these indicators in terms of Europeanisation, the three-degree models of policy adoption provided by Elbasani (2013) (verbal, legal, and substantive) are taken into account. The political composition in both countries has followed a similar model based on the Western European ones and by Constitution, they are democratic and hold on to the main principles of democracy.

Moreover, both countries have brokered out of a communist regime and had to reinvent their way of conducting politics which has resulted in the establishment of several parties but only a small number have remained dominant in political life.

However, differences are found in the typology of the political parties and their level of representation which is primarily a result of the differences in the ethnic composition. While the legal framework which affects the political aspect and democracy overall has increasingly improved over the years. On the other hand, it is observed that the political climate in both Albania and North Macedonia has been very dynamic and has ranged from moments of intra-party cooperation and dialogue into various episodes of conflict which have destabilized the situation. However, the sheer impact of the respective political climates varies and so does the ability of the respective political parties to resort to conflict resolution. Also, even the nature of the conflict is not very similar regardless of the constant strive for political power that is present in both countries.

The findings in such indicators have provided for the showcasing of differences in terms of the Europeanisation of the Political System in accordance with the three-degree model of policy adoption.

5.2. Political system in Albania

5.2.1. Political composition and policy-making processes

By Constitution, Albania is a free and democratic country that supports political pluralism, freedom of expression, and religion. The executive power is exercised by the government which is elected every four years. The legislative power is exercised by the Parliament and the Judiciary is exercised independently. The Parliament is unicameral and holds 140 seats which are elected every 4 years during the general elections. The president is elected by the Parliament and holds a 5-year term (Constitution of the Republic of Albania, 2020). While the Judiciary is comprised of the Courts (Constitutional, High Court, Court of Appeal, and

Courts of Instances), the High Court Council, the High Inspectorate of Justice, General Prosecutor's Office, and Special Anti-Corruption Structure (Law no.115/2016).

The democratization of the political life in Albania began in the early 1990s and from then on, approximately 126 parties were established but only 3-4 of them managed to be regularly represented in the Parliament, namely the Socialist Party (SP), Democratic Party (DP), the Socialist Movement for Integration (SMI) and with alterations, other smaller parties. Since the 1990s and up to the early 2000s SP and DP have dominated the political life in Albania. However, the parties have undergone several structural and ideological consolidations as well as reformations in their decision-making which have created political fractions. One of the most notable fractions derives from the SP of which, the SMI was established. The SMI was comprised of members of the SP that were satisfied and had conflicts with its leadership, but sooner, it would become a crucial party for the determining of the elections.

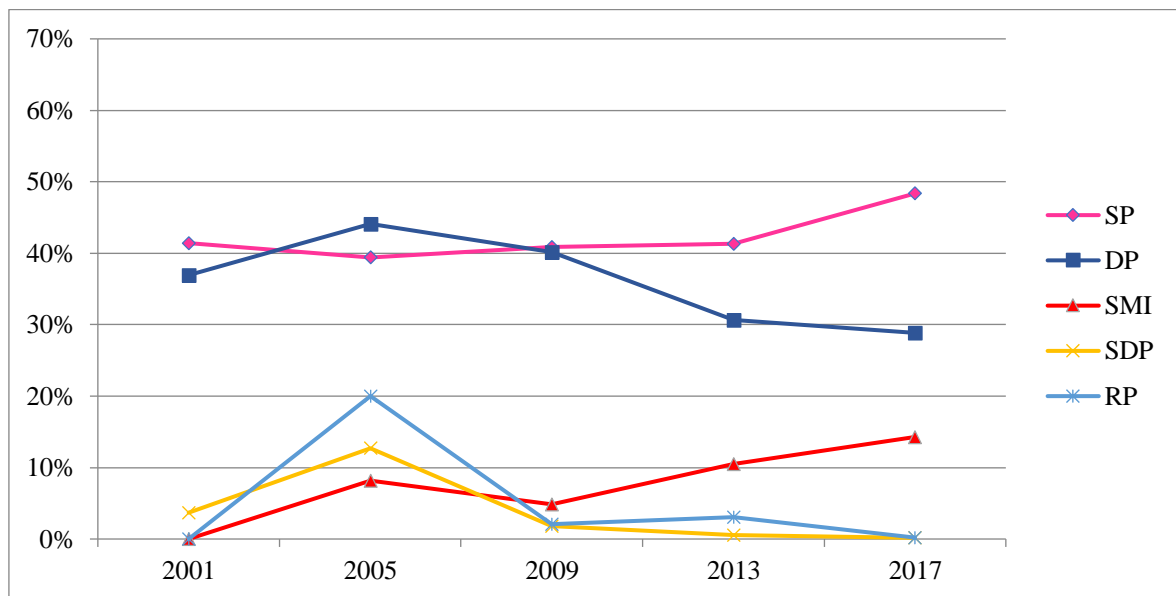


Figure 5.1 Main political parties in the last five Parliamentary elections in Albania
Source: Official website of Central Election Commission of Albania. Author's work (2022)

Out of all these three, the SP has remained the largest political party in Albania in terms of voters and electoral regions. SP is the result of the reformation of the former People's Party of Albania (PPA) into a center-left party with a liberal view and a progressive outlook (Rregullore e Partisë Socialiste të Shqipërisë; Islami, 2013). SP is part of the Socialist International group and is affiliated with other center-left parties in Europe such as the

Democratic Party in Italy, the Labour Party in the United Kingdom, the Social Democratic Party of Germany, and the Democratic Party in the US. SP has been in power from 1991, during 1991-2005, and from 2013 onwards and providing 6 prime Ministers and 3 Presidents (Krasniqi, 2017). In the 2017 general elections, SP won the elections by 47% of the casted votes and earned 74 seats in the Parliament, the necessary number to form the government with a coalition (Central Election Commission, 2017).

The DP is the second-largest party in Albania and it was established as a result of the massive Anti-communist movement in the early 1990s. DP was among the first political parties to be in opposition against the PPA and was the one to lead the process of democratization of the country (Islami, 2013). DP in its statute is considered a center-right party with liberal-conservative views and pro-European (Statuti i Partisë Demokratike). It is affiliated with other center-right parties in Europe and the US such as the Cristian-Democratic Party in Germany, Conservative Party in the United Kingdom, and Conservative Party in the US. DP has been in power during 1992-1997 and from 2005-2013 and has managed to produce 4 presidents and two (Krasniqi, 2017). In the 2017 general elections, DP earned 28.85% of the votes and 43 seats in the Parliament (Central Election Commission, 2017).

The SMI is the third-largest party in Albania and was established in 2004 as a fraction of the SP. SMI is a center-left party and has identical political programs and objectives to the SP and is well-organized (Islami, 2013). However, this party is very pragmatist and has managed to build government coalitions twice, in 2009 with the DP and in 2013 with the SP. SMI's success is tracking votes from both the SP and DP electorate and increasing its range of political support by the people which has disrupted the bi-polarisation in the Parliament (Krasniqi, 2017). In the 2017 general elections, SMI earned 14.28% of the votes and 19 seats in the Parliament (Central Election Commission, 2017).

The rest of the political spectrum comprises smaller parties which are often diminished versions of the big parties. They are divided into ideological and nationalistic parties. The ideological parties are center-left (Social Democratic Party) and center-right (Christian Democratic Party, Republican Party). While the nationalistic parties are the ones that cater to ethnic minorities such as Justice, Integration, and Unity Party (Cham population), and Unification for the Human Rights Party (Greek ethnic minority). Besides, other parties have been established but have had a short life span (Krasniqi, 2017).

In general, the political parties in Albania are pragmatists and don't follow suit with the ideologies which they proclaim. Moreover, considering that there are no ethnic or religious tensions in the country, the political programs are not narrowed down to specific groups but rather are impactful on a national scale. The parties do not differ in terms of national interests and goals, foreign policy strategy, Euro-Atlantic orientation, economic development, and neighbourhood relations. Some differences are seen on more specific issues such as taxation and land property and also on the communist crime remembrance and other peripheral ones such as the Greek minority rights in Southern Albania and the Cham population (Islami, 2013; Krasniqi, 2017). Usually, there are political bastions of the SP and DP, respectively in the south and north, which has been a result of the origin of their political leaders (Jano, 2008).

In their right to exercise their right as policymakers, they have managed to produce policy documents that have impacted the overall functioning of the political system and democracy overall.

Based on the yearly EC reports, several key policy documents have been adopted in the past two decades. However, for the purpose of this study, the focus will centre around laws passed in the Parliament that were considered as relevant for the political aspect of Europeanisation as indicated by such reports, i.e., electoral process, judiciary, and public administration. Overall, the EC has provided that in 2012, legislation was at a sufficient level to provide a working democracy due to the adoption of the new electoral code following the constitutional changes of 2008 and the OSCE/ODHIR recommendations, and also the passage of many laws requiring the two-thirds majority, some of which being in the service of strengthening the judiciary (European Commission, 2012a).

The electoral legislation has received continuous changes through the years on the verge of every parliamentary and local election and has continuously been accompanied by political debates between the party in power and the party in opposition. An example of that can be seen starting in 2005 with the adoption of the amendments to the Electoral Law in the Parliament, which, although has been a lengthy and problematic process as the EC would state (European Commission, 2005a), has nevertheless provided for basic principles of democracy. Nevertheless, the political conflicts that ensued in 2006 which were carried out

till 2008, hampered the realization of electoral reform (European Commission 2006a, 2007a, 2008a). In this regard, the parties reach a consensus to adopt the new Electoral Code in late 2008 and thus complete the reform in this area. Regardless, due to the political stalemate instigated in 2009, it was a need for the initiation of a change in the electoral legislation such process would be dragged up until 2012 when such amendments were adopted in the parliament following the OSCE/ODIHR recommendations (European Commission, 2012a). The upcoming electoral reform was recommended by the EC to be finalized prior to the 2017 Parliamentary Elections (European Commission, 2016a), however, no such thing occurred as political consensus on such matter was lacking and the situation continued even after the elections now with added recommendations by the OSCE/ODIHR.

More than 24 legal acts in regards to the judiciary have been adopted in the Parliament which aimed for the strengthening, independence, accountability, and impartiality of the system. In the period between 1998-2002, 9 important acts were adopted which enriched the institutional framework of the legislation (European Commission, 2003a). In the period 2003-2008, 5 acts were adopted in order to support the constitutional changes made in 1998 (European Commission, 2004a, 2005a, 2009a). In 2011 and 2012, 3 acts were adopted but there wasn't considered substantial progress as there was the need for a judicial reform (European Commission, 2011a, 2012a). The period of 2016-2017 saw the reaching of a major political consensus on the adoption of 8 acts under the judicial reform, a much-awaited reform from the EC (European Commission 2016a, 2017a) which provides for a sound and secure legal basis in this area.

As regards state administration, which includes the organization of the central and local government, including the public administration, substantial acts have been adopted. In 2000, the law on civil service has been adopted (European Commission, 2001a) while in 2002, a legal package that aids in the provision of funds to the municipalities in the framework of the de-centralization process, has been approved (European Commission, 2003a). In the same year, a new law on salary determination has been adopted, although it contradicted the existing civil service legislation of that time (European Commission, 2003a). Nevertheless, a key step occurred in early 2003 with the adoption of the Law on the Organisation of the Council of Ministers (European Commission, 2003a). Continuing with the positive trends in 2003, the Law on control of officials' assets, the new Code of Ethics, as well as the amendment to the Department of Public Administration (DoPA)

competencies were adopted (European Commission, 2004a). In 2007, amendments to the Law on the evaluation of the performance of civil servants were amended (European Commission, 2008a). In 2013, after a political stalemate, the new law on civil service was adopted which was as well considered by the EC quite satisfactory (European Commission, 2014a).

5.2.2. Political climate

The political climate in Albania for the period 1999-2019 has constantly been characterized by political crises and agreements, parliamentary boycotts, and the setting up of Parliamentary commissions. From the information provided by the annual EC reports, it was evidenced that there was not a single year of full political stability, as Figure 5.2 1also indicates.

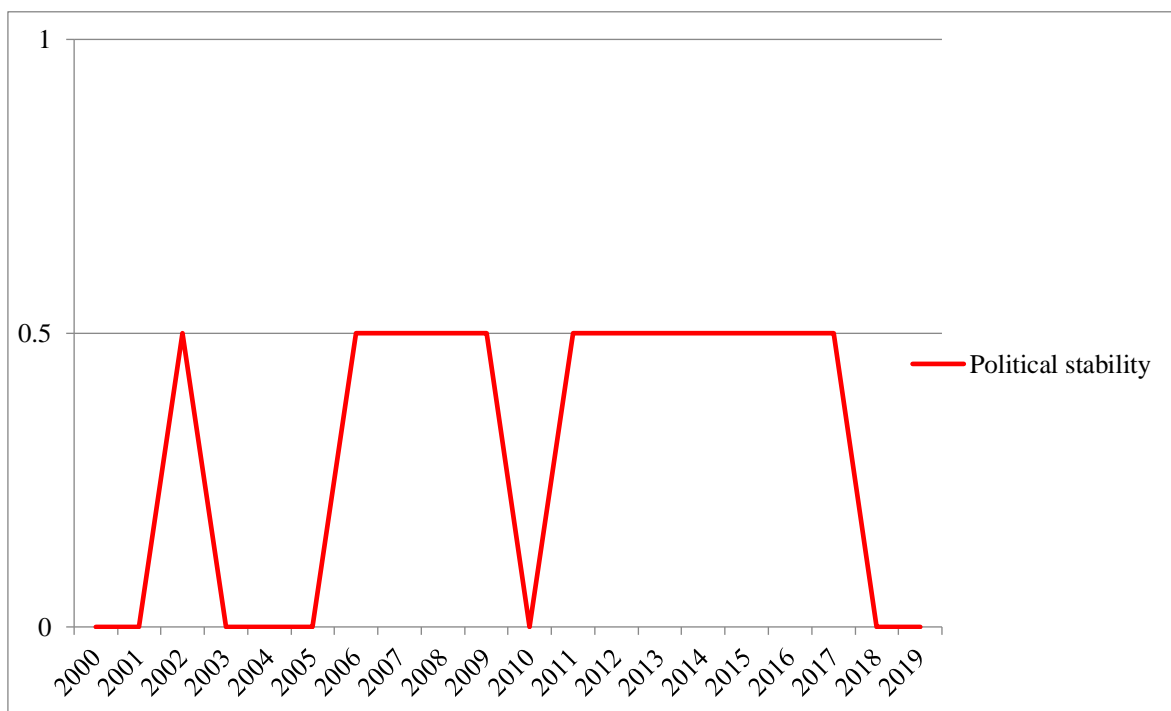


Figure 5.2 Political stability in Albania during 2000-2019

1 For the purpose of this study I have subtracted the evaluation on the political stability of Albania and North Macedonia from the annual EC reports and compiled a measuring system in order to track the progression of this variable for the period 2001-2019. The measuring system comprises of three scores: 0=Unstable; 0.5=Moderately stable; 1=Fully stable.

Source: European Commission's annual country reports. Author's work (2022)

The period 2000-2005 was very dynamic in terms of political interactivity between the main political parties as Albania was involved in the process of the SAA. For this purpose, an EU/Albania High-Level Steering group was established to assess the preparedness of the country before the signing of the SAA based on which, the EC would publish the annual reports (European Commission, 2001a). The reports for these years emphasize the lack of democratic culture for the parties and a high tendency to boycott processes. In all the four elections that took place (2 local elections respectively in 2000 and 2003, and two general elections respectively in 2001 and 2005), the situation would aggravate 6 months prior and continue afterward with accusations from the opposition parties against the ruling party for meddling in the votes (European Commission, 2001a, 2004a, 2006a). On the other hand, neither the ruling party would show will for dialogue and cooperation and would often engage in intense debate and counter-accusations. Consequently, the opposition party would repeatedly boycott the plenary sessions in Parliament. What is interesting is that political conflict also erupted within parties, such as in the case of the intense debate between the Prime Minister and the Deputy Prime Minister in 2003 (European Commission, 2004a). Such an event was used by the opposition party to fuel up the conflict and debate in the Parliament. Aside from the lack of administrative capacities, the EC has reported that also due to lack of cooperative spirit between the parties, which has slowed down the work of the Parliamentary Committees, for instance, has impeded the country from taking reform that would provide for the adoption of the EU legislation. The EC only mentions some measures such as agreement on a package of Electoral Code amendments in 2002 (European Commission, 2003a), the law on property restitution and compensation law, amendments to the package of laws designed to fight organized crime and terrorism in 2005 (European Commission, 2006a). However, for this period, the most positive trend that occurred was the increased role of the Parliament as the central place of the political life of Albania which has become more efficient in the adoption of legal acts.

The tensions would pursue also in the upcoming years and were characterized by very impactful moments, especially during the period 2006-2013. By the year 2005, the Democratic Party had won the general elections and this time, the Socialist Party was in the opposition (European Commission, 2006a). However, the practice of Parliament boycott by the opposition was to be repeated, especially during the 2009 general elections

which were won by the Democratic Party for a second time (European Commission, 2010a). A year prior to that, both parties reached out for a dialogue to amend the Electoral Code, which, according to them, would improve the system and the parties themselves (European Commission, 2009). However, as it was evidenced, the lack of democratic culture, the persistent language of violence, and the boycott of the institutions remained. The lowest point of the political situation in Albania in that period, and probably one of the lowest in its entire history, was the 2011 incident. The Socialist Party of that time organized a marching protest to commemorate the victims of the Gërdec weapon dismantling factory explosion. However, the protest turned violent and four protesters were shot dead by the National Guard it was claimed by the Socialist Party that the order was given by the Prime Minister. Nevertheless, the dialogue was reinstated in November of the same year and it was crucial in adopting several crucial reforms such as the Law on the Civil Servants and the rules of procedure of the High Court (European Commission, 2012a). On the other hand, it was seen that the period of peace does not persist for too long and is immediately replaced by clashes and tensions, especially during electoral years, and 2013 was no exception to that. The elections were won by the Socialist Party, which joined a coalition with the Socialist Movement for Integration party for the government (European Commission, 2014). The Democratic Party on the other hand, upon the resignation of its longstanding leader Berisha, and the appointing of Lulzim Basha, initiated a process of change not only in the organics but also in political discourse.

During the ruling of the Socialist Party from 2013 and on, the political spectrum entered another chapter. Firstly, the leader of the Socialist Party and Prime Minister Edi Rama used the slogan “Renaissance” (Islami, 2013) as a political strategy to reform its party by making it more modern and progressive by replacing the longstanding party members with new faces. The need for change and refreshment of the political figures was also visible in the Democratic Party through the initiatives of its leader Basha to give a new face to the party and try to strengthen it (Exit.al, 2017). Regardless, the high tones and tension would persist as numerous scandals that involved the Socialist Party and the Government served as a political tool that was used by the Democratic Party. Firstly, it was revealed that the country has been covered by large plantations of cannabis under the approval of the state police and the government itself (Standard.al, 2017). Later on, the accusations of the meddling of the Socialist Party with criminal organizations continued. These all culminated in 2017, months prior to the general elections of that year, the opposition, led

by the Democratic Party would engage in a hunger strike in front of the Prime Minister's Office building calling for a technocratic government that would guarantee fair and free elections (Deutsche Welle, 2017). The hunger strike ended in May, following an agreement between Basha and Rama for the formation of a technocratic government elected by the Democratic Party (GazetaTema, 2017). Yet again, the tensions would emerge and the opposition would continue with the disclosures of political scandals. By the end of 2018, the opposition boycotted the Parliament boycotted (Top Channel, 2018) and by early 2019, it resigned its mandates (Ruci, 2019). Only a very small fraction of the members of the opposition parties decided to replace the mandates that were left out. Consequently, two types of oppositions were formed: the Parliamentary one, comprised of MPs who were previously ranked low in their party lists but decided to take the mandates once they became vacant, and the extra-Parliamentary one, comprised of former MPs.

As the chart indicates, from 2001 and on, the political parties have failed to provide a fully stable political climate. Such a situation has made it possible for the fragmentation of the electorate by region and historical legacy. Concretely, after the fall of communism, the northern Albanians would identify themselves with the Democratic Party, while the majority of southerners would continue to support the reformed Communist Party, which is the Socialist Party of today. On the other hand, the preference of the southern Albanians over the northern ones during the past regime somehow managed to determine the voting areas in the country, where the socialists would gain more votes in the south, while the democrats would gain votes from the northerners (Jano, 2008). However, despite the linguistic and territorial clashes; the party conflict was as well nurtured by the opposing ideologies that these parties represent a) The Socialist Party, which was an upgraded version of the previous communist party, promoted a more moderate politics by coming up with a purpose of obtaining a better democratic system, and with a market economy. Moreover, its leader Fatos Nano wanted to clean the image of the party by stating that in fact, they are not inheriting the errors of the previous party. However, the socialists were under constant accusations by the Democrats who claimed that the Socialists were the incarnation of the Red Power; while the Democratic Party was established out of the necessity of the people to undergo a significant political change (Biberaj, 1999).

5.3. Political system in North Macedonia

5.3.1. Political composition and policy-making processes

North Macedonia is a parliamentary democracy with a multi-party system that was established in 1991. The executive power is exercised by the government which is elected every four years, The legislative power is exercised by the Parliament and the Judiciary is exercised by, is independent. The Parliament is unicameral and holds 123 seats which are elected every 4 years during the general elections. The president is elected by the Parliament and holds a 5-year term (The Constitution of the Republic of North Macedonia). While the Judiciary is comprised of the Courts (Administrative, Higher Administrative, Supreme, basic courts), whose magistrates are elected by the Parliament (Law on the Courts 58/2006, 62/2006, 35/2008, and 150/2010) as well as the Law on Public Prosecutor's Office (Law on Public Prosecutor's Office 150/2007, 111/2008).

Since the establishment of the multi-party system in 1991, there are more than 80 registered and 30 operating political parties (Georgiev, 2017). However, the political life in North Macedonia has been dominated by Internal Macedonian Revolutionary Organisation-Democratic Party for Macedonian National Unity (VMRO-DPMNE), Social Democratic Union (SDSM), the Democratic Union for Integration (DUI), the Democratic Party of Albanians (DPA), and other third parties. However, the parties have undergone several changes and many fractions have been created out of them.

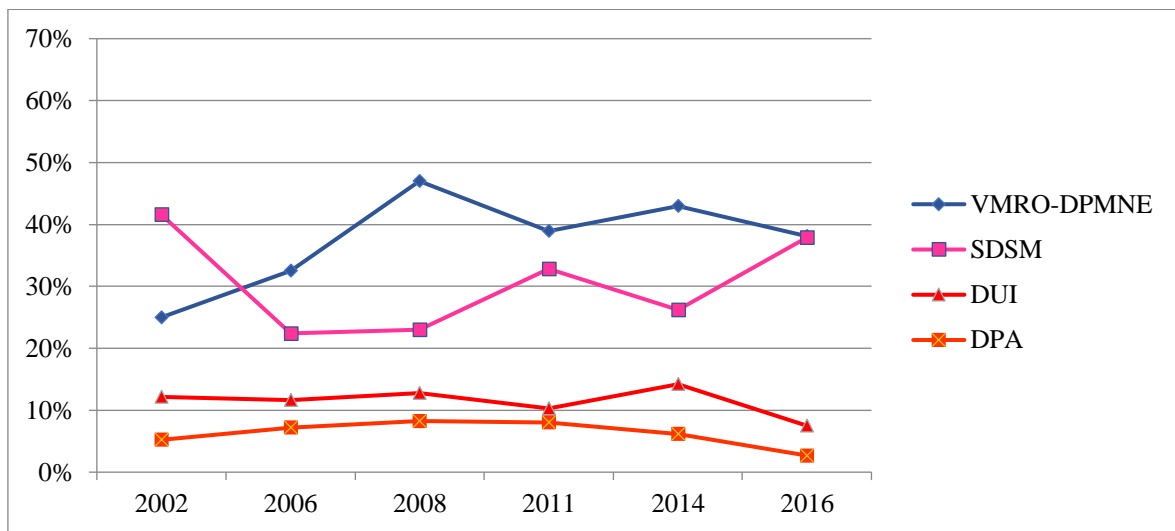


Figure 5.3 Main political parties in the last six Parliamentary elections in North Macedonia
Source: OSCE/ODIHR Election Observation Mission Final Reports on 2002, 2006, 2008, 2011, 2014, and 2016 Parliamentary elections in North Macedonia. Author’s work (2022)

VMRO-DPMNE is a center-right party that describes itself as Christian-democratic and is a supporter of the Euro-Atlantic future of North Macedonia. However, after Gruevski took over in 2003, VMRO-DPMNE became more pro-Russian and anti-western. The party was established in 1991 and sees itself as the descent of a Macedonian liberation movement in the 19th century against the Ottoman Empire (Hislope, 2013). In essence, the party is nationalistic, and lately, ultra-nationalistic and has had a tough stance against Greece’s demands regarding the name dispute. The party governed during 1998-2002 and from 2006-2014 and has produced two prime ministers and two presidents (Hislope, 2013; OSCE/ODIHR, 2014). In the 2016 elections, VMRO-DPMNE won 38.14% of the votes and 51 seats in the Parliament (OSCE/ODIHR, 2017).

SDSM is a center-left party that was established in 1991 and is a successor of the former League of Communists of Macedonia. It has liberal views on many aspects such as the economy and human rights and pragmatist ones regarding foreign policy and the name dispute (Hislope, 2013), which is reflected in the 2018 Prespa Agreement. The party has for long been the biggest and the one with the most mandates in North Macedonia, concretely during 1990-1994, 2002-2006, and 2016 and on (Hislope, 2013; OSCE/ODIHR, 2017). In total two prime ministers and three presidents from elected by this party. In the 2016 elections, SDSM won 36.66% of the votes and 49 seats in the Parliament (OSCE/ODIHR, 2017).

DUI is the third-largest political party in North Macedonia and the biggest ethnic Albanian party. The party was formed in 2002 by former Albania fighters that have participated in the 2001 insurgency. Since then, the party has become very deterministic in determining the governments as it would form coalitions with the biggest parties (Hislope, 2013). By default, DUI is an ethnic-specific party that concerns the rights of the Albanian minority in North Macedonia. In the 2016 elections, DUI gained 7.28 % of the votes and 10 seats in the Parliament and entered into a coalition with the SDSM (OSCE/ODIHR, 2017).

Lastly, DPA is the oldest ethnic-Albanian political party which was formed after the merger of two Albanian political parties, the Party for Democratic Prosperity of Albanians (PDPA) and the People's Democratic Party (PDP). Initially, the DPA has been very opportunistic towards building coalitions with Slavic Macedonian parties and especially VMRO-DPMNE but then it became more opposing to it. Moreover, it had shown that the Albanian community is divided as both DPA and DUI do not attempt to merge and maximize the votes of the same ethnic minority that they represent (Hislope, 2013). Lately, such a party has diminished in votes, which was shown in the 2016 elections where it gained 2.60 % of the votes and 2 seats in the parliament (OSCE/ODIHR, 2017).

In their right to exercise their right as policymakers, they have managed to produce policy documents that have impacted the overall functioning of the political system and democracy overall.

Based on the yearly EC reports, several key policy documents have been adopted in the past two decades. However, as it was explained previously, for the purpose of this study, the focus will centre around laws passed in the Parliament related to the electoral process, judiciary, and public administration. Considering the specificity of the political system in North Macedonia which has been characterized by ethnic tensions, the legal acts addressing such an issue are also taken into account. Overall, the EC has provided that in 2007, the North Macedonian legislation was at a sufficient level to provide a working democracy due to the implementation of the Framework Agreement through the passing of the necessary constitutional amendments under it and also the implementation of essential reforms such as the electoral reform and the judicial reform.

The electoral legislation received changes through the amendment of the electoral code in 2002 through close international monitoring (European Commission, 2002b) following the signature of the Framework Agreement in 2001. Such a law would be amended in 2006 after the reaching of a full political consensus, a case which represented the implementation of a full reform in this area (European Commission, 2006b). The upcoming change of the electoral code would only arrive in 2012, following the OSCE/ODHIR recommendations after the year 2011, a process that had been postponed for years. Another political consensus would arrive in 2015 after the reaching of the Pržino Agreement (European Commission, 2015b). Such a law was reviewed once again in 2018 with amendments providing the grounds for electing the new State Election Commission (European Commission, 2019b).

More than 18 legal acts in regard to the judiciary have been adopted which aimed at the strengthening, independence, accountability, and impartiality of the system. In 2003, it was evidenced by the first legal acts adopted in the judiciary which catered to the budget of the judiciary (European Commission, 2003b). The period 2004-2007, provided for an improvement of the legislation by introducing a more strategic framework and also acts adopted under the framework of the Judiciary Reform (European Commission 2005b, 2006b, 2007b, 2008b). Important amendments followed through in 2010 as well which were related to the Judicial Council (European Commission, 2011b) and others in 2014-2016 with other existing laws, thus solidifying the legislation (European Commission 2015b, 2018b). Lastly, 2017-2019 corresponded with the implementation of the new Judicial Reform through the adoption of several amendments to the existing laws (European Commission, 2019b).

As regards state administration, which includes the organization of the central and local government, including the public administration, substantial acts have been adopted. In 2000, the Law on civil servants was adopted which would need to be adapted later on under the Framework Agreement of 2001 (European Commission, 2002b). In 2001, important pieces of legislation were adopted such as the Law on Local Self Government and the Code of Ethics for Civil Servants (European Commission, 2002b). In 2007, the Code of Ethics for Civil Servants was amended while the Code of Ethics for Public servants was adopted. In 2009, the law on the parliament was adopted in order to strengthen the role of the Parliament (European Commission, 2009b). In 2011, the Law on

Civil Servants and the Law on Public Servants were adopted (European, Commission, 2012b). While, in 2014, a new legislative framework for civil service and public employment was adopted (European Commission, 2014b). Lastly, the Code of Ethics was adopted in 2019 following also the recommendations provided by GRECO (European Commission, 2019b).

Other policies which have come out of the Framework Agreement have also been adopted along with the abovementioned ones. In 2005, the Law on the Usage of Flags was adopted (European Commission, 2005b) which was later amended in 2011 in a shortened procedure (European Commission, 2011b). In that year, also the Law on languages was amended as well (European Commission, 2011b). In total, including also the above policy decisions, there were 15 Constitutional Amendments concluded under the 2001 Framework Agreement.

5.3.2. Political climate

The political climate in North Macedonia for the period 1999-2019 has constantly been characterized by political crises and agreements, parliamentary boycotts, and the setting up of Parliamentary commissions. On the other hand, the political parties have managed to provide periods of full stability characterized by political dialogue and cooperation, as Figure 5.3 indicates.

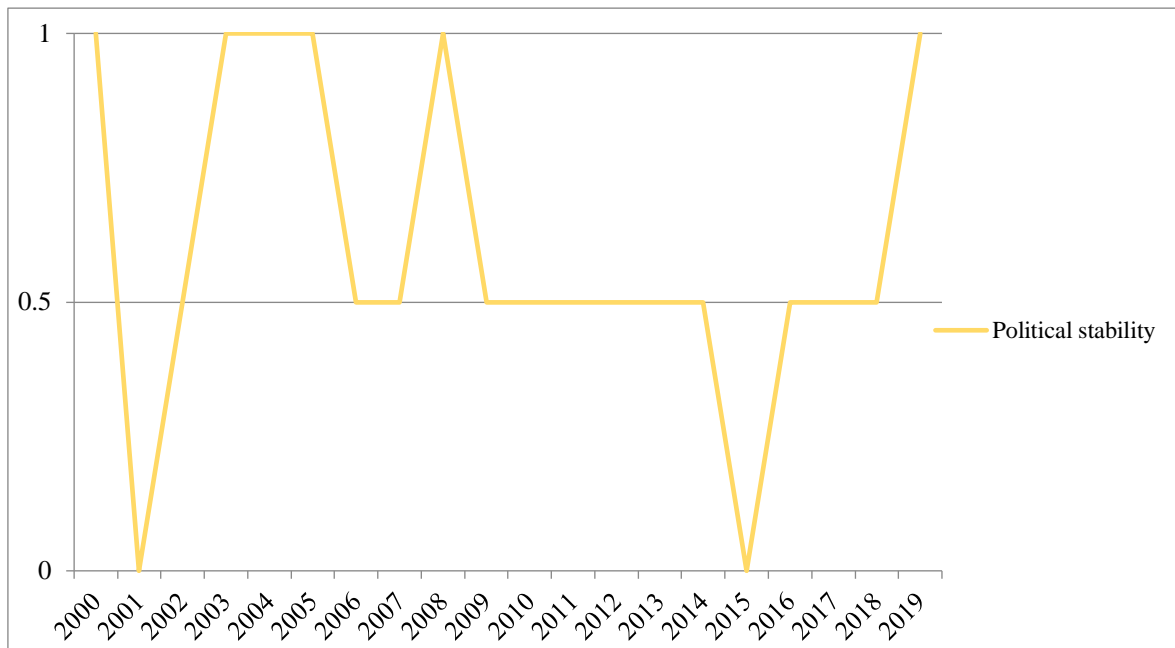


Figure 5.4 Political stability in North Macedonia during 2000-2019
Source: European Commission's annual country reports. Author's work (2022)

The year 2000 has been a very positive year for North Macedonia as the country concluded the SAA negotiations with success, and merit also to the calm political situation up until that year (European Commission, 2001b). However, in 2001, the North Macedonian political situation was stormed by the conflict that erupted between the ethnic Albanian minority and the Slavic Macedonian forces. The Albanians living in North Macedonia, having had an uneasy coexistence with the Slavic population and having been discriminated against by the Slavic-dominated authorities, initiated attacks against the state forces. The Albanians would group into the National Liberation Army (NLA), a militia group, comprised of ethnic Albanians from North Macedonia and former members of the Kosovo Liberation Army (KLA) (Veljovski, 2016). Nevertheless, the Albanian Political Parties, specifically those that were in the government coalition of that time, did not support the insurgency and called for peace instead (Erlanger, 2001). On the other hand, the Slavic parties and those in the government issued an offensive strike as a countermeasure which would only aggravate the situation (Anderson, 2001). It was due to the international pressure and mediation, especially by NATO and OSCE that it was made possible to seize the attacks by the North Macedonian Government and come up with a cease-fire agreement with the NLA in June 2001. However, the ceasefire agreement was broken by the NLA (CNN World, 2001) and would pursue attacks until August when the Albanian and Slavic Macedonian politicians signed the Ohrid Framework Agreement

which put an end to the conflict. The Ohrid agreement would guarantee, among all, the setting of Albanian as the second official language, and increase the level of representation of the Albanians in the state apparatus. Moreover, it became a very important instrument for the further constitutional reformation and democratization of the country (Ohrid Framework Agreement, 2001). Due to the willingness that both parties have shown by the signing of this agreement, North Macedonia would sign the SAA later that year (European Commission, 2001b).

From 2001 to 2006, the political situation has been relatively stable with occasional tensions and a few boycotts by the opposition parties. After the Ohrid Agreement, there were still sporadic cases of MPs that were against such an agreement and would manifest radical behavior in the Parliament but they were eventually marginalized. In the 2002 Parliamentary elections, the Democratic Union of Integration party, which represents the former members of the NLA, was part of the “Together for Macedonia” government coalition (European Commission, 2003b). During their term, they were committed to fulfilling the Ohrid Agreement, as a key element for the EU integration process of the country, and as such, the political climate has been quite stable, regardless of phew episodes from certain opposition members who sought to break the ethnic conciliation (European Commission, 2003b, 2004b, 2005b, 2006b). However, during the general elections of 2006, tensions emerged between the political parties that were part of the “Together for Macedonia” coalition, which won the elections, and the DUI and Party for Democratic Prosperity coalition, with the latter boycotting the Parliament (European Commission, 2007b).

From that year until 2008, the political environment was run by the spirit of intra-party dialogue and consensus, resulting in the passing of important laws and regulations that were essential for the European Integration process. Furthermore, the fulfillment of the Ohrid Agreement remained a priority for all the political parties (European Commission, 2009b). However, by the year 2009, the boycott by the Parliament by the DPA disrupted the dialogue between the opposition and the government, which resulted also in the inefficiency of the Parliamentary Commissions, especially the ones on European Integration to work properly (European Commission, 2010b). Such a boycott continued until also in 2011 and was aggravated by the boycott of the SDSM by the end of January, as a sign of protest against the VMRO-DPMNE government which was accused of being

undemocratic. The boycott continued until the early elections that were held in June and the new Parliament was formed (European Commission, 2011b, 2012b). Tensions would resume again in 2012 when it showed that there are deep divisions between the political parties. Following the event of the forceful banning of some opposition MPs and journalists from Parliament, the rest of the opposition parties boycotted the plenary session later on during the discussions on the 2013 budget (European Commission, 2013b). The situation would be stabilized by March of the next year when the parties reached an agreement and the local elections would run smoothly (European Commission, 2014b). However, the situation would yet again be disrupted during the Presidential elections in 2014 when Gjeorge Ivanov would be elected for a second term. The SDSM, which was the main opposition boycotted the Parliament as it pretended that the Presidential elections were irregular, and thus, it would not recognize such elections (European Commission, 2015).

The year 2015, was the deepest political crisis that North Macedonia had experienced since the 2001 insurgency. In May of that year, the leader of the SDSM Zoran Zaev published information that revealed that the Gruevski government had wiretapped 20.000 civilians and was held responsible for the death of a young man by the police back in 2011. The unveiling of the scandal brought many people to protest in the streets of Skopje, demanding Gruevski's resignation (Georgievski, 2015). At first, Gruevski showed no sign of backing down and he managed to get people who were supporters of his party to hold counter-protests. Consequently, it led to the confrontation between the protesters and the police, resulting in injuries and also a shootout between the police and a group of ethnic Albanians claiming to be part of the KLA (Robinson & Casule, 2015). Considering the gravity of the situation and that signs of dialogue and stabilization were distant, the international community, and in particular, the EU, OSCE, and several countries, including Albania, Bulgaria, Russia, and the US intervened in the role of the mediator. Eventually, the major political parties managed to be seated at a table for negotiations in June, with the mediation of Johannes Hahn, the EU Commissioner for European Neighbourhood Policy & Enlargement Negotiations (Marusic, 2015). The parties agreed to hold early general elections in April 2016 but the date was later postponed to June due to the concerns raised by SDSM.

From that point on, Gruevski resigned and a transitional government was put into place until the holding of the 2016 elections (European Commission, 2016b). However, tensions would appear months before the elections as a result of a decision by President Ivanov to dismiss the investigations against Gruevski and his government on the wiretapping scandal. Such a decision provoked protests from the opposition parties, mainly SDSM and civil society organizations calling for the resignation of the President. Moreover, the fate of the early elections was put into question as the situation created was becoming too unstable (The Guardian, 2016). Nevertheless, to maintain the implementation of the 2015 Agreement, the parties reached an accord in July for the setting of the election date in December (European Commission, 2017b). The elections resulted in the opposition led by SDSM winning the majority of the seats in the Parliament but it would form the government in May 2017 as the President refused to accept the new government primarily for political reasons. Also, some accidents occurred in the Parliament during the election of the President in April 2017, where MPs physically assaulted one another (European Commission, 2018b).

For the rest of 2017 on, the political situation would gradually improve, due to the spirit of cooperation that the parties have shown and more specifically to the SDSM government's choice to become as much inclusive and as open as possible. The political leadership received high praise for striking the Prespa Agreement with Greece in 2018 which made it possible for North Macedonia to change its name upon the support of the latter in the Euro-Atlantic processes. Regardless, some dissatisfaction arose as a result of this agreement where VMRO-DPMNE protested against the changing of the name as it violated the sovereignty of the country, but with no major implication (European Commission, 2019b).

5.4 Political System in Albania and North Macedonia -Comparison

5.4.1 Political composition and policy-making processes in Albania and North Macedonia

Both countries have adopted in their constitutions a parliamentary democracy that supports political pluralism, fair and free election, and separation of powers. The countries find also similarities in the presence of ideological parties (left and right-wing) and ethnic parties. However, the political composition differs as while the main political parties in Albania are ideological and offer nationwide programs, North Macedonia is dominated by ideological and ethnic minority parties, as Figure 5.5 indicates.

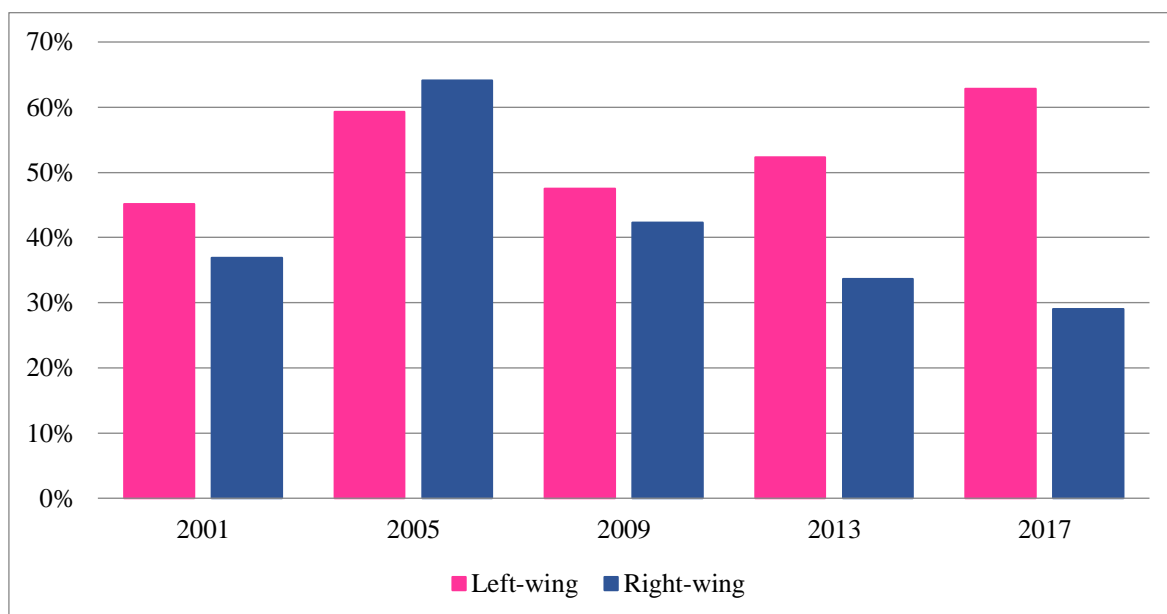


Figure 5.5 Political composition in Albania

Source: Official website of Central Election Commission of Albania. Author's work (2022)

As is observed in the Figure above, the political life in Albania for the past 20 years has been dominated by left-wing and right-wing parties. The main left-wing parties (SP, SMI, and SDP) have gathered collectively 45.14% of the votes in the 2001 general elections, 59.30% in 2005, 47.49% in 2009, 52.53% in 2013, and 62.80% in 2017 (Central Elections Commission). While the main right-wing parties (DP and RP) have gathered collectively 36.90% in 2001, 64.10% in 2005, 42.29% in 2009, 33.65% in 2013, and 29.05% in 2017 (Central Elections Commission).

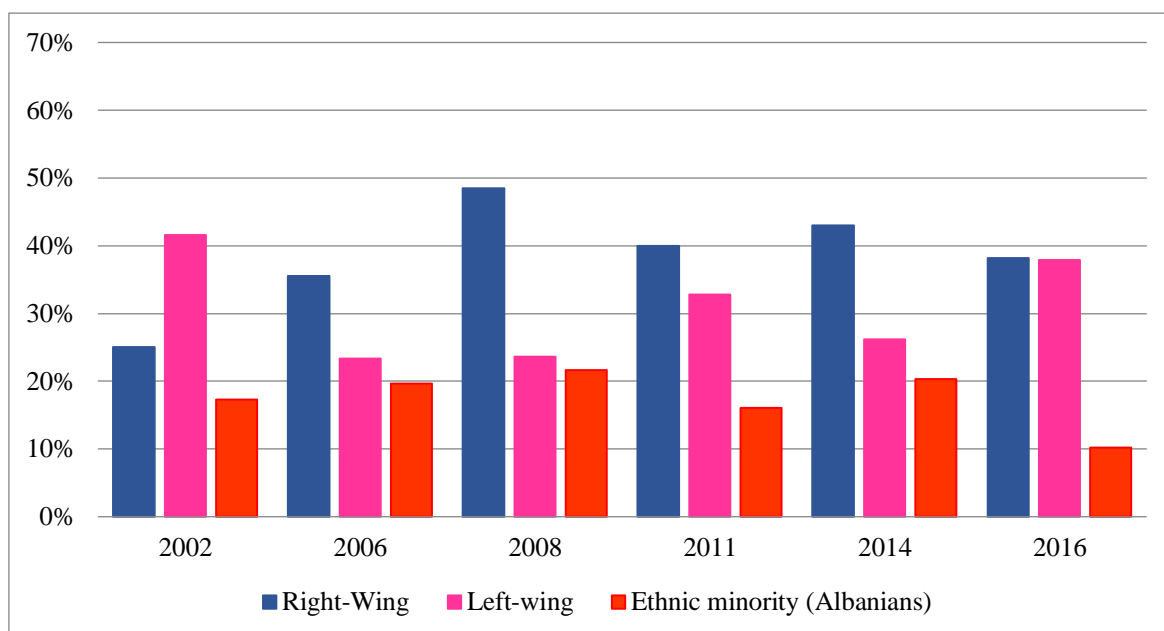


Figure 5.6 Political composition in North Macedonia

Source: OSCE/ODIHR Election Observation Mission Final Reports on 2002, 2006, 2008, 2011, 2014, and 2016 Parliamentary elections in North Macedonia. Author's work (2022)

As is observed in Figure 5.6, the political life in North Macedonia for the past 20 years has been dominated by left-wing, right-wing parties, and ethnic minority parties, namely the Albanian ethnic minority parties. The main left-wing party (SDSM) has gathered 41.58% of the votes in 2002 general elections, 23.31% in 2006, 23.64% in 2008, 32.78% in 2011, 26.22% in 2014, and 37.87% in 2016 (OSCE/ODIHR, 2002, 2006, 2008, 2011, 2014, 2016). While the main right-wing party (VMRO-DPMNE) has gathered 25% in 2002, 35.50% in 2006, 48.48% in 2008, 39.98% in 2011, 42.98% in 2014, and 38.14% in 2016. The main ethnic Albanian parties (DUI and DPA) have collectively gathered 17.30% in 2002, 19.70% in 2006, 21.60% in 2008, 16.10% in 2011, 20.33% in 2014, and 10.18% in 2016 (OSCE/ODIHR, 2002, 2006, 2008, 2011, 2014, 2016).

Table 5.1

Legal acts adopted relevant to the political system in Albania and North Macedonia during 1999-2019 (European Commission)

Year	Albania			North Macedonia		
	Electoral	Judiciary	State Institutions	Electoral	Judiciary	State Institutions
2000			1			1
2001		3				2
2002		6	2	1		
2003		1	3		1	
2004		2			2	

2005	1			2	
2006			1	5	
2007			1	2	2
2008	1	2			
2009					
2010				1	
2011					2
2012		3		1	
2013			1		
2014				2	1
2015				2	
2016		7		2	
2017					
2018			1	5	
2019				1	1

As was observed in Table 5.1, the political parties in both countries have managed to come to terms and adopt through the Parliament, substantive and necessary legal acts which directly influence the functionality of the political system and the democracy overall. In both countries, the European Commission has stated the Constitution provides the basis for a democratic society since the early 2002's (European Commission, 2003a, 2002b). Nevertheless, the EC has put attention to and provided a recommendation on the passing of legal acts that the political system needed to pass which would further safeguard democracy such as electoral legislation, judicial legislation, and the state institutions' legislation (European Commission, 2003a, 2002b). In this light, several acts were adopted which pertained to such legislations as was also observed in Table 5.1. In comparative terms, both countries have concentrated much of the required legal measures during the first decade with slight differences in years. In this regard, North Macedonia has been more efficient in complementing such legislations prior to Albania considering that it had implemented the judicial reform and electoral reform in 2006 and also managed to address much of the framework Agreement Constitutional Amendments through these first few years. While Albania only provide more solid legislation only by 2012, when the judicial legislation received a considerable improvement although the EC would push forward for reform in this area (European Commission, 2012a), and also when a new electoral code was approved, while in both countries, the public administration legislation was deemed as sufficient in the first decade (European Commission, 2009a, 2007b).

5.4.2 Political climate in Albania and North Macedonia

The political climate in Albania and North Macedonia has been characterized by periods of parliamentary boycotts, protests, and confrontations between the members of the major political parties. In both countries, the accusation of vote-rigging and manipulation has harmed the spirit of dialogue and cooperation among the parties. However, the ability to reach a resolution and establish full political stability even after a substantial crisis differs, as Figure 5.7 indicates.

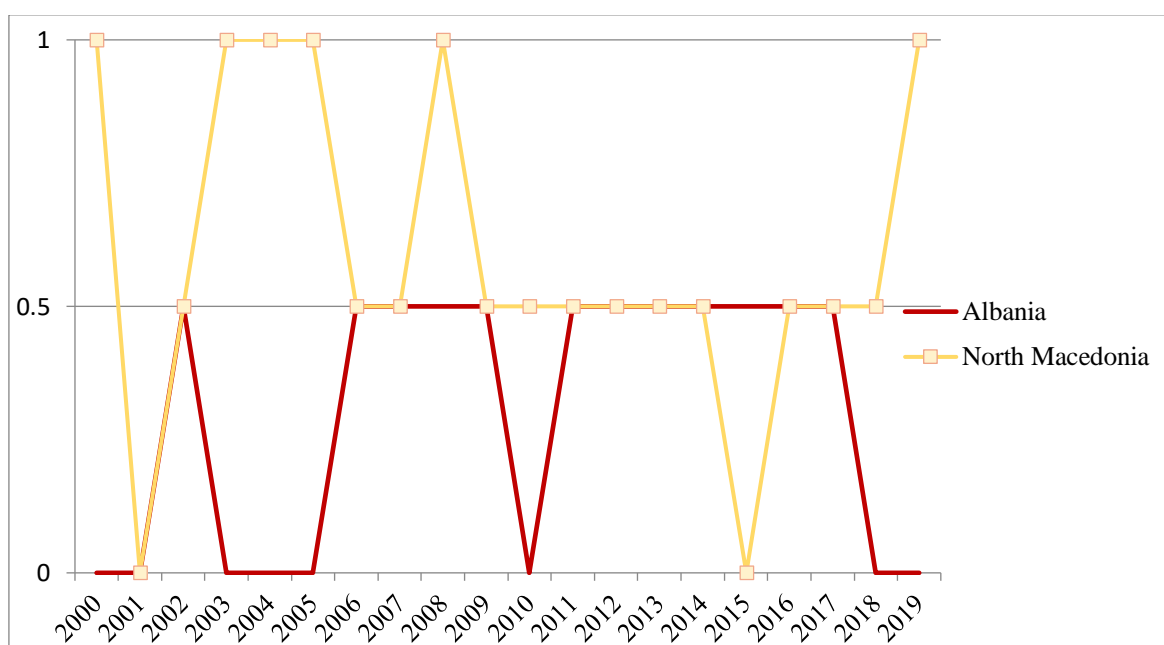


Figure 5.7 Political stability in Albania and North Macedonia during 2000-2019

Source: European Commission annual reports on Albania and North Macedonia. Author's work (2022)

Albania has experienced severe political crisis in 2001 (European Commission, 2002a), 2003-2004 (European Commission, 2004a, 2005a), 2011(European Commission, 2012a) and late 2018-early 2019 and on (European Commission, 2019a, 2020a). The root of the crisis enacted in all of these periods was a result of the polarized situation between the main political parties, namely the SP and DP. Previously I have stated that such polarization is attributed to the identity of these two parties, the SP being the continuation of the former Communist Party of Albania, and DP being the party representing the part of the population that has fallen victim to the former Communist regime. Besides, such a situation has created the regionalization of the votes where the DP would gain votes in the

Northern part of Albania, being the most impoverished and left-out region by the Communist regime, and SP has support in the south where most of the Communist bureau came from (Jano, 2008). The level of polarization has made it impossible to establish periods of full political stability as conflicts have accompanied the Albanian Parliament every year. An evident result of such a situation is the prolonged EU integration steps that were taken in comparison to other WB countries, which show a weak level of political maturity and incapability to reach consensus and work for the necessary reforms.

North Macedonia experienced a severe political crisis in 2001 (Veljovski, 2001) and 2015 (Georgievski, 2015) which were different. The 2001 crisis was caused by the ethnic tensions between the Albanian ethnic minority and the Slavic Macedonian authorities which resulted in armed conflict. The insurgency was initiated by an Albanian rebel armed group as a way of raising the voice against the violation of the rights of their ethnic community by the Slavic Macedonian authority. While the situation was dire and on the brink of a civil war, the political parties, both Albanian and Slavic Macedonian, reached an agreement also called “The Ohrid Framework Agreement” that year, which would ensure ethnic cohesion and stability in the country (Ohrid Framework Agreement, 2001). The Ohrid Agreement became one of the baselines for the EU integration process of North Macedonia and helped to improve the relations between the biggest ethnic communities in the Country. Moreover, the Ohrid Agreement paved the way for the Signing of SAA in 2001 (European Commission, 2001b), which is considered a success for North Macedonian politics, taking into consideration that such a milestone was reached in the same year that the insurgency occurred. The second political crisis occurred in 2015 during the disclosure of the wiretap scandal where the SDSM party published evidence of the VRMO-DPMNE-led government having tapped many civilians. This time the conflict was more politically-based and contained allegations of corruption and abuse of power. After various protests occurred and political turmoil, the parties agreed to new early elections to be held next year (European Commission, 2016). The elections were won by the SDSM party, a center-left and pragmatist party which would guarantee for furthering of the EU accession process in the country (European Commission, 2018). Eventually, the SDSM-led government stroke an agreement with Greece in 2018, which is crowned by the name “Prespa Agreement” where the FYROM would be replaced with “North Macedonia” and Greece would lift the veto for the accession negotiation (European Commission, 2019).

5.4.3 Europeanisation of the Political system in Albania and North Macedonia

After having discussed the political composition, the policy-making processes as well as political stability, it is important to draw out conclusions regarding the Europeanisation of the political system.

Taking into consideration the approach for analyzing the policy adoption in the Framework of Europeanisation provided by Elbasani (2013), the three degrees in this regard are taken into consideration: verbal, legal, and substantive.

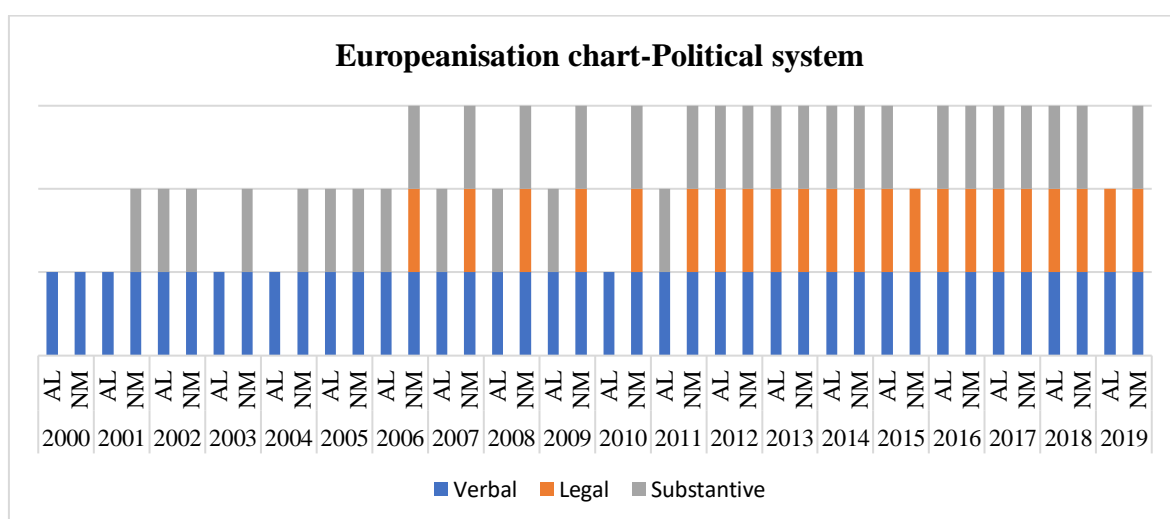


Figure 5.8 Europeanisation chart of the Political system in Albania and North Macedonia during 2000-2019

Source: Author's work (2022)

To begin with, the **Verbal degree**, which represents the first stage of policy adoption, there is no evidence in the EC reports of domestic actors have verbally expressed opponece on adopting the required policies in line with the recommendations provided and also the requirements that stem from the Copenhagen Criteria. Such assumption can be drawn from the conclusions of the EC reports in the key milestones for Albania (European Commission, 2007a; 2010a; 2011a; 2014a; 2020a) and North Macedonia (European Commission, 2002b; 2005b; 2006b; 2010b; 2020b) where the countries have moved forward with the Integration process. Moreover, considering that the country has evidenced the implementation of legal reforms through these two decades and thus showcasing the

reaching out the legal degree, which is sub sequential of the verbal degree, it provides ground to imply that in both countries, the latter has been reached out in this period.

The **Legal degree** was seen to be reached out for both countries in different years but within a smalltime gap. As was explained above, the EC had put emphasis on the passing and improvement of the electoral, judicial, and state institutions' legislation which were incremental to the functioning and improvement of the political system and democracy in general. However, in the case of North Macedonia, many of such legal acts and others were to be implemented under the Ohrid framework Agreement of 2001 (European Commission, 2002b). As was explained above, EC had stated from early on that the Constitution in these two countries had already provided the basis for a democratic society (European Commission, 2003a, 2002b). However, the EC has highlighted that still the legal ground providing for a democratic system would require the passing of legal acts regarding the abovementioned legislations (European Commission, 2003a, 2002b). For the purpose of this study, the reaching of a full legal adoption degree is considered when all three legislations are considered at a sufficient level of preparation by the EC. Based on the findings provided above, it resulted that North Macedonia fulfilled such a requirement in 2006 (European Commission, 2007b) while Albania only in 2012 (European Commission, 2012a).

Lastly, the **Substantive degree**, which is the final degree of the policy adoption process, has suffered from the constant political instability in both countries. Although, as explained above, North Macedonia has been more capable of reaching full periods of stability and managed to provide sound principles of cooperation which produced sound democratic practices in contrast to the Albanian political spectrum which has been accompanied by political clashes on a yearly basis. These cases have impacted the building of the foundation for sound and democratically-minded political classes which would provide maturity and resort to democratic tools to settle disputes. However, it should be brought to the attention that, the degrees are not always subsequential (Elbasani, 2013), and as such, it may be seen in periods there were Substantiative degree levels of adoption due to the behavior of political parties in reaching out consensus.

5.6. Conclusions

This chapter analyzed the Europeanisation of the political system in Albania and North Macedonia. The baseline of the analysis was the EC annual reports that indicated the progress of the countries from the period 2000-2019 and were focused on the political composition and political climate as comparative indicators. The focus on the political composition and policy-making processes was the legislative and institutional framework concerning the typology of the political system and the homogeneity of the political parties. Whilst the political climate pointed out the performance of the political parties and politicians regarding the ability to provide a stable and cooperative environment.

From the comparative analysis, it is indicated that both countries were capable of adopting a legal and institutional framework that is in line with the principles of the EU as regards the plurality of politics and separation of powers and also an independent and functioning public administration and judiciary. There is a considerable number of registered and active political parties but political life is dominated by only a few. Some differences were seen in the homogeneity of politics in which North Macedonia had a more diverse spectrum in comparison to Albania, which was a result of the ethnic composition in both countries.

Regarding the political climate, substantial issues were evidenced in both countries. Frequent parliamentary boycotts, tensions during pre and post-election periods as well as verbal and in some cases physical violence by political individuals have damaged the process of dialogue. In general, the cause of such tensions are distrust and weak democratic culture among the political parties and also ethnic disputes in the case of North Macedonia. Regardless, it was seen that North Macedonia's political elite was much more capable and mature to find quick solutions and enhance the European agenda whilst Albania's political elite was less efficient.

As of above, in terms of Europeanisation **processes**, it resulted that both countries have presented continuously throughout the period the phases of **verbal** and **legal** adoption. However, only North Macedonia has shown to have more consistent performance in the

substantive adoption phase, as was depicted by the political climate that has been characterized throughout this period.

Overall, the countries have a long way to Europeanize their political systems and it is necessary to further Westernize the political mentality and culture. Failing to do so, the reforming process will drag even further in time and will affect the performance in other areas as well.

CHAPTER 6

JUDICIARY

6.1 Introduction

Judiciary is one of the cornerstones of the functioning of the rule of law in a country. Often, the judiciary itself has been used as synonymous with the rule of law itself. For instance, elements of the crucial role of the judiciary can be traced back to Aristotle who considered the law as something which can provide equal treatment for the unequal, which makes the ruling of the law preferable to be followed by everyone. From then on, the functioning of the judiciary has continued to be utilized under the mantle of rule of law by many forthcoming authors such as Rutherford, who considered the rule of law as a powerful compelling tool that can constrain even the royalty from abusing their power as, under the law, they are not different from the rest of the people (Aristotle, 2009, p. 3 XVI).

Nowadays, the rule of law is much more complex and it comprises many duties and bindings to the citizens, which are pretty much summed up by the Oxford dictionary:

“1. The supremacy of law...2. It embodied three concepts: the absolute predominance of regular law so that the government has no arbitrary authority over the citizens; the equal objection of all (including officials) to the ordinary law administered by ordinary courts; and the fact the citizen’s freedoms and formulated and protected by the ordinary law rather than by abstract constitutional declarations. (Martin, 2006, p. 441)”.

As the above definition indicates, recently the judiciary has been emphasized and considered one of the major pillars that guarantee the rule of law. On the international scale, the importance of a functioning judiciary has been incorporated under the framework definition of rule of law which has been unified and commonly identified within specific principles that constitute it, such as accountable government, independent judicial bodies, an efficient judicial system that guarantees the equal treatment before the law to all actors, legal certainty and transparency. Such principles are found in intergovernmental organizations such as the United Nations (United Nations), European Union (European Commission), and Council of Europe (Venice Commission, 2016) and also in international organizations that measure the rule of law in all the countries of the world such as World Justice Project (World Justice Project) and World Bank (World Bank).

Considering its major impact on a country, the rule of law, and in particular the functioning of the judiciary has been considered the top priority that the EU candidate states must fulfill before the accession time. Consequently, the two acquis chapters responsible for the rule of law implementation, 23 and 24, have been determined by the EU as the key chapters that grant the closing of the negotiation process for all the other chapters. In the previous EC reports, the rule of law has been incorporated within the Democracy pillar and the content on it was less thorough and more principal. However, with the 2010 annual report, the EC decided to incorporate the rule of law clause in chapters 23 and 24, by giving more weight to them.

While as regards the judiciary, the EC has consolidated its key performance indicators of it: Legislation or Strategic documents, Independence and impartiality, Accountability and Professionalism, and Efficiency. As such, these indicators serve as a measuring tool for the Europeanisation of the Judiciary but also for the Rule of Law section as well. For that reason, this chapter analyses the Europeanisation of the Judiciary in Albania and North Macedonia for the period 2000-2019 through the above-mentioned indicators. Each indicator has treated an aspect of the judiciary in these countries and their measurement is based on the EC annual reports. To analyze these indicators in terms of Europeanisation, the three-degree models of policy adoption provided by Elbasani (2013)

The findings in such indicators have provided for the showcasing of differences in terms of the Europeanisation of the Political System in accordance with the three-degree model of policy adoption.

6.2. Judiciary in Albania

6.2.1 Legislation or Strategic Documents

In 1998, the Constitution of Albania was amended, turning into a democratic legislative document, and under such change, other important pieces of legislation were adopted in the following years (Law 8436/1998). Concretely, from 1998-2002 important pieces of legislation were adopted that enriched the institutional framework of the judicial system such as the Law on Supreme Council of Justice (Law 8811/2001; European Commission, 2003a), the law on the organization of the Ministry of Justice (Law 8678/2001; European Commission, 2001a) and the law on the General Prosecutor's Office (Law 8737/2001; European Commission, 2001a). In addition, in 2002 the Criminal Procedures Code was amended (Law 8813/2002; European Commission, 2003a) and the Ethical Code for public notaries (European Commission, 2003a) and amendments to the Military Criminal Code (Law 8919/2002; European Commission 2003a) were also adopted. Also, in 2002, Albania ratified several international instruments, notably the Statute of Rome on the International Criminal Court (Constitutional Court Decision, 2002; European Commission 2003a), the Council of Europe (CoE) Convention on Cyber-crime (Law 8888/2002; European Commission, 2003a), and additional protocols on mutual juridical assistance (European Commission, 2003a).

From 2003 up to 2008, other important legislative measures took place to supplement the constitutional changes of 1998. Specifically, regarding the prosecution office (Law 9102/2003; European Commission 2004a) in 2003 and judicial police (Law 9241/2004; European Commission 2004a) in 2004, as well as the ratification of international conventions such as the European Convention "On the international Validity of Criminal Judgments" (Council of Europe; European Commission 2004a). In 2004 the "anti-mafia

package” was adopted, which provided an essential tool for the fight against organized crime and also it polished and condensed the Serious Crimes Court competencies to only handling organized crimes matters (Law 9284/2004; European Commission 2005a). In 2008, a law has been approved for the improvement of the judiciary’s organization (Law 9877/2008). However, the EC has stressed the need to further improve the legislation to guarantee more independence and accountability of the courts, particularly of the judges (European Commission, 2009a).

In its 2009 report, the EC highlighted the need for the adoption of a judiciary reform strategy to have a concise roadmap on how this system will further develop in the future. On the other hand, the EC acknowledges that progress has been made through the adoption of the law on the organization of the judiciary where fairness in the appointment of judges is provided and their salaries are determined (European Commission, 2009a). Nevertheless, the EC notes that the law lacks the clarification of the competencies of the Ministry of Justice and High Council of Justice (European Commission, 2009a). In addition, the EC has noted that Albania has made small progress in regard to the necessary pieces of legislation for judicial reform. Concretely, only a legal measure was taken during the year 2008, namely some amendments to the Law on the General Prosecutor's Office (GPO) (Law 10051/2008), while secondary legislation regarding the Law on Judicial Power and the new law on High Council of Justice (HCJ) and the new Law on Administrative Courts have not been adopted so far (European Commission, 2009a). Such issues were carried on even during 2009 and 2010 and no progress has been made in particular (European Commission, 2010a). While in 2011, small progress was evidenced through the adoption of the Judicial Reform Strategy and Action Plan (Decision of the Council of Ministers 519/2011), a recommendation provided in 2008 and fulfilled three years later (European Commission, 2011a). In 2012, the parliament adopted the Law on Administrative Courts (Law 49/2012; European Commission, 2012a) as well as the Law on the National Judicial Conference (Law 77/2012; European Commission, 2012a) and the Law on Profession of Lawyer (Law 91/2012; European Commission, 2012a). While for the year 2013, no significant progress was mentioned while the EC has continued to highlight the need to adopt amendments that guarantee the independence of the judiciary and provide more transparency and accountability to it. In this light, also the Dutch Parliament has stressed the need for further concrete results in this manner, and for this reason, it led

to the imposing of the veto on the granting of the Candidate Status in 2013 (The Netherlands vetoes Albania's EU candidate status, 2013)

Lastly, the year 2016, is the turning point for the judicial system as the new reform has been initiated through its adoption by the Parliament, together with a set of constitutional amendments that paved the way for comprehensive and thorough justice reform. This reform was a tool to address the endemic deficiencies in the judicial system such as the lack of efficiency, lack of independence, and accountability (European Commission, 2018a). Moreover, the need for such a reform was also strongly expressed by the German Bundestag back in 2016, which demanded its realization and the production of concrete results (German Bundestag Intends to Block EU Accession Albania, 2016). The changes affect some parts of The Constitution, which highlight changes in the court system and the prosecution as well as provide for the establishment of newer institutions. From 2016 and on, seven legislative measures have been adopted under the framework of the judicial reform (Qendra e Botimeve Zyrtare, 2018), namely:

1. Law no. 84/2016, dated 6.10.2016 “On the transitional re-evaluation of judges and prosecutors in the Republic of Albania”;
2. Law no. 95/2016, dated 6.10.2016 “On the organization and functioning of institutions to fight corruption and organized crime”;
3. Law no. 96/2016 dated 6.10.2016 “On the status of judges and prosecutors in the Republic of Albania”, *Articles repealed with the decision of the Constitutional Court no. 34, dated 10.4.2017*;
4. Law no. 97/2016 dated 6.10.2016 “On the organization and functioning of the prosecution in the Republic of Albania”;
5. Law no. 98/2016, dated 6.10.2016 “On the organization of the judiciary in the Republic of Albania”;
6. Law no. 115/2016, dated 3.11.2016 “On the governing bodies of the justice system”, *Articles repealed with the decisions of the Constitutional Court no. 41, dated 10.4.2017, and no. 78, dated 12.12.2017*;

7. Law no. 8577, dated 10.2.2000 “On the organization and functioning of the Constitutional Court of Republic of Albania”, as amended by law no. 99/2016, dated 6.10.2016.

In addition, the Council of Ministers has adopted the 2017-2020 Cross-Cutting Justice Strategy (Decision of the Council of Ministers 773/2016) which is being coordinated and monitored by the Ministry of Justice.

6.2.2 Independence and Impartiality

Over the past 20 years, the Albanian judicial system has undergone substantial changes both in its legal and institutional framework. Since its entry into force in 1998, the Constitution was revised four times (Law 9675/2007; Law 9904/2008; Law 88/2012; Qendra e Botimeve Zyrtare, 2018). The 2007 amendments provided for the extension of the tenure of elected bodies of local government from three to four years (Law 9675/2007; European Commission, 2008a). While the 2008 amendments, provided substantial changes to the President’s electing procedure and the General Prosecutor’s term of office (Law 9904/2008; European Commission 2009a). As regards the 2012 amendments, were focused on limiting the immunity of particular public officials (Law 88/2012; European Commission, 2012a). Lastly, the 2016 amendments were introduced under the Judicial Reform framework and aimed to tackle the long-standing issues in which the prior legislative measures have failed to do so.

Meanwhile, during 2000-2011, the EC noted that although significant steps have been made toward the strengthening of independence and impartiality, they have not been sufficient enough to eradicate the issues. In particular, the EC explicitly highlights the fact that, despite many legal measures that were taken in the early 2000s to further adjust the constitutional changes of 1998, it still was necessary to adopt law and secondary legislation that provided more independence for the judges and prosecutors (European Commission, 2012a). The other issue that needed to be addressed was the constant political intervention in the justice system regarding the proceedings and the appointing of judges and

prosecutors (European Commission, 2011a). This was very much present in cases where unqualified judges, whose election was due to political connections, are obliged to return the favor to the respective politicians. Therefore, in the cases in which politicians were involved or prosecuted, the judges had managed to declare them innocent. An example of that had been the President who appointed members of the judicial system under the directives coming from the political forces (Ad Hoc Parliamentary Committee on Justice System Reform, 2015).

Some noticeable attempts to reinforce independence and impartiality would only occur during the period 2012-2015. For instance, a set of new rules governing transfers of judges based on their merits and other objective criteria was adopted in 2012 (European Commission, 2012a). However, independence and impartiality have not been fully reached as legislation remained incomplete. Moreover, the political intervention in the court proceedings had remained unaddressed and the appointing, promoting and transferring of High Court and Constitutional Court judges (European Commission, 2016a).

A substantial step towards guaranteeing independence and impartiality was made in 2016 through the adoption of the Judicial Reform (European Commission, 2018a). Until 2019, the reform significantly improved the independence and impartiality of magistrates. Judges and prosecutors, upon the completion of the training at the School of Magistrates, are appointed by the new independent judicial institutions. Besides, significant improvements were also made to the recruitment process for the School of Magistrates. Moreover, the judicial reform package provides a better opportunity for promotion and career development. Nevertheless, the political pressure and interference in the selection process and also in the work of judges and prosecutors have remained unresolved (European Commission, 2019a).

6.2.3 Accountability and professionalism

Throughout the last two decades, the accountability and professionalism of the judicial system have been put into question from persistent issues such as corruption, lack of ethics, systems of evaluation, and recruitment of personnel. While certain measures were taken

throughout the first decade, they were insufficient to address the issues, and only the Constitutional Changes in 2016 impacted by the Justice Reform heavily influenced accountability and professionalism.

In the early 2000s, the Criminal Code (Law 8722/2001), Criminal Procedures Code (Law 7905/2004), and Civil procedures Code (Law 8812/2001) have been revised while a Code of Ethics for the Judiciary has been adopted (European Commission, 2001a). These measures were introduced as one of the tools to regulate the behaviour within the judicial system which has long been considered inappropriate and to fight corruption within. Consequently, the High Council of Justice has taken measures against judges for corrupt practices or inappropriate professional behaviour. Nonetheless, this was deemed insufficient to eradicate corruption from the judicial system as EC had noted that the corrupt and unprofessional judges and prosecutors, besides being dismissed, should have as well been subject to prosecution. Overall, the code of ethics for judges that was adopted in the early 2000s does not provide for substantial improvements regarding their level of accountability, although such a subject had been part of the training program of the School of Magistrates (European Commission, 2015a).

The establishment of the School of Magistrates (SoM) in 1996 (Law 8126/1996), which is entrusted with the selection and training of judges, was a positive step towards the strengthening of the accountability of the judicial system. Throughout the years, the SoM continued to carry out its tasks with relative success. Although concerns have been expressed regarding the autonomy of the School, particularly concerning the management of its budget (European Commission, 2004a), the amendments in 2005, introduced some positive changes such as mandatory continuing in-service training for judges and prosecutors, and the taking into account of this training in the High Council's evaluation of judges' professional performance (Law 9414/2005; European Commission, 2005a). From 2008, and on, due to some amendments in the judicial legislation, it became mandatory to pursue the SoM to be appointed as judge and prosecutor (Law 9877/2008; European Commission, 2008a). As its importance grew, the quality and diversity of curricula improved, being highly evaluated in the EC 2012 report (European Commission, 2012a). However it chronically lacked budgetary resources and its functioning has been highly reliant on financial technical support from foreign donors (European Commission, 2015a). The legal changes in 2016 made improvements in the recruitment process for the School of

Magistrates by including an integrity test and a psychological assessment related to the integrity and moral standards of candidates. The constitutional changes have managed to reduce the influence and intervention of politicians during the process of appointment, thus providing career development based on a merit-based system (European Commission, 2018a).

In the meantime, the EC has for long been concerned regarding the active interference of the executive power in the judicial proceedings from within. A prime example of that has been the process of control of the performance and ethical conduct of judges and prosecutors by the High Council of Justice (HCJ) and the General Prosecution Office (GPO) and the Ministry of Justice from 2000 until 2015. The Ministry of Justice had been empowered to carry out inspection activities, which posed a threat to the independence of the judiciary. The Minister of Justice held seats on the HCJ, and although the minister did not have voting rights in disciplinary procedures against judges, he/she had the power to initiate such procedures. As for the GPO, concerns have been raised regarding the procedures for the appointment and dismissal of key personnel in this Office should be transparent and impartial and the role of the Council of the Prosecutor (European Commission, 2011a). An attempt to facilitate the duties of HCJ and the Ministry of Justice was made in 2011 when the parties adopted a Memorandum of Understanding to address the overlap of inspection competencies between the inspectorates of the two institutions, as a transitory measure before a new HCJ would be adopted (European Commission, 2012a). However, as long as the Law on the High Council of Justice did not change, the risk of overlapping remained. Only in 2016, along with the judicial reform package of laws it was made possible to provide to the HJI exclusive inspection and investigative powers while the Minister of Justice would only retain the right to require the assistance of HJC to initiate such investigations.

6.2.4 Efficiency

The judicial system in Albania for the past twenty years has suffered from the constant inability to prosecute serious crimes, and conduct timely and effective judicial proceedings by Constitutional institutions. The reasons vary from the infrastructural issues and budget

and human resources constraints to the institutional vacuum created by the Constitutional changes regarding the judicial system.

In the early 2000s, it has been reported that the Court rulings were difficult to be executed as the legal and institutional framework was limited. The lack of a Serious Crime Court made it impossible to judge all the cases on organized crime and more. The phenomenon of no convictions have been handed out above the minimum sentences foreseen by the penal code denotes a certain lack of willingness on the part of the courts to recognize the seriousness of the offenses (European Commission, 2004). The 2011 amendments of the Criminal Code introduced new offences and heavier penalties for some crimes, and thus, thus further aligning it with the EU standards and international conventions.

However, in absolute numbers, the execution of the judicial proceedings has had a slightly positive trend in this period (48% in 2002, 33 % in 2003, 45 % in 2004) (European Commission, 2003a; European Commission, 2004a; European Commission, 2005a) as a result of the legal changes made in 2001 to improve the Bailiff system (Law 8730/2001; European Commission, 2003a). The Further changes made in 2005 reorganized the Bailiff Service and upgraded the level of its employees and were an important step for the strengthening of the Court's proceedings' execution. Moreover in 2012, a new private bailiff system was put in place due to the amendments made to the respective law in the same year (Law 36/2012). However, the problematic cases such as backlogs, slow court proceedings, the high number of trial sessions for cases, persistent corruption, and lack of transparency have hindered efficiency from that period and on (European Commission, 2015a). An attempt was made in 2012 to reduce the number of backlogs through the amended Code of Civil Procedure (Law 49/2012). Such amendments reformed procedures applied at the High Court and limited its civil competence by excluding appeals on procedural grounds, as well as providing for electronic notification, electronic minute taking, and streamlined enforcement procedures. Also, the amendments introduced a simplification of inheritance procedures. While such attempts were substantial, in terms of legislative measures, they failed to fully address the ongoing issues.

The lack of a comprehensive legal framework in line with European standards, with clearly organized courts and judicial staff, has hampered the efficiency of court activities for years. Concretely, the legal framework for years has lacked provisions that provided the

independence and constitutional protection of judges and improved payment and status of the administrative staff of the judicial system. In 2010, an attempt was made to provide more fairness and constitutional protection to judges through the introduction of changes to the system of evaluating judges which made improvements in the reasoning of appointment decisions. Also, under such a framework, it was made possible for the establishment of the Commission on transfers, promotion, and appointments of judges.

Court management has undergone several changes over the years in terms of investment and organization, one of which is the digitalization of Courts and prosecutors' offices (European Commission, 2010a). However, its overall performance remained poor due to deficiencies in human resources and financial constraints, which are more apparent in the first instance district courts. Besides, the data production and collection process has been considered unreliable while the manual approach has continued to operate. As one of the integral parts of the court management system, the court proceedings notification to parties has been inefficient due to the long problematic and unreliable addressing system in the country which suffers from a lack of proper address registry (European Commission, 2019a). Overall, the case management system, while it has had an improvement over time due to its digitalization, it still fails to produce reliable and real-time data (European Commission, 2020a).

Moreover, there has been the phenomenon of the regular absence of lawyers and judges which has added to the delays in court cases as a result of the postponement of the proceedings caused by such absences. The 2012 law on the profession of the lawyer which aimed to empower the judges to punish the lawyers for repeated absence during court hearings was a positive approach to solving such an issue (Law 91/2012). Regardless, there have not been any reports that such provisions have been put in place and have addressed the issue. In addition, the courts also had to suffer from poor working conditions and often the hearings have taken place in the judges' offices (European Commission, 2011a). However, in 2012, a territorial reorganization of courts and a reallocation of the number of judges were approved by the President (Presidential Decree 7818/2012; European Commission, 2013a). Moreover, the new Law on judicial administration provided for the regulation of the work of courts and court staff, an initiative that had been planned and requested for a long time as a long-awaited legal framework regulating the work of courts and court staff (European Commission, 2013a).

Lastly, the efficiency has been dragged by the vetting process of the judges and prosecutors that was initiated in 2016 as a result of the Judicial reform. Dismissals and resignations resulting from the vetting process have created vacant positions in the judiciary. Data has indicated that the lowest clearance rate as a result of the Vetting process is found in the appeals courts, resulting in 37% for 2018 (37%). However, such value is argued to have been a result of the considerably high number of appeals, accompanied by a significantly low number of judges that have been allocated to the Court of Appeals. Meanwhile, the highest clearance rate (100%) is found in the first instance court of serious crimes (European Commission, 2019a). As such, such a situation has directly impacted the increase in the number of backlogs, resulting in over 35 000 pending cases for 2019 (European Commission, 2020a).

6.3 Judiciary in North Macedonia

6.3.1 Legislation or Strategic Documents

The independence of the judiciary is a principle laid down in the Constitution (The Constitution of the Republic of North Macedonia) and the Law on Courts. In general, the legal framework regarding rule of law has experienced steady progress throughout the last two decades. Most of the substantial legal initiatives were undertaken during the first decade and were deemed acceptable following the EU standards. Despite this, the implementation of the adopted legal measures has constantly been hampered.

In the early 2000s, it has been reported that Judges were elected/discharged by the Parliament upon a proposal of the Republic Court Council. However, further legislative interventions were needed to strengthen the independence of the judiciary and better define the role of the courts (European Commission, 2002b). For instance, in the 2003 report, the EC stressed the importance of adopting several reforms, especially regarding the administration of the court. A positive initiative was registered with the adoption of the law on the independent judiciary budget (Law on Court Budget 60/2003). Regardless, it

highlighted the need to guarantee an equitable representation in the election of judges. The lack of these reforms in the early 2000s has been justified by the EC as a result of continuous political influence in the judiciary, in particular during the court decisions (European Commission, 2003b).

The situation would change in 2004 with the adoption of the Judicial Reform Strategy which was an essential tool to guarantee the independence and efficiency of the judicial system (Strategy on the Reform of the Judicial System, 2004; European Commission, 2005b). The reform affected the structure of the judiciary and required changes to the Constitution. Moreover, it provided a set of measures that included changes in the selection and training of judges, which allowed a professional and merit-based system of selection and career development by eliminating the role of Parliament in appointments and dismissals of judges and prosecutors (European Commission, 2005b). Within the framework of Judicial Reform, changes were made to the Criminal Code (Criminal Code 19/2004) and the Code on Criminal Procedure (The Code on Criminal Procedure 74/2004) in 2004, to shorten the court procedure and limit the scope for abuse of the rights of parties and their attorneys (European Commission, 2005b).

In 2005 and 2006, several legal initiatives were taken such as the adoption of a new law on enforcement of civil judgements to abolish the separate motion for execution of judgements and create a privatised bailiff system under the control of the Ministry of Justice (Law on Enforcement Procedures 35/2005; European Commission, 2006b); the adoption of a new Law on Civil Procedure to introduce changes which made the court procedures more efficient (Civil Procedure Law 95/2005); the changing of the rules for the appointment of judges by the adoption of the Law on the Academy for Training of Judges and Prosecutors (Law on the Academy for Training of Judges and Prosecutors 13/2006), as well as the Law on the Courts (Law on the Courts 58/2006, 62/2006) and Law on the Judicial Council (Law on Judicial Council 60/2006, 69/2006; European Commission, 2006b).

The 2006 legal framework of the Judicial Council received further improvement through the amendments made in 2010 which introduced new provisions for the monitoring and evaluation of judges (Law on Judicial Council 150/2010). They seek to improve the functioning of the court system by instilling procedural discipline at the level of individual

judges. However, they did not address the quality of judgments and there was no link to training needs. Also, the legislation governing the dismissal of judges still needed to be amended to make it precise and predictable (European Commission, 2011b). As per other aspects of the court system, the law on mediation (Law on Mediation 60/2006) and the law on misdemeanour were adopted while and a handbook for the training of mediators was prepared (European Commission, 2007b). Regarding the Prosecution, a law on the public prosecutor's office was adopted in 2007, which determined the competence, organization, and establishment of the public prosecutor's office (Law on Public Prosecutor's Office 150/2007). Also, the law on the council of public prosecutors was adopted in 2007 and was closely interlinked with the law on the public prosecutor's office (Law on the Council of Prosecutors 150/2007). It introduced new procedures for the appointment of the State Public Prosecutor and selection of public prosecutors (European Commission, 2008b).

During the second decade, there were some noticeable legal measures such as the inclusion of additional criteria to the legal requirements for the election of President and Deputy President of the Judicial Council and the adoption of the revisions to the codes of ethics for judges and prosecutors in 2014 (European Commission, 2015a); amendments to the legal framework made in 2015 and 2016, including in the areas of misdemeanours (Law on Misdemeanours 124/2015), notaries (Law on Notaryship 72/2016, 142/2016), and bailiffs (Law on Enforcement 72/2016, 142/2016); a revised Law on the Academy for Judges and Prosecutors which introduced stricter criteria for appointment of the Academy's Programme Council, as well as for the students (Law on the Academy of Judges and Prosecutors 20/2015, 192/2015, 231/2015).

The highlight of the second decade was the adoption of the Judicial Reform Strategy 2017-2022 in 2017 (Strategy for Reform of the Judicial Sector, 2017). The strategy's measures aim, in particular, to address the "Urgent Reform Priorities" and pending recommendations by the Venice Commission and the Senior Experts' Group on systemic Rule of Law issues. In the framework of such reform, the EC has indicated that North Macedonia has adopted amendments to many laws governing this sector in 2018 and 2019, notably the Law on Courts (European Commission, 2019b) and the Judicial Council (European Commission, 2020b), the law on the Criminal Code, the law on misdemeanours, the Law on the Public Prosecutors' Office and the amendments to the Law on the Council of Public Prosecutors (European Commission, 2019b).

6.3.2 Independence and Impartiality

In 2001, the Constitutional amendments provided for the autonomy and independence of the Courts, as the judges were elected/discharged by the Parliament upon the proposal of the Republic Court Council. The Constitutional Court was composed of nine judges, elected by the Parliament. While the Public Prosecution was formally independent of the legislature and the executive. The Republican Judicial Council was the body responsible for administering the judiciary. It had seven members elected by the Parliament which nominated the future prospective judges to be approved by the Parliament. However, the law provided for the appointments to be made based on professional criteria that are not specified. Moreover, the appointment of judges by the Parliament has not always guaranteed their professional and political independence (European Commission, 2002b). Another issue was the overwhelming influence of the executive power and political parties over the courts and the public prosecutors' office, mainly through the appointment process of judges and prosecutors (European Commission, 2005b).

The structural and legislative issues that impeded the independence and impartiality of the judicial system persisted through the first decade. In particular, the weaknesses and inconsistencies of the system of the selection and dismissal of judges and prosecutors place severe constraints on the development of an independent judiciary and a merit-based career system (European Commission, 2011). There were also cases of alleged corruption, conflict of interest or nepotism reported. The role of Parliament in disciplinary proceedings was not following international standards and opened up the possibility of political interference (European Commission, 2011b). In 2006, the composition and role of the Judicial Council were changed, to strengthen its independence and allow it to play a decisive role in appointing and dismissing judges (Law on Judicial Council 60/2006, 69/2006). However, such change had little impact on the strengthening of independence and increasing efficiency of the judiciary (European Commission, 2007b).

The judiciary showed its fragility in 2006, when it fell victim to the turbulent political situation and the political culture in general. For instance, the Public Prosecutor was

dismissed immediately after the new government took office, and the position remained vacant for four months due to difficulties in reaching a consensus on the nomination (European Commission, 2007b). The deadlock on the appointment by the parliament of the 5 remaining members of the Judicial Council disrupted its functioning, limiting its capacity to play a more active role in strengthening the independence and impartiality of the judiciary, hindering important judicial reforms (European Commission, 2007b). An attempt to address such an issue was made in 2007 through the adoption of the law on the council of public prosecutors and the law on the public prosecutor's office (European Commission, 2008b).

The Council of Public Prosecutors assumed full responsibility for appointing new public Prosecutors. While the Judicial Council reached its full strength of 15 members in 2007 and has become more effective. Also, The Judicial Council continued to combat corruption and ensure impartiality by dismissing judges for abuse of office (European Commission, 2008b). However, the number of disciplinary proceedings against judges had fallen dramatically in recent years (European Commission, 2011b). On the other hand, the role of the Minister of Justice within the Judicial Council and the Council of Public Prosecutors had raised serious concerns about the interference of the executive power and political control in the work of the judiciary. Controversial dismissals and undue interference by the Minister of Justice indicated that the system was not in compliance with European standards (European Commission, 2011b).

To mitigate the role of the executive institutions in the work of the judiciary, an amendment was made in 2011 to amend the *ex officio* membership of the Minister of Justice in the Judicial Council (Law on Judicial Council 100/2011). With these amendments, the Minister of Justice would participate in the work of the Judicial Council without voting rights. While its *ex officio* membership of the Council of Public Prosecutors was removed. On the other hand, little was done to safeguard the security of the tenure of judges, including the need for clearly defined and predictable legislation outlining less extensive and more precise grounds for dismissal and a better balance between disciplinary and dismissal proceedings (European Commission, 2012b). Moreover, the system of evaluation and promotion of judges placed more emphasis on productivity and targets than on quality and problem-solving.

A substantial step towards independence and impartiality was reached through the adopted judicial strategy of 2017. Through such reform, several legal changes followed such as the decision to revoke the law on determining the level of sentences that interfered with the independence of the judiciary (European Commission, 2018b). In this regard, the adopted strategy aimed to increase the specialisation of judges and limit the possibility of reassigning judges to different departments within courts. Throughout the implementation period of the strategy, there has been a decline in the phenomenon of selective justice, which was a result of judges avoiding politically sensitive cases. Meanwhile, the Association of Judges has established the first Judicial-Media Council to bring together judges and journalists to strengthen transparency (European Commission, 2018b). However, the Judicial Council has made insufficient efforts in protecting and guaranteeing the independence of judges. Besides, the justice system remains at a high risk of political interference.

6.3.3 Accountability and professionalism

The accountability and professionalism of the judicial system for the past two decades in North Macedonia have been centered around the method of appointing judges and prosecutors, their evaluation, and their performance of their duties. In general, the professionalism aspect has experienced substantial improvement despite the persistent deficiencies that it has inherited. While accountability has often been put into question by the unsatisfactory performance of the judges regarding their judicial proceedings.

The epitome of the professional build-up of the judges and prosecutors has been the training center which has undergone several changes in name, scope, and structure. Initially, the training of judges and other magistrates has the responsibility of a Training Centre established in 1999 which operated as an independent foundation under the auspices of the Macedonian Judges' Association (European Commission, 2001b). However, the Training Center lacked public funding of the training center has been under the aegis of the association of judges, which meant that it had limited competencies and wasn't independent. Moreover, the Training Center initially did not cover the training of prosecutors (European Commission, 2001b). In 2006, changes were introduced to promote

a merit-based career system for judges and prosecutors, and the Training Center was transformed under the new Academy for the training of judges and prosecutors (AJP) (Law on Academy of Judges and Public Prosecutors 13/2006; European Commission, 2007b)). The first students of the ATJP graduated in 2008 and were appointed as judges and prosecutors by the Judicial Council and the Council of Public Prosecutors (European Commission, 2009b). In 2010, a new law on AJP was enacted aiming inter alia to further define the criteria for the selection of judges (Law on the Academy of Judges and Public Prosecutors 88/2010).

Meanwhile, the Law on courts was amended in 2010 to set out in detail the educational requirements for judges, including mandatory knowledge of English, as well as introducing psychological and integrity testing (Law on the Courts 150/2010). As regards the professionalism and competence of the judiciary, stricter criteria were entered into force for admission to initial training at the Academy for Judges and Prosecutors in 2011 (European Commission, 2012b). The 2015 amendments to the law on the academy lowered the criteria for enrolment of candidate public prosecutors and shortened their training cycle from 24 months to only 9 months (Law on the Academy for Judges and Public Prosecutors 20/2015, 192/2015, 231/2015).

However, the ATJP has not managed to become the sole institution for the provision of prospective judges and prosecutors. The appointment of the judges and prosecutors has remained up to the preferences of the Judicial Council and the Council of Public Prosecutors. The JC and CoP had reserved the right to appoint judges and prosecutors even individuals outside the AJP. It has been reported that the Judicial Council has to give greater preference to applicants who had not graduated from the AJP (European Commission, 2020b). Overall, meritocracy was not always preserved in the election of judges and public prosecutors.

As regards assessing the performance of the judiciary, in 2009, The Constitutional Court abolished the rulebooks on the assessment of judges' performance; on the disciplinary liability of judges; and on the manner for determining the unprofessional performance of official duties, as they were defined through implementing legislation instead of the law (European Commission, 2010b). The amendments to the Law on Courts and the Law on the Judicial Council in 2018 improved the system of appointment and promotion and

introduced qualitative criteria in the professional evaluation of judges (European Commission, 2019b). The amendments also provided that appointments to the first instance give prominence to candidates' ranking upon their completion of the training in the Academy for Judges and Prosecutors in the appointment procedure.

For a long, the performance and behaviour of judges and prosecutors, in most cases have been characterised by working methods that have led to the prolonging of the court proceedings. For that reason, the Judicial Council, Council of Prosecutors, Ministry of Justice, and Constitutional Court have received many complaints by citizens regarding unreasonably lengthy/proceedings (European Commission, 2014b). However, the Judicial Council's competence to hear complaints from members of the public, which had been carried out transparently for several years including through public meetings, was removed in 2015 (European Commission, 2016b). An improvement was made in 2018, with the adoption of the amendment to Law on Judicial Council to restore the Judicial Council's responsibilities over discipline and dismissal of judges. Also, the Law on the Judicial Council introduced accountability for members of the Judicial Council, thereby addressing a previously noted shortcoming (European Commission, 2019b).

6.3.4 Efficiency

The efficiency of the judiciary in North Macedonia has suffered for many years by lengthy judicial procedures, a high amount of backlogs as well as infrastructural and budgetary issues. Nevertheless, important achievements have been reached to tackle such issues, especially in the second decade which has positively impacted the efficiency of the judiciary. Nevertheless, more work is yet needed to be done to fully reach European standards.

The issue of backlogs has long been a considerable concern for the judiciary. They have mostly been concentrated in the Court of First Instance. In addition, the overloading of courts with misdemeanour cases and with administrative tasks aggravated the situation. For instance, in 2000 courts were to solve a total of 1,054,391 cases including 464,000 unsolved cases from 1999 (European Commission, 2001b). On top of that, often the court

decisions suffered from unjustified delays, followed by the non-application of the rules which became an open way to political influence and corruption. While in 2006, further legislative parts of the Judiciary Reform Strategy have been implemented to improve the functioning of the judiciary by the enactment of the Law on Misdemeanours (Law on Misdemeanours 62/2006) and Law on Administrative Disputes (Law on Administrative Disputes 62/2006). The implementation of the laws on litigation procedure and enforcement of civil judgments have gradually had an impact on the enforcement of court decisions (European Commission, 2007b)

Further developments towards the increase of efficiency have been taken. For instance, in 2007, the amendments related to the law on misdemeanors has been adopted. Such amendments provided for the enforcement cases to be transferred to bailiffs by the end of 2008. While in 2010, the Judicial Council adopted a decision on the number of cases that should be processed per month by judges at different court instances (European Commission, 2011b). In the following years, it was made possible for the adoption of a methodology that provided for the gathering, analysis, and processing of court data as well as a methodology for ranking the complexity of cases by subject matter (European Commission, 2012b). Such a methodology was fully implemented in 2012 and consequently, it was seen that the majority of courts at all levels were able to process as many cases as they received, or more (European Commission, 2013b). From that point on, the vast majority of the first instance and appeal courts, as well as the Administrative Court, High Administrative Court, and Supreme Court reached and maintained a backlog clearance rate of 100 % or more (European Commission, 2014b)

However, the robust steps taken in recent years to address court backlogs, including the imposition of monthly targets and heavy emphasis on productivity in the annual evaluation process, risk a deterioration in the quality of justice, as a result of judges' limited ability to devote appropriate time and attention to preparing sound fully reasoned judgments based on all available evidence (European Commission, 2014b). Regardless, concerns have been raised regarding such interventions as they have the potential to worsen the issue of repeated re-examinations and re-trials, and to longer overall proceedings. So far, the issue of prolonged judicial proceedings has not been resolved.

Other aspects of judicial efficiency revolved around the case management system which also had been defective and had to be improved. In the early 2000s, the management system was almost inexistent as it lacked its tools (European Commission, 2003b). An attempt to improve the management system was made in 2005, in the framework of the judicial reform implementation concretely, by introducing new IT systems (European Commission, 2006b). However, the 2005 Judicial reform has been hampered by a shortage of human resources and law budget. For that reason, for years the judiciary has been dependent on foreign donations, especially as regards its IT infrastructure (European Commission, 2008b). To address such an issue, a significant step was made though increasing the budget by 8% compared to the previous year (European Commission, 2009b). While the IT centre connecting all judicial institutions became operational and the automated case management system has been installed in all courts. Consequently, in 2011, new software was installed in all courts, as well as the Judicial Council, to generate improved statistical data on their performance (European Commission, 2012b). On the other hand, the budgets for the courts and prosecution services have both continued to be significantly lower than the per capita European average. Moreover, the recent number of both judges and court staff per 100 000 inhabitants is significantly above the European average, raising questions about efficiency (European Commission, 2020b).

6.4 Judiciary in Albania and North Macedonia-Comparison

6.4.1 Legislation or Strategic Documents

Both countries have adopted a series of legislative documents that have further improved the judiciary. In essence, the introduction of laws and bylaws has addressed structural issues as well as the independence and impartiality of the judges and prosecutors. Also, both countries have undertaken reforms and adopted strategies but with different approaches and implementation.

Table 6.1

Legal acts adopted and the level of legislative and strategic framework in Albania and North Macedonia during 1999-2019 (European Commission and Official Gazette of Albania and North Macedonia)

No. of acts		Periods of adoption		Level of legislative and strategic framework	
Albania	North Macedonia	Albania	North Macedonia	Albania	North Macedonia
9	1	2000-2002	2003	Low	Low
5	11	2003-2008	2004-2007	Medium	Medium
3	1	2011-2012	2010	Medium	Medium
	6		2014-2016		Medium
8	7	2016-2017	2017-2019	High	High

Throughout the past 20 years, the Albanian judiciary has undergone several continuous changes that have significantly improved its legal framework. Through such improvements, new judicial bodies were established while the existing ones were reinforced. Some of the most noticeable measures taken were the law on the Supreme Council of Justice (Law 8811/2001; European Commission, 2003a), the law on the organisation of the Ministry of Justice (Law 8678/2001; European Commission, 2001a), and the law on the General Prosecutor’s Office (Law 8737/2001; European Commission, 2001a). Another significant measure was the adoption of the anti-mafia legal package in 2004 which brought a new approach to the fight against organized crime (Law 9284/2004; European Commission 2005a). While in 2008, amendments were made to the law on the GPO (Law 10 051/2008; European Commission, 2009a). As a follow-up, the Law on Administrative Courts (Law 49/2012; European Commission, 2012a), as well as the Law on the National Judicial Conference (Law 77/2012; European Commission, 2012a), were adopted in 2012. The recent measures revolve around the package of laws as a result of the Judicial Reform (Qendra e Botimeve Zyrtare, 2018). Considering their complexity and objectives, the 2016 justice reform laws are considered quite radical and unprecedented, which, if they result successfully, might turn into an example for the other countries of the Western Balkans to follow. Such a measure was deemed sufficient to complement the legal and institutional framework in order to guarantee independence, accountability, and impartiality, thus addressing a continuous issue that was present for years.

Similarly, North Macedonia had shown willingness to gradually reform its legal framework, which, in the early 2000s had been considered incomplete. For that reason, important legal measures were taken throughout the 2000s such as the adoption of the law on court budget in 2003 (Law on Court Budget 60/2003, and the adoption of a new legal framework for the Courts (Law on the Courts 58/2006, 62/2006), the Judicial Council (Law on Judicial Council 60/2006, 69/2006), the Public Prosecutors Office (Law on Public Prosecutor's Office 150/2007) and Council of Prosecutors (Law on the Council of Prosecutors 150/2007). In 2014, additional criteria were added to the election of the President and Deputy President of the Judicial Council (European Commission, 2015a). While in 2015 and 2016 several important legal changes were made in the areas of misdemeanours (Law on Misdemeanours 124/2015), notaries (Law on Notaryship 72/2016, 142/2016), and bailiffs (Law on Enforcement 72/2016, 142/2016), and Academy for Judges and Prosecutors (Law on the Academy of Judges and Prosecutors 20/2015, 192/2015, 231/2015).

As regards the strategic approaches, Albania and North Macedonia have performed differently. Albania has adopted two Reform Strategies, one in 2011 and the other in 2017. The 2011 reform strategy was adopted to introduce a set of legislative measures following the 2008 constitutional changes (DCM 519/2011). Similarly, the 2017 Strategy was adopted following the Judicial reform initiated in 2016 and the Constitutional Changes that it brought (DCM 773/2016). While North Macedonia adopted the first reform strategy in 2004 which lasted till 2008 (Strategy on the reform of Judicial System, 2004). While the second reform strategy was adopted in 2017 under the framework of urgent reform (Strategy for reform of Judicial Sector, 2017). It was seen that North Macedonia had the objectives set and organized earlier than Albania. However, the Judiciary reform in Albania, especially the second one, entails much more radical changes in the Judiciary but their sheer impact and success need to be assessed upon its completion.

6.4.2 Independence and impartiality

The independence of the judiciary in Albania and North Macedonia has been enshrined in their Constitution since 1998 (The Constitution of the Republic of Albania) and 1999 (The

Constitution of the Republic of North Macedonia) respectively. Since then, the countries have taken legal measures to strengthen even further their independence and guarantee impartiality in the decision-making.

Table 6.2

Level of Independence and Impartiality in Albania and North Macedonia during 1999-2019 (European Commission)

Period of relevant legal and institutional changes		Level of Independence and Impartiality		Issues	
Albania	North Macedonia	Albania	North Macedonia	Albania	North Macedonia
1999-2006	2001	Low	Medium	Missing provisions and acts. Political pressure	Unspecified selection criteria. Political pressure.
2007	2006	Low	Medium	Missing provisions and acts. Political pressure.	Political pressure.
2008	2007	Medium	Medium	Missing provisions and acts. Political pressure.	Political pressure.
2012	2011	Medium	Medium	Missing provisions and acts. Political pressure.	Political pressure.
2016-2019	2017-2019	Medium	Medium	Political	Political pressure.

In Albania, up until 2016, the President of the Republic retained the right to elect a member of the High Council of Justice and the General prosecutor. Its role in the judiciary has been a threat to the independence and impartiality of the system as he/she had often taken political directives on appointing the judges and the head prosecutor. As a consequence, this has led to the shielding of politicians from the judiciary's actions (European Commission, 2016a). Even with the 2016 reform, which has strengthened independence, the concerns for political interference in the vetting process of judges and prosecutors as well as the election of the new ones have been present (European Commission, 2018a).

In North Macedonia, political interference was raised as a concern during the election and evaluation of judges and prosecutors by the Parliament (European Commission, 2002b). Besides, for a long time, the membership of the Ministry of Justice on the Judicial Council has often raised concerns about the direct influence of the executive branch on the judiciary. To mitigate the role of the executive institutions in the work of the judiciary, an amendment was made in 2011 to amend the ex officio membership of the Minister of Justice in the Judicial Council (Law on Judicial Council 100/2011).

Regardless of the significant improvement made, in both cases, political interference in the judiciary has long been an issue that has not been resolved (European Commission, 2020a; 2020b). Such influence has constantly been present in the election of the judges and prosecutors as well as during the judicial proceedings.

6.4.3 Accountability and professionalism

Both countries have had educational institutions from which the prospective judges and prosecutors have graduated. The School of Magistrates (SoM) of Albania and the Academy of Judges and Prosecutors (AJP) of North Macedonia served the same purposes and both have undergone several changes throughout the year to become competent institutions that have provided highly educated and professional magistrates. Similarly,

these institutions have experienced budgetary restrictions and political pressure but have succeeded in becoming central in the election process of the judges in prosecutors. However, there are some differences in terms of the number of magistrates that they can provide to the judiciary. While in Albania it is a legal requirement that to become a magistrate the individuals must graduate from the SoM (European Commission, 2008a), it is not the same in North Macedonia. Besides the AJP graduates, the law in Macedonia provides the Council of Judiciary the right to appoint judges to individuals that have not graduated from that institution. However, it is provided that the Judges of the Courts of First instance must all be AJP graduates (European Commission, 2020b)

Table 6.3

Level of Accountability and professionalism in Albania and North Macedonia during 1999-2019 (European Commission)

Period of relevant legal and institutional changes		Level of Accountability and professionalism		Issues	
Albania	North Macedonia	Albania	North Macedonia	Albania	North Macedonia
2000	1999	Low	Medium	Ethics issues for the judges and prosecutors.	Financial constraints and questionable independence for the Training Center. The Training Center did not cover the training for the Prosecutors.
2001	2006	Low	Medium	Corruption Ethics issues for the judges and prosecutors.	Not all magistrates come from the Academy of Judges and Prosecutors.

2005	2010-2011	Low	Medium	Financial constraints and questionable independence for the School of Magistrates.	Not all magistrates come from the Academy of Judges and Prosecutors.
2008-2015	2015	Medium	Medium	Financial constraints and questionable for the School of Magistrates.	Removal of the practice of the Judicial Council to hear complaints from the public.
2016	2018	High	High		

As regards the professional behaviour of the magistrates, it was seen that in both countries there were issues of corruption, politically-influenced decision-making, and ethical issues. In Albania, it was more evident the unethical behaviour of the magistrates together with corruptive actions, and the prolonged proceedings (European Commission, 2001a). Such behaviour was a result of the immunity that they had also of the political support received. Similarly, in North Macedonia, the unreasonable prolongation of the court proceedings by the judges and the process of evaluation was a constant issue (European Commission, 2002b). Both countries have empowered higher judiciary institutions to evaluate and keep in check the professional performance of the magistrates (European Commission, 2001a; 2014b). So far, North Macedonia has produced more visible positive results in this regard with the recent legal changes that have improved the evaluation system of the magistrates as well as their appointing and behaviour (European Commission, 2019b). While in Albania, the code of ethics for judges that was adopted in early 2000 does not provide for substantial improvements regarding their level of accountability and as such, it has concentrated its efforts on the vetting process.

6.4.4 Efficiency

Efficiency in the judiciary in both countries has been hampered for many years by backlogs, prolonged judiciary proceedings, and infrastructural and budgetary issues. In the early 2000s, the countries suffered from poor infrastructure regarding the holding of a judicial sessions as well as tight budgets and shortages in human resources (European Commission, 2001a; 2002b). Consequently, even the case management system in both countries has had considerable deficiencies. Over the years, the budget for the judiciary, in general, had experienced a considerable improvement which has impacted the infrastructure, including the IT system and human resources. As a result, the case management system became digitalized in both countries (European Commission, 2020a; 2020b). However, Albania has weaker court management the human and financial resources, in particular in first instance district courts, which need further improvement. Moreover, the process of producing and collecting court statistical data remains unreliable and the notification of court proceedings to parties is deficient.

Table 6.4

Level of Efficiency in Albania and North Macedonia during 1999-2019 (European Commission)

Period of relevant legal and institutional changes		Level of Efficiency		Issues	
Albania	North Macedonia	Albania	North Macedonia	Albania	North Macedonia
2001	2005-2006	Low	Medium	Low execution of criminal proceedings High backlogs Corruption. Lack of transparency. Lengthy proceedings. The high number of trial	High backlogs. Unjustified lengthy court proceedings Short on human resources and budget for the case management system.

				<p>sessions for cases.</p> <p>Short on human resources and budget for the case management system.</p>	
2005	2007-2008	Low	Medium	<p>Low execution of criminal proceedings. High backlogs. Corruption. Lack of transparency. Lengthy proceedings.</p> <p>The high number of trial sessions for cases.</p> <p>Short on human resources and budget for the case management system.</p>	<p>High backlogs. Unjustified lengthy court proceedings. Short on human resources and budget for the case management system.</p>
2010	2010-2011	Medium	Medium	<p>Corruption. Lengthy proceedings. The high number of trial sessions for</p>	<p>High backlogs. Unjustified lengthy court proceedings. Short on human resources and budget for the case</p>

				cases.	management
				Short on human resources and budget for the case management system.	system.
2012	2012	Medium	Medium	Corruption. Lengthy proceedings. The high number of trial sessions for cases.	High backlogs. Unjustified lengthy court proceedings. Short on human resources and budget for the case management system.
2016	2013	Medium	Medium	High backlogs. Shortage of judiciary corpus. Short on human resources and budget for the case management system.	Questionable quality of judgement. Short on human resources and budget for the case management system.

As for the backlogs, while for both countries it has remained an issue, North Macedonia managed to clear them out by the second decade due to the legal changes adopted which reorganised the courts and the workflow (European Commission, 2013b). While Albania has continued to endure a high amount of backlogs which have increased as a result of the

many vacancies created in the courts by the Vetting Process (European Commission, 2020a). Despite this, concerns are raised by the EC regarding the quality of the proceedings in North Macedonia as the clearing backlogs might have gone to the expense of good and sound judgement. Nevertheless, both countries have failed to address the issue of prolonged judiciary proceedings (European Commission 2020a;2020b).

6.4.5 Europeanisation of the Judiciary in Albania and North Macedonia

After having discussed the legislation or strategic documents, independence and impartiality, accountability and professionalism, and efficiency, same as with the previous variable, it is important to draw out conclusions regarding the Europeanisation of the judiciary.

As such, the three degrees of policy adoption in the Framework of Europeanisation provided by Elbasani (2013), such as verbal, legal, and substantive degrees, are taken into account.

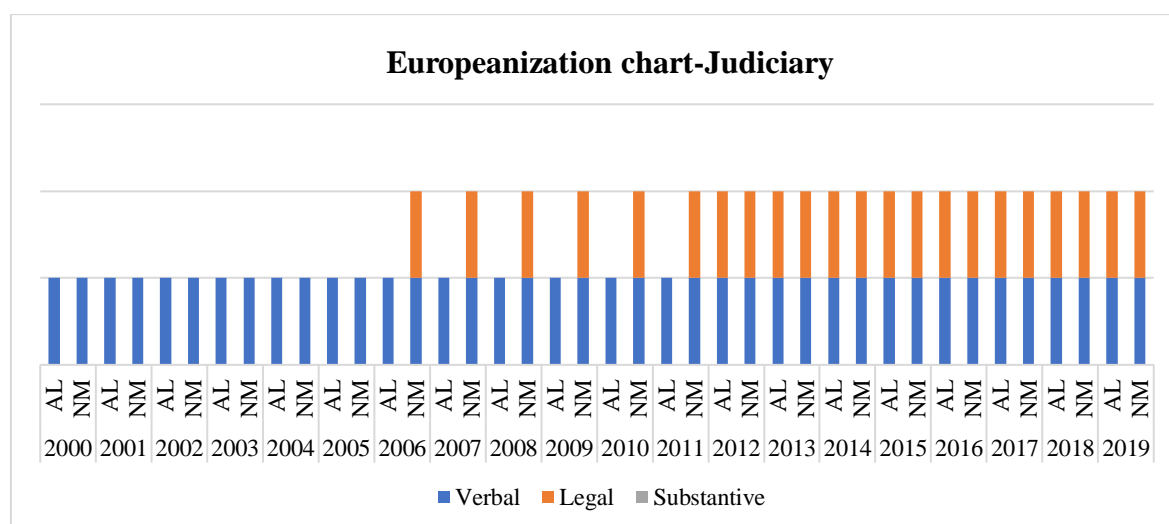


Figure 6.1 Europeanisation chart of the Judiciary in Albania and North Macedonia during 2000-2019

Source: Author's work (2022)

As regards the first degree, the **Verbal degree**, similarly with the case of the political system variable, there is no evidence in the EC reports of domestic actors have verbally

expressed opponence on adopting the required policies in line with the recommendations provided and also the requirements that stem from the Copenhagen Criteria, as provided in the conclusions of the EC reports in the key milestones for Albania (European Commission, 2007a; 2010a; 2011a; 2014a; 2020a) and North Macedonia (European Commission, 2002b; 2005b; 2006b; 2010b; 2020b). In a similar fashion to the previous case, the implementation of legal reforms consistently through these two decades has showcased the reaching for the subsequent legal adoption degree, which provides for the assumption that the former degree has already been reached and passed.

The **Legal degree** was seen to be reached out for both countries in different years. North Macedonia has shown capability in implementing its first judicial reform in the year 2006 and continuing and also providing for a more completed legal framework (European Commission, 2006b, 2007b). While Albania would only come up with a full judicial reform in 2016 while its legal framework would only deem more fulfilling by the year 2012 with the passing of several legal acts in this field (European Commission, 2013a). In this perspective, North Macedonia reached out for the legal degree, many years prior to Albania, however, the latter has adopted a more recent reform, and also it has gained more support from the EU and has been a recommendation by the EC (European Commission, 2016a, 2018a), which might impact the overall progression of the accession negotiations for Chapters 23 and 24. Nevertheless, it should not be disregarded the fact that in the meantime, the legal framework in North Macedonia has continuously enriched and has adopted a Judicial Reform strategy as of 2017 (European Commission, 2018b).

Lastly, the **Substantive degree** has not been reached yet in any of these countries as it has been impacted by the lack of full implementation of the legislative framework. Although, as it was mentioned above, both countries have undergone judicial reforms which have brought up more improved legal acts and thus addressed the recommendations of the EC, still, the problems faced in the implementation of these acts dictate the success of such reforms. As evidenced above, it was noted that the political interference in the judiciary's decision-making and election of the members of the judiciary remain an unaddressed problem that affects the independence and impartiality of the system (European Commission, 2020a, 2020b). The quality of the judicial proceedings is another issue and was highlighted even for North Macedonia which has managed to solve the issue of backlogs (European Commission, 2013b; 2020b) while for Albania the issue persists

(European Commission, 2020a). Moreover, for Albania, still, the court management system is not at the desired level and has been impacted also by the inefficient addressing system (European Commission, 2020a).

6.5 Conclusions

This chapter analyzed the Europeanisation of the judiciary in Albania and North Macedonia. The baseline of the analysis was the EC annual reports that indicated the progress of the countries from the period 2000-2019 and were focused on Legislation or Strategic documents, Independence and impartiality, Accountability and Professionalism, and Efficiency as comparative indicators. From the comparative analysis, it is indicated that both countries have had similar progress in all four indicators. Regardless, some differences were visible, especially regarding the efficiency of the judiciary.

In both countries, several reforms and legal measures have been taken and adopted for the improvement of the justice system. In this instance, Albania took a harder approach by implementing a radical justice reform which nevertheless has taken a heavy toll on its functioning. Whilst North Macedonia has made gradual changes in its legislation but overall has been satisfactory for the fulfillment of the requirements.

Independence and impartiality are enshrined in the constitution and legislation of both countries and have been reinforced due to the legal measures that were taken during the years. However, full independence and impartiality have not been reached as political interference in the judicial system and corruption have remained issues that require more serious efforts.

As regards accountability and professionalism, significant progress has been made in the training and appointing of the prospective magistrates, despite the political pressure present. Some differences are seen in the election process and the role of the training institutions for the magistrates, especially in recent years with the legal changes. Also, good progress was made towards the improvement of the ethics and behavior of magistrates.

Lastly, efficiency has long been the most distinct setback of the judicial system in both countries. Efforts are made to increase the efficiency of the system to tackle the issue of backlogs and prolonged judicial proceedings. So far, North Macedonia managed to significantly improve the efficiency level by eliminating the backlogs but still suffering from the prolonged proceedings. While Albania has not made much progress in this regard and the radical reform that was initiated in 2015 has not produced any significant positive results.

As of above, in terms of Europeanisation **processes**, it resulted that both countries have presented continuously throughout the period the phases of **verbal** adoption. The legal adoption level would only occur earlier for North Macedonia in the first decade while for Albania in the second decade. However, as the evidence showcased above, the **substantive** adoption phase has not been reached.

CHAPTER 7

GOOD NEIGHBOURLY RELATIONS AND REGIONAL COOPERATION

7.1 Introduction

Good neighbourly relations and regional cooperation have been one of the main accession criteria since the issuing of the first EC annual reports for the candidate countries. EU's emphasis on such criteria is highly related to the origin of its establishment, which was based on the spirit of cooperation among the countries of post-WWII Europe. As such, a good spirit of cooperation among the surrounding countries has made it possible for the European Integration to run smoothly and provide a common security area for the member states. The application of such criteria becomes even more relevant in countries that have had or still have open issues with their neighbours on several topics, especially in the Balkan Peninsula. This region has suffered from continuous wars and occupations and carries out a history of territorial, cultural, and ethnic disputes which are part of today's political rhetoric. For that reason, their fate regarding the EU accession process has been, on several occasions, heavily reliant on good neighbourly relations and regional cooperation criteria.

Good neighborly relations, as one of the two conditions of this criteria, require the most effort out of the candidate countries. It demands that all the bilateral relations of a country be stable and that all the disputes are to be resolved before the signing of the Accession Treaty. Besides, this condition may affect the ongoing process of European Integration,

like in the case of North Macedonia, against whom, Greece had imposed its veto in the Council against the opening of the accession talks. While regional cooperation is a condition that relies on the integration of the candidate countries in international and regional organizations, treaties, or initiatives through which the regional cooperation in the region is boosted. Considering that, the measurement of Europeanisation of this criterion is done by monitoring these two conditions.

This chapter analyzes the good neighborly relations and regional cooperation criteria in Albania and North Macedonia for the period 2000-2019 by focusing on their multilateral relations that promote regional cooperation and the bilateral relations with the neighboring countries with whom they have had the closest and most interactive relations for this period. To analyze these indicators in terms of Europeanisation, the three-degree models of policy adoption provided by Elbasani (2013) (verbal, legal, and substantive) are taken into account.

The fulfillment of good neighbourly relations reflects the most evident differences between the two countries while the regional cooperation condition is seemingly fulfilled. However, it must not be denied that the wider political context in the EU plays a heavy role in the process.

7.2 Good neighbourly relations and regional cooperation in Albania

7.2.1 Multilateral relations

Albania is part of many organizations and initiatives which have an impact on the region of the Western Balkans. Some important ones involve the Council of Europe (CoE) membership in 1995 (Council of Europe), the Organisation for Security and Cooperation in Europe (OSCE) membership in 1991 (Permanent Mission of the Republic of Albania to the International Organizations Vienna), World Trade Organisation (WTO) membership in 2000 (World Trade Organization, 2000), North Atlantic Treaty Organisation (NATO) membership in 2009 (North Atlantic Treaty Organization), as well as a bilateral immunity

agreement with the United States regarding the International Criminal Court (ICC) (European Commission, 2004a, 2020a).

In the past two decades, the multilateral diplomacy of Albania has centered around the main policy goals of promoting regional cooperation under the framework of peacekeeping, stability, and economic development.

Through multilateralism, Albania has shifted its foreign policy in Western Balkans into a security provider and cooperation promoter. Such thing was seen through its cooperation with NATO under the framework of the Adriatic Charter in 2003 (Ministry of Defence) and it became more obvious after its membership in this organization in 2009 where the government committed to continue its foreign policy of peace and to further strengthen its already consolidated role as an important contributor to peace and stability in the region and beyond (European Commission, 2010a). In this sense, it has continuously vouched for the further expansion of NATO membership in countries such as Montenegro and North Macedonia. Moreover, under the framework of regional security and its intense cooperation with NATO, Albania has played an active role in the fight against terrorism, especially against the Islamic State (Jano et al, 2018). A more tangible approach to the fight against terrorism was the Declaration on Police Cooperation Initiative that Albania signed with Montenegro, Serbia, Bosna and Herzegovina, Slovenia, and Austria in 2014 (European Commission, 2015a). Also, Albania has been a participant in the EUFOR ALTHEA mission in Bosnia and Herzegovina (European Commission, 2009a). Lastly, the issues of security and peace are part of regional initiatives that Albania is part of (European Commission, 2020a) such as the Black Sea Economic Cooperation (Ministry of Foreign Affairs of Turkey), Adriatic-Ionian Initiative (Adriatic-Ionian Initiative), Central European Initiative (Central European Initiative), South-East European Cooperation Process (South-East European Cooperation Process) and the Regional Cooperation Council (Regional Cooperation Council).

Besides security, economic cooperation, and in particular, trade, is a key element in fostering regional cohesion. The countries of the Western Balkans conduct trade with one another under the Central European Free Trade Agreement (CEFTA) which all of them have signed in 2006 (Central European Free Trade Agreement; European Commission, 2007a). Another substantial economic initiative where Albania is very active is the Trans-

Adriatic Pipeline (TAP) (Trans-Adriatic Pipeline) and Ionian Adriatic Pipeline (IAP) (Energy Community) projects which not only provide economic advantages for the beneficiary countries but also increase the energy security in them and the particular region where these projects pass through (European Commission, 2020a). In recent years, economic cooperation had been reconfigured under the Berlin Process (The Berlin Process-Information and Resource Center) which has produced the Brdo-Brijuni process (European Western Balkans, 2019), the Multi-annual Action Plan on Regional Economic Area in the Western Balkans (Multi-annual Action Plan on Regional Economic Area in the Western Balkans-MAP) and Transport Treaty (Treaty establishing the Transport Community , 2017), both of them signed by Albania in 2017 (European Commission, 2018a). Other regional initiatives (European Commission, 2020a) where Albania participates are the Border Security Initiative (World Customs Organization), the Energy Community Treaty (Treaty establishing Energy Community), the European Common Aviation Area Agreement (European Common Aviation Area Agreement, 2006), Regional Initiative for Migration and Asylum (Migration, Asylum, Refugees Regional Initiative) and the Euro-Mediterranean Partnership (European Commission). In September 2019, Serbia's President and the Prime Ministers of North Macedonia and Albania agreed to launch an initiative to enhance regional cooperation. This was followed by leaders' summits in October in Novi Sad, November in Ohrid, and December in Tirana (European Commission, 2020a).

Nevertheless, the early 2000s turned into a challenge in implementing some of the international agreements of which became part. Concretely, up until 2004, it was evidenced that the Albanian authorities were finding difficulty in implementing the obligations under the Council of Europe membership (European Commission, 2003a; 2004a). In a similar fashion, difficulties in meeting the WTO commitments, issues that had put into threat Albania's credibility as a trade partner (European Commission, 2003a; 2004a).

7.2.2 Bilateral relations

In the last 30 years of democracy, Albania has applied the “zero problems with neighbours” foreign policy. However, only in 2013, when the socialist government came into power, such a strategy would be stated officially and have a clear model to be based on, that being the foreign policy adopted with the same name that has been adopted by Turkey (Gjeta, 2020). Regardless, in comparison to Turkey, Albania has been persistent in keeping good relations with the neighbouring countries and has put efforts into creating the image of the unifier and contributor to the peacekeeping of the Balkans. As a result, Albania has established closed ties and signed various cooperative and economic agreements with its neighbours, concretely: Kosovo, Montenegro, North Macedonia, Serbia, Greece, Turkey, and Italy.

Relations with Kosovo

The relations with Kosovo and the issue surrounding such a country remain the top priority regarding the foreign policy of Albania in the Balkans. Since the early 20th century and on, all the past Albanian governments have been consistent in their interests and support towards the territory of Kosovo where a large portion of Albanians live (Kalemaj, 2014). Nevertheless, the means of support and the establishment of the relations between the political leaders of Albania and those of Kosovo have experienced changes following the domestic dynamics in both places, as well as regional and overall geopolitical fluctuations. From the early 1990s and on, Albania was keen on supporting and lobbying for the full independence of the autonomous territory of Kosovo (Zeneli, 2020). Such support was seen during the eruption of the Kosovo war in 1998 where the Albanian politicians supported the NATO intervention to seize the genocide that was being conducted by the Serbian military under the orders of its general, Slobodan Milosevic (Bushati, 1998). Considering the fragile and ambiguous situation that surrounded Kosovo, Albania has played a paternalistic role in such territory, mostly until 2008 when the former declared its independence from Serbia (Peci et al, 2020). This was evident in the meeting with the EU Troika in 2006, Albania made clear its position on the European future of Kosovo (European Commission, 2007a).

From 2008 and on, Kosovo established its state institutions and became more proactive and prominent in its foreign policy which concerned lobbying for the recognition of its independence by other states which would grant the right to be part of the United Nations,

and also the striking of an agreement with Serbia (Newman & Visoka, 2016). With the paternalistic role of Albania towards Kosovo would fade away as the latter became more competent in its foreign policy actions (KIPRED, 2020), it still was very much engaged in serving as a mediator between the former and Serbia. Nevertheless, Albania has played a supportive role in Kosovo's membership in international organizations such as the United Nations, and the Organisation of the Islamic Conference (OIC) (Sulçebe, 2015).

An important milestone in Albanian-Kosovar relations was the signing of the Strategic Partnership Agreement in 2014 (Sulçebe, 2015). Such an agreement aimed at the deepening and intensification of the cooperation and partnership between the two countries. In addition, such an agreement provided for the establishment and organizing of several Inter-governmental Summits (Ambasada e Republikës së Shqipërisë në Kosovë). Besides, several other agreements were signed (KIPRED, 2020) in many areas such as education, transport, tourism, customs and trade, agreements on the exchange and protection of classified information, judicial assistance in penal cases, extradition, on transferring sentenced persons, and on the cooperation of taxation and fighting tax evasion (European Commission; 2010a, 2011a, 2012a, 2013a). Such agreements were not only made for profitable reasons but also as a result of the ethnic, cultural, linguistical, and historical bonds that these two countries which were once under one state but were separated by the 1913 London conference where it was decided that the North-eastern part of Albania (nowadays Kosovo and the Presevo valley) be granted to Serbia. Henceforth, these countries have brotherly relations as they represent one nation that has been divided into two countries, and such synergy created is unlikely to change.

Relations with Serbia

The relationship between Albania and Serbia has historically been dependent on the issue of Kosovo. Besides, the ethnic conflict that has occurred in the past and the current tensions between the Albanians in Kosovo and the Serbs have as well impacted the relations between Albania and Serbia. Moreover, Albania has also paid attention to the situation in the Presevo valley in the South of Serbia where an Albanian-speaking minority is living in is prone to the dynamics and rhetoric that occur and are exchanged between Kosovo and Serbia.

In the early 2000s, the relations were tense following the signature of an FTA between Albania and UNMIK/Kosovo and declarations by the Albanian and Serbian Parliaments on the future of Kosovo (European Commission, 2003a). In the meantime, the countries had stricken a memorandum of Understanding (MoU) for Trade Liberalisation and Facilitation in 2001 (European Commission, 2003a). Up until 2008, relations were described as good but with Albania's decision to recognize the independence of Kosovo the situation stagnated (European Commission, 2009a). There have been no bilateral political visits, but there were senior-level meetings on the margins of regional and international events. There have been ongoing contacts regarding judicial cooperation Economic cooperation progressed and in March 2009 a Memorandum on Cooperation was signed between the Serbian and Albanian Chambers of Commerce (European Commission, 2009a). Slowly, the relations began to normalize and other agreements followed such as the signing of cooperation agreements in the fight against organized crime, trafficking of human beings, trafficking of narcotics, and terrorism in the same year, and the lifting of visa requirements for Serbian citizens by Albania (European Commission, 2010a). An agreement on veterinary cooperation and an agreement on the reciprocal movement of citizens was signed in 2012 (European Commission, 2012a). However, Bilateral relations were strained at times, with each side blaming the other for declarations or actions which raised tensions (European Commission, 2013a).

The relations between the two countries turned a new page with the election of the socialist Prime Minister of Albania Edi Rama in 2013 and continued with its second term in 2017. Prime Minister of Albania, Edi Rama, during his two terms, has been very active and keen on establishing new relations with Serbia (Rakipi, 2020). The goal of the Albanian foreign policy under the Rama government was not only to mediate and improve Kosovo-Serbia relations but also to engage in cooperation with the latter (Madhi & Minić, 2019). Such an attempt was culminated by the visit of Rama to Belgrade in 2014, being the first Prime Minister of Albania to ever attend a high-level meeting with the respective homolog in Serbia in 68 years (Cani, 2014; European Commission, 2015a). Rama's visit to Belgrade was followed by a visit of Serbian Prime Minister Vučić in May. Albania and Serbia have presented joint connectivity projects and cooperate under Albania-Serbia-Italy Trilateral (Trilateral meeting between Italy, Albania and Serbia held for the first time in Rome, 2015). From that point on, the prime ministers of both countries, have made promises and attempts to establish many mutual agreements. One of the early products of the renewed

relations was the steps taken toward improving the rights of their respective national minorities and the establishment of a regular air link between Belgrade and Tirana in 2014 (European Commission, 2014a; Likmeta, 2014).

Under the Berlin Process, many initiatives have sprawled. The Albania-Serbia Joint Chamber of Commerce was established in Tirana in 2016 (Muka, 2016; European Commission 2018a). Bilateral ties were also strengthened on the occasion of regional and international events attended by both Prime Ministers. The Albanian and Serbian Prime Ministers opened together with a business forum in Niš in 2016 (Mejdini, 2016). Regular exchanges took place between civil society organisations, youth, and media actors. In 2018, the two countries signed an agreement on tourism cooperation (European Commission, 2019a). As a continuation of the Berlin Process, the countries were one of the first promoters of the “Mini-Schengen” initiative (Zivanovic, 2019). Much like the concept of the freedoms and liberties that comprise the European Union, and also based on and supported by the Visegrad countries, the Mini-Schengen would provide for the freedom of movement, people, and trade between the WB countries (Simić, 2019). Through such a framework, the relations between Albania and Serbia would become much stronger and establish a transnational economic plan between the two countries, one of which be the granting of access to the Port of Durres to Serbia (Ngjeqari, 2019), to be used for import and export of goods. Along the line, the Mini-Schengen project that Rama and the President of Serbia Alexander Vucic supports would as well smoothen the deadlock between Kosovo and Serbia primarily through the elimination of borders and customs control.

Regardless, Albania’s stance in regards to its positioning on the cases of the Kosovo war and the crime conducted during that period remains unshaken. For the Albanian leaders, the people of Kosovo who are of the Albanian ethnicity are victims of the Serbian genocide and the NATO intervention was necessary. Consequently, Albania opposes the rhetoric of denial by the Serbian politicians and also their active lobbying in pursuing other countries to withdraw the recognition of the independence of Kosovo.

Relations with Montenegro

The Albanian-Montenegrin relations remain quite stable and friendly but not as close and as dynamic for countries that border each other. The Albanian ethnic minority in Montenegro, which accounts for approximately 5 % of the population (Jano et al, 2018), has served as a strand for the relations between the two countries. The ethnic Albanian minority has served an important role during the reaching of the independence of Montenegro from Serbia by referendum in 2006 and also is a constant voice for the support of the Euro-Atlantic future of the country (Dymarski, 2017).

Despite this, it was seen that the Albanians in Montenegro did not receive the same amount of attention as the ones in Kosovo and North Macedonia, perhaps as a result of their small number, which makes them less of an influential factor (Ndrenika, 2017). However, in recent years there has been an attempt by the Albanian government to support the strengthening of the ethnic Albanian minority's role in Montenegro (Jano et al, 2018). This was seen by the visit of Prime Minister Rama in 2017 to Montenegro (Vukicevic, 2017), in support of the coalition established by the three ethnic Albanian parties which would aim the extension of the rights of this community (Jano et al, 2018; European Commission, 2018a).

On an overall governmental level, the relations have been good and stable and Albania has shown a willingness to cooperate with the Montenegrin Government and authorities (Šašić, 2019). Albania was amongst the first countries to recognize Montenegro's independence following the May 2006 referendum. Subsequently, Cooperation agreements on railway and lake transport and a Memorandum of Understanding for Cross-Border Development of Shkodra Lake (Albanian Embassy in Montenegro) have been signed in that year (European Commission, 2007a). Relations with Montenegro have developed further, with Albania opening an embassy in Podgorica in 2007 (European Commission, 2008a). The two countries established the first joint border crossing point in the Western Balkans at Muriqan/Sokobine in 2008 (Joint Border Crossing Point between Albania and Montenegro, 2008), and cooperation agreements in the fight against organized crime, trafficking of human beings, trafficking of narcotics, and terrorism were signed that year (Jano et al, 2018). In 2012, the Albanian Parliament ratified an agreement between Albania and Montenegro on developing the cross-border railway (Shqipëri-Mali i Zi, stacion të përbashkët për hekurudhat, 2012; European Commission, 2013a). Mutual agreement of economic cooperation, trade, in joint touristic and infrastructural projects in the border

areas where the Albanian ethnic minority is predominant was signed (European Commission, 2013a, 2014a, 2015a, 2016a). Albania also cooperates with Montenegro under the Albania-Montenegro-Croatia Trilateral (European Commission, 2019a).

Relations with North Macedonia

Albania's relations with North Macedonia have been historically good and both countries have supported their Euro-Atlantic future. Aside from the common aspiration to be fully integrated into the EU, both countries have been stranded by their respective ethnic minorities. The Albanian minority in North Macedonia amounts to 22.5 % of the population and is very deterministic in the formation of the governments of that country (State Statistical Office, 2002). Regardless, to this day, such a minority does not have the same rights as the ethnic Slavic population, which is the majority, and more needs to be done in this regard. For, that reason the governments in Albania have constantly vouched for the improvement of the situation of the ethnic Albanian minority (Jano et al, 2018).

In the early 2000s, and specifically before the 2002 Parliamentary elections in North Macedonia, the relations have been, to some extent, quite tense. Issues at their shared borders have been reported as well as many complaints regarding the way they have been managed were also indicated (European Commission, 2003a). Nevertheless, the tensions have been put at ease with the inter-governmental dialogue (European Commission, 2003a).

The FTA signed between the countries in 2001 has led to increased bilateral trade, and in addition to state visits at the presidential level, ministerial meetings have taken place on a wide variety of topics (Krisafi, 2020). Many ministerial meetings have taken place, discussing political, economic, and social developments. These contacts have provided the platform for the planned Agreement on Neighbourhood and Friendship (European Commission, 2004a). Reciprocal high-level visits have been accompanied by the signing of cooperation agreements in the fields of police cooperation, transport, energy, defence, tourism, culture, information, and the opening of an additional border crossing point (European Commission, 2006a; Krisafi, 2020). A memorandum on cooperation between the Public Prosecution Offices of the two countries has been signed and the agreement on cultural cooperation entered into force in 2006 (European Commission, 2007a). In the

spirit of good cooperation, other important agreements followed such as the agreement on mutual enforcement of court decisions in criminal matters and cooperation agreements in the fight against organized crime, trafficking of human beings, trafficking of narcotics, and terrorism (Jano et al, 2018); an agreement for the full liberalisation of bilateral and transit transportation between the two countries (European Commission, 2009a); an agreement on setting up a joint centre for the exchange of information between their respective border and migration police corps (European Commission, 2012a); bilateral agreement on mutual recognition of driving licences and a new joint border crossing point (European Commission, 2013a); and most importantly a memorandum of cooperation in the field of defense (Jano et al, 2018).

A new momentum was reached when the SDSM party of North Macedonia took office in 2017 (Zaev and Rama: We share a common vision for Euro-Atlantic future of Macedonia and Albania, 2017). The first joint session of the governments took place in December 2017 and was a step forward that raised bilateral relations to a higher level (Jano et al, 2018). It was followed by the signature of bilateral agreements aimed at improving cooperation between the two countries (European Commission, 2019a). During this period, Albania provided strong support to the agreement with Greece for resolving the name issue. Also, Albania ratified the protocol for the accession of North Macedonia to NATO (Mima, 2019). Other development occurred such as the decision to agree on the establishment of a commission for joint management of natural and cultural heritage of the Ohrid region and to improve the implementation of UNESCO recommendations (Do të krijohet komision me Shqipërinë për menaxhimin e përbashkët të rajonit të Ohrit, 2019). As a result, in 2019, Albania opened an Honorary Consulate in Bitola, in Western North Macedonia (European Commission, 2020a).

Relations with Greece

The relations between Albania and Greece for the past two decades have remained overall positive and a spirit of cooperation has been evident. For many years, Greece has been Albania's second economic partner in trade terms and it is the second-largest investor (Greqia kryeson për stokun e investimeve, në vend të dytë kalon Zvicra; Sektorët më tërheqës në vite, 2018). The countries have signed a Programme for Cultural Co-operation which has been ratified in 2003 (European Commission, 2004a), as well as several other

bilateral agreements, most notably in the areas of health and military cooperation. In the framework of the Greek Plan for Economic Reconstruction of the Balkans, Greece has been an important donor to Albania by providing financial assistance (European Commission, 2004a) and it has held an important position as regards the FDI in the country (Greqia kryeson për stokun e investimeve, në vend të dytë kalon Zvicra; Sektorët më tërheqës në vite, 2018; European Commission, 2020a). Greece has also been an important partner in regard to energy, agriculture, tourism, transport, finance, telecommunications, and culture. An important aspect has been the border agreements where the two countries have made important steps such as the inauguration of the border crossing point at Tri Urat and Bote-Konispoli to improve the overall management of common border-crossing points (European Commission, 2004a). Several mutual high-level visits have taken place and many other agreements were signed such as agreements on legal assistance in civil and criminal matters in 2009; an inter-governmental agreement confirming their support for the Trans-Adriatic Pipeline project (European Commission, 2013a; Firmoset në Athinë marrëveshja Shqipëri-Greqi-Itali për projektin TAP, 2013); a joint declaration that paved the way for a solution on the use of place names in official documents (European Commission, 2014a).

Substantial steps were taken towards addressing some delicate issues such as the implementation of the agreement on exhumation and burial of the remains of Greek soldiers fallen in Albania during the Second World War which has started in 2017 (Marrëveshja/ Qeveria vendos ndërtimin e varrezave të ushtarëve grekë. Ceremoni zyrtare çdo 28 tetor, 2017). Another positive step was made during that year with the withdrawal of reservation by Greece on Albania's accession to the Apostille Convention which had an overall positive effect on the Albanian immigrant in that country (European Commission, 2018a; Greqia heq Vulën Apostile, 2018). Moreover, a Memorandum of Understanding on energy was signed in 2017 between the two countries (Transporti i gazit, Albgaz dhe DESFA nënshkruan memorandumin e bashkëpunimit, 2017). This was seen as an important cooperation mechanism that promoted regional energy connectivity and the diversification of natural gas resources and suppliers, including the Trans Adriatic Pipeline (European Commission, 2018a). Recently, the governments of both countries have become more supportive of one another, especially on the Greek side which had shown good solidarity and prompt reaction during the 2019 earthquake that had stricken Albania

(Ekatherimi, 2019). Moreover, Greece has been a strong supporter of Albania's EU accession.

Nevertheless, good relations have been followed by the shadow of historical and present issues which remain to be resolved. Some of the issues which complicate their relations and make the cooperation among them difficult are as follows: the persistent refusal by the Greek government to recognize the Cham genocide on its Northern side (Koleka, 2018), the so-called Law of War between the two countries which Greece has not appealed it yet, even though it refers to the WWII (Rakipi, 2018), refusal to recognize Kosovo official as an independent state (Krisaf, 2018), the rejection of the decision of the Constitutional Court of Albania to drop the agreement signed by the two governments for the demarcation of the maritime border between two demands (Ndoj, 2015), occasional acts of discrimination and racism actions against Albanians working in Greece (Speed & Alikaj, 2020) and extremist movements in Greece which articulate territorial claims in Southern Albania (Feta, 2018). This paradox is also contrary to the fact that Albania and Greece signed in 1996 the Treaty of Friendship, Cooperation, Good Neighbourliness, and Security between them (Dervishi, 2019). More so, Greek minority rights in general and more particularly property rights of this minority continue to remain a subject of disagreement in the bilateral relation (European Commission, 2020a).

Relations with Turkey

Since the 1990s and on, Albania has held very close relationships with Turkey, a country that has become a regional power and has the potential of becoming a global power as well. Such relations have been stranded by cultural, and religious ties as a result of the long period of Ottoman occupation of Albania. As a result, Turkey has become one of the major partners in Albania by investing economically, politically, and also in the field of education of Albania. Albania has ratified a free trade agreement with Turkey, in line with its Interim Agreement obligations which entered into force in 2007 (European Union, 2008a). Turkey remained among the five trading partners of Albania and the six biggest foreign investors in the country with a large focus on infrastructure and energy sectors (European Commission, 2020a). Recently, Turkey is investing in the flight industry through the support for the establishment of Air Albania, the Albanian national airline (Irtak, 2019).

Also, Turkey has provided education and training for the Albanian Army and security forces, as an example of that has been an agreement signed in 2019, for the support of the restructuring of the Albanian Army, for five years (European Commission, 2020a). Most importantly, in the field of diplomacy, Turkey has been a major lobbyist and supporter of Albania and vice versa. While Albania, during the two Rama governments, has labeled Turkey as one of its strategic partners, along with the USA, EU, and Germany. This foreign policy tactic culminated in the two countries agreeing to establish a strategic partnership and high-level cooperation council (Ministry of Foreign Affairs of Turkey, 2014) to structure their cooperation in the fields of foreign policy and international cooperation, justice and home affairs, defence, and security issues, the economy, energy, environment protection, culture, education, and science.

However, a such strategic partnership may not always be received with positivism by the EU and USA, who are concerned with the decline of democracy in Turkey, the autocratic and quasi-caliphate model of governance established by President Erdogan, and the foreign policy of neo-ottomanism (Lami, 2017). It seems that Prime Minister Rama has used Turkey also as a method to gain the attention of Brussels each time the latter has shown a small or diminishing commitment to Albania (Ben-Meir, 2018).

Relations with Italy

Italy has been the country that received the biggest wave of Albanian migrants in the 1990s after the fall of communism in Albania (Bonifazi & Sabatino, 2010). In the 1990s, Italy was considered the promised land, as many Albanians, during the communist regime could illegally intercept the Italian radio and TV waves, and for them, such a country represented the western world (Mai, 2004). Consequently, the Italian language became well-spoken in Albania, and after the fall of communism, the media across the sea made it possible for the Albanians to be familiarized with the culture. Also, both countries share a unique bond that is represented by the Arberesh minority in Italy (Mandala, 2016). The Arberesh is an Albanian community that has been settled in the Southern Part of Italy, predominantly in the Region of Apulia, approximately sei centuries ago, as a way to escape the Ottoman invasion. To this day, the Arberesh have managed to keep the Albanian language and

traditions alive, despite the two countries being isolated from one another for centuries (Mandala, 2016).

Considering these factors and also the proximity between the two countries, Italy started to heavily invest in Albania in many sectors and become the top major trading partner, and investor, (European Commission, 2020a). Considering that, a central office, composed of all public and private Italian entities active in Albania, has been established (Ambasciata d'Italia Tirana; European Commission, 2004a). The countries have signed many cooperation agreements such as the "Three-year Cooperation Protocol" (Ambasada e Republikës së Shqipërisë në Itali; European Commission, 2003a, 2004a) with emphasis on roads and transport, water and sanitation, energy, agro-industry, public health, private sector development, and social and institutional support and the agreement confirming their support for the Trans-Adriatic Pipeline project (European Commission, 2013a; Firmoset në Athinë marrëveshja Shqipëri-Greqi-Itali për projektin TAP, 2013). In 2010, the countries signed a strategic partnership agreement which provides that both countries will cooperate on the implementation of joint projects including nuclear energy projects (Berlusconi: Italia interessata a sviluppo nucleare in Albania, 2010; European Commission, 2011a).

In terms of institutional cooperation, they have been reinforced through the operation of the Italian authorities in Albania in cases such as an involvement of both the "Guardia di Finanza" and the Italian army (European Commission, 2004a) and also the assistance provided in cases of justice and home affairs (European Commission, 2008a). In 2017, a Protocol on the fight against terrorism and trafficking in human beings was signed by the two Ministers of the Interior (European Commission, 2018a; Italia dhe Shqipëria, protokoll kundër terrorit dhe trafikut, 2017). An important step towards institutional cooperation and foreign policy was made through an agreement signed in 2011 on representing and protecting each other's interests in those countries where one of the parties lacks diplomatic representation (European Commission, 2012a). Such institutional cooperation was seen during the period prior to Albania's visa liberalisation in 2010 when the respective governments closely cooperated to improve the situation of Albanian citizens residing in Italy and the possibility to grant a higher number of visas for those wishing to travel to Italy (European Commission, 2003a). Lastly, Italy has been very active in supporting Albania's EU integration process and it was seen in 2014 when during the Italian Presidency of the Council, the Candidate Status was granted (Denti; 2015; European

Commission, 2015a) and also its membership in NATO for which has assisted the Albanian Armed Forces in its efforts to meet the standards (European Commission, 2005a).

7.3 Good neighbourly relations and regional cooperation in North Macedonia

7.3.1 Multilateral relations

North Macedonia is part of many organizations and initiatives which have an impact on the region of the Western Balkans. Some important ones involve the Council of Europe membership (Council of Europe), which dates back to 1995, the Organisation for Security and Cooperation in Europe OSCE membership in 1995 (Organization for Security and Cooperation in Europe), World Trade Organisation (WTO) membership in 2002 (World Trade Organization), a North-Atlantic Treaty Organisation (NATO) candidate member, a bilateral immunity agreement with the United States regarding the International Criminal Court (ICC) (European Commission, 2004b) and has cooperated with the International Criminal Tribunal for the former Yugoslavia (ICTY) (European Commission, 2004b).

In the past two decades, the multilateral diplomacy of North Macedonia has centered around the main policy goals of promoting regional cooperation under the framework of peacekeeping, stability, and economic development.

North Macedonia has been a participant in the EUFOR ALTHEA mission in Bosnia and Herzegovina (European Commission, 2009b). Lastly, the issues of security and peace are part of regional initiatives of which North Macedonia is part such as the Adriatic-Ionian Initiative (Adriatic-Ionian Initiative), Central European Initiative (Central European Initiative), South-East European Cooperation Process (South-East European Cooperation Process), and the Regional Cooperation Council (Regional Cooperation Council). Besides, its cooperation with ICTY has assisted in bringing justice to the crimes committed during the Balkan war in 1990 which was an important step in the reconciliation process. However, the bilateral immunity agreement that North Macedonia signed and ratified in

2003 with the US has been opposed by the EU as it claims to violate the EU Guiding Principles Concerning Arrangements between a State Party to the Rome Statute of the International Criminal Court and the United States Regarding the Conditions to Surrender of Persons to the Court of 2002 (European Commission, 2004a). Such an issue is still up to this day and is a drawback in multilateral diplomacy. Another area has been North Macedonia's contribution to solving the issue of refugees and internally displaced persons from Kosovo and Serbia (European Commission, 2013b). Lastly, as a result of the migrant crisis that had stricken Europe, North Macedonia signed a Memorandum of Understanding with Austria, Hungary, and Serbia to extend joint border controls between signatory states to the country's border with Greece and to include the country in a joint investigation team on people smuggling (European Commission, 2015b).

Besides security, economic cooperation and in particular trade are key elements in fostering regional cohesion. The countries of the Western Balkans conduct trade with one another under the Central European Free Trade Agreement (CEFTA) which all of them signed in 2006 (Central European Free Trade Agreement; European Commission, 2007b). In recent years, economic cooperation had been reconfigured under the Berlin Process (The Berlin Process-Information and Resource Center) which has produced the Brdo-Brijuni process (European Western Balkans, 2019), Regional Economic Action Plan (Multi-annual Action Plan on Regional Economic Area in the Western Balkans-MAP) and Transport Treaty (Treaty establishing the Transport Community , 2017), both of them signed by North Macedonia in 2017 (European Commission, 2018b). Other regional initiatives where North Macedonia participates are the Border Security Initiative (World Customs Organization), the Energy Community Treaty (Treaty establishing Energy Community), the European Common Aviation Area Agreement (European Common Aviation Area Agreement, 2006), Regional Initiative for Migration and Asylum (Migration, Asylum, Refugees Regional Initiative) and the Euro-Mediterranean Partnership (European Commission), and RECOM (RECOM Reconciliation Network).

7.3.2 Bilateral relations

Relations with Albania

North Macedonia's relations with Albania have been historically good and both countries have supported their Euro-Atlantic future. Aside from the common aspiration to be fully integrated into the EU, both countries have been stranded by their respective ethnic minorities. The Albanian minority in North Macedonia amounts to 22.5 % of the population and is very deterministic in the formation of the governments of that country (State Statistical Office, 2002). Regardless, to this day, such a minority does not have the same rights as the ethnic Slavic population, which is the majority, and more needs to be done in this regard (Jano et al, 2018).

In the early 2000s, and specifically before the 2002 Parliamentary elections in North Macedonia, the relations have been, to some extent, quite tense. Issues at their shared borders have been reported as well as many complaints regarding the way they have been managed were also indicated (European Commission, 2003a). Nevertheless, the tensions have been put at ease with the inter-governmental dialogue (European Commission, 2003b).

The FTA signed between the countries in 2001 has led to increased bilateral trade, and in addition to state visits at the presidential level, ministerial meetings have taken place on a wide variety of topics (Krisafi, 2020). Many ministerial meetings have taken place, discussing political, economic, and social developments. These contacts have provided the platform for the planned Agreement on Neighbourhood and Friendship (European Commission, 2004b). Reciprocal high-level visits have been accompanied by the signing of cooperation agreements in the fields of police cooperation, transport, energy, defence, tourism, culture, information, and the opening of an additional border crossing point (European Commission, 2006b; Krisafi, 2020). A memorandum on cooperation between the Public Prosecution Offices of the two countries has been signed and the agreement on cultural cooperation entered into force in 2006 (European Commission, 2007b). In the spirit of good cooperation, other important agreements followed such as the agreement on mutual enforcement of court decisions in criminal matters and cooperation agreements in the fight against organized crime, trafficking of human beings, trafficking of narcotics, and terrorism (Jano et al, 2018); an agreement for the full liberalisation of bilateral and transit transportation between the two countries (European Commission, 2009b); an agreement on setting up a joint centre for the exchange of information between their respective border

and migration police corps (European Commission, 2012b); bilateral agreement on mutual recognition of driving licences and a new joint border crossing point (European Commission, 2013b); and most importantly a memorandum of cooperation in the field of defense (Jano et al, 2018).

A new momentum was reached when the SDSM party of North Macedonia took office in 2017 (Zaev and Rama: We share a common vision for Euro-Atlantic future of Macedonia and Albania, 2017). The first joint session of the governments took place in December 2017 and was a step forward that raised bilateral relations to a higher level (Jano et al, 2018). It was followed by the signature of bilateral agreements aimed at improving cooperation between the two countries (European Commission, 2019b). During this period, Albania provided strong support to the agreement with Greece for resolving the name issue. Besides, Albania ratified the protocol for the accession of North Macedonia to NATO (Mima, 2019). Other development occurred such as the decision to agree on the establishment of a commission for joint management of natural and cultural heritage of the Ohrid region and to improve the implementation of UNESCO recommendations (Do të krijohet komision me Shqipërinë për menaxhimin e përbashkët të rajonit të Ohrit, 2019). As a result, in 2019, Albania opened an Honorary Consulate in Bitola, in Western North Macedonia (European Commission, 2020a).

Relations with Serbia

North Macedonia and Serbia, have shared fates and history starting from the era of the Ottoman Empire, continuing with the cooperation under the former Yugoslavia, and continuing after its dissolution. Tensions would rise when North Macedonia declared its independence from Yugoslavia in 1991 as Belgrade was hesitant in recognizing it (Marolov, 2015). The bilateral relations between the two were tense, followed by threats of military interventions from Belgrade to Skopje (Marolov, 2015). The relations would be re-established in 1996 when Belgrade, at that time, under the Federal Yugoslav Republic decided to recognise North Macedonia's independence (Vučković, 2014; Marolov 2015). However, after the normalization of the relations, two issues arose, the border demarcation between the countries and the decision of the Serbian Orthodox Church to not recognize the Macedonian Orthodox Church (Vučković, 2014; Marolov, 2015).

The border demarcation issue was a complicated diplomatic issue as North Macedonia had to officially negotiate with Serbia, but at the same time, it had to handle Kosovo, which demanded to be part of the negotiations (Vučković, 2014). Considering that Serbia did not recognize Kosovo as a state and as a party to the negotiations per se, it put North Macedonia in a difficult spot (Vučković, 2014; Marolov, 2015). The issue of border demarcation was addressed in late 2001 when the Parliaments of the two countries ratified an agreement signed by the respective governments (European Commission, 2002b). However, in that period there were serious problems with implementing the 1996 trading agreement with Serbia, as North Macedonia refused the preferential status for goods coming from Kosovo while UNMIK Customs continued to unilaterally accord preferential status to goods coming from North Macedonia (European Commission, 2003b). This situation was a breach of the FTA and the MoU with UNMIK. A solution was provided in 2003 after talks with Serbia authorities and UNMIK representatives, an agreement was signed with UNMIK on police cooperation (European Commission, 2004b). Nevertheless, bilateral relations experienced an improvement, especially on an institutional level where many agreements were signed such as on cooperation in the fight against terrorism, organised crime, and drug trafficking in the same year.

On the other hand, in the same year, some tensions rose between the Church of Serbia and the Church of Macedonia (Vučković, 2014; Marolov, 2015). Fortunately, such an issue has not affected the relationship between the two countries. By refraining from interfering, both Governments avoided feeding the religious dispute (European Commission, 2004b; Vučković, 2014; Marolov, 2015).

The countries have continued to have good relations. A positive step was taken with the entering into force of the agreement on the protection of national minorities (European Commission, 2007b). There have been several high-level visits involving the authorities of both countries and economic cooperation has constantly improved.

However, relations were provisionally exacerbated by Macedonia's recognition of Kosovo's independence in 2008 (European Commission, 2009b; Vučković, 2014; Marolov, 2015). In general, the relations remained good in spite of deepening relations with Kosovo. In the same year, the countries signed a bilateral agreement to facilitate traffic over the local border crossing points (European Commission, 2009b). On the other

hand, Serbia has not recognized at that time the border demarcation agreement between North Macedonia and Kosovo (European Commission, 2010b). In 2012, the first joint government session was held in Belgrade, at which agreements were signed on health and interior issues and mixed committees on minorities and economic cooperation were set up (European Commission, 2013b). Other agreements followed that year in several fields such as rule of law and EU integration. The two countries signed agreements on the exchange and mutual protection of classified information, mutual recognition of diplomas, and mutual sharing of premises for diplomatic and consular offices in 2013 (European Commission, 2014b). They also signed a protocol for cooperation in the field of tourism.

The good relations would shake up again in 2017 when North Macedonia, under the leadership of Prime Minister Zaev had expressed the intention of voting in favour of Kosovo's membership in UNESCO (Aleksandar Vulin: Zaev did not keep his word, Macedonia will support Kosovo in UNESCO, 2017; European Commission, 2018b). Such a situation was negatively received by Belgrade which reengaged in diplomatic actions such as the withdrawal of its staff from the Embassy in Skopje (Serbia withdraws embassy staff from Macedonia, 2017). However, the situation was swiftly resolved following the visit of Zaev to Belgrade later that year (Muminović, 2017).

In 2018, Prime Minister Zaev and Serbia's President Vucic announced the launching of an integrated border management project (European Commission, 2019b). While in 2019, the Tabanovce-Presevo joint border crossing was inaugurated (European Commission, 2020b).

Relations with Kosovo

The relations with Kosovo are relatively recent considering that Kosovo declared its independence only in 2008 and the diplomatic relations were established later on. Prior to that, North Macedonia encouraged the implementation of Kosovo's special status provided by UN Security Council Resolution 1244 (European Commission, 2005b; Vučković, 2014). Some issues were to be resolved in that period such as the border demarcation but that was resolved through the agreement reached between North Macedonia and Serbia in 2001 but the implementation would take years (European Commission, 2002b; Marolov, 2015). On the other hand, the countries had established and intensified their trade relations and a good step has been the opening of the Trade Office in 2005 in Pristina and the

signing of an FTA with UNMIK that same year (European Commission, 2006b). These positive steps were undertaken by North Macedonia under the framework of constructive diplomacy toward the issue of Kosovo which would guarantee stability. Consequently, further developments occurred such as the intensification of the cooperation with UNMIK and with the authorities of Kosovo which made it possible for the Skopje-Pristina rail service to be reopened after years of being interrupted (European Commission, 2006b). Also, North Macedonia signed with UNMIK Interim protocols on police cooperation (European Commission, 2007b).

North Macedonia recognized Kosovo's independence around 8 months after its declaration (Casule, 2008). Such a delay in recognizing independence was a result of internal and external issues (Marolov, 2015). On one hand, the political leaders in North Macedonia believed that in doing so, the relations with Serbia would worsen, following also the statements made by Serbian politicians that claimed this possibility (Marolov, 2015). However, such political standing was applied to every country that would recognize Kosovo. On the other hand, the internal pressure from the politicians and also the people was evident regarding the recognition of Kosovo's independence (Marolov, 2015). However, the Macedonian government was also under pressure from the Albanian ethnic parties, considering that some of them were in the Government coalition. In the meantime, North Macedonia attempted to make the recognition conditional on the demarcation of the border, an unsuccessful initiative. Nevertheless, North Macedonia, since it would be counterproductive to go against the decision of the UN and EU, even though that meant that its relations with Serbia would be damaged decided to recognize Kosovo's independence in October 2008 (Marolov & Ivanova, 2013).

Even after the recognition of its independence, North Macedonia initially showed hesitation in some particular steps. For instance, the establishment of diplomatic relations was also delayed, and even during this time, North Macedonia brought up the condition of the border demarcation (Marolov, 2015). This time, the attempt was successful for the Macedonian side and the two countries signed the agreement on the border demarcation and consequently established diplomatic relations in 2009 (European Commission, 2010b). However, it took some time for the countries to appoint the respective ambassadors as for North Macedonia it took one and a half years while for Kosovo it took two years (European Commission, 2011b).

Once these matters were resolved, the bilateral relations became highly dynamic over time resulting in the signing of many agreements. Occasionally, cooperation in these areas would be shaken by some decisions made such as the case of Kosovo's decision to temporarily introduce customs duties for the import of fruits and vegetables in 2018 (European Commission, 2019b). A sensitive matter has been the situation in their shared borders as illegal migration and trafficking of goods. To address the issues, several measures were made such as the ratification of an agreement for the opening of a new joint border crossing point at Belanovce-Stančik (European Commission, 2014), the signing of a memorandum of cooperation between the public prosecutors of both countries in combating cross-border crime and terrorism (European Commission, 2015b). Other border agreements followed such as the signing of an implementation protocol to open the new crossing point at Stancic – Belanoc in 2017 which was inaugurated in 2018 (European Commission, 2019b). The countries also managed to solve the sporadic incidents within their borders such as the 2015 attack on the border police station in Gošince and the Kumanovo insurgency (European Commission, 2018b). In the same year an agreement on the promotion and protection of mutual investments (European Commission, 2015b). The situation would receive further improvement with the signing of an agreement on facilitating the movement of the people of the two countries (European Commission, 2016b). Later on, further, agreements were signed on the mutual recognition of driving licenses and joint police border control (European Commission, 2020b). The countries are also cooperating on the implementation of the Ohrid Agreement, considering that the population of Kosovo is predominantly Albanian, and is in its interest that such an agreement be fully implemented by the Macedonian authorities (European Commission, 2015b). Moreover, the countries, agreed to hold joint governmental meetings on an annual basis.

Relations with Greece

The relations with Greece have been delicate since the moment of the declaration of North Macedonia's independence in 1991 (Nimetz, 2020; Heraclides, 2021). Greece immediately refused to recognize the independence unless three matters are addressed: First, it must change the name 'Macedonia' which has a geographic but not an ethnic basis, second, it must acknowledge that it has no territorial claims against Greece, and, third, it must

acknowledge that no “Macedonian Minority” exists in Greece (Tziampiris, 2012). Such demands were streamlined with the Thessaloniki resolution in 2002 which demanded that the Greek government shall not accept the recognition of the state of Skopje with a name or designation that will include the name Macedonia (Tziampiris, 2012). The situation escalated in 1994 when Greece put an economic embargo on the Macedonian state. Such a crisis was resolved through the Interim Agreement reached in 1995, which normalized the relations between the countries (Greece and The Former Yugoslav Republic of Macedonia Interim Accord, 1995). However, the interim accord didn’t provide a solution to the name dispute. A temporary solution was adopted to change the name to the Former Yugoslav Republic of Macedonia (FYROM) which managed to push forward the diplomatic relations with one another (Tziampiris, 2012).

In the upcoming years, the relations between the two countries would significantly improve, and Greece would become an important trading partner for Macedonia. Also, serious attempts were made to resolve the name dispute, however, the 2001 insurgency in Macedonia interrupted such efforts (European Commission, 2002b). However, Greece was highly supportive of the stabilization of its upper neighbour during the crisis. In addition, Greece has been a strong promoter of the Macedonian's signature of the SAA in 2001 and also during the EU Council’s meeting in Thessaloniki in 2003 (European Commission, 2004b). On the other hand, their relations have remained on the level of liaison offices, and mainly through the consular offices in Bitola and Thessaloniki, starting from 2004 (European Commission, 2005b). It seemed that a new page had turned for their bilateral relations as also the economic cooperation kept on increasing. Nevertheless, things changed in late 2004 when the United States decided to recognize FYROM and all the bilateral relations with the name Macedonia in it. Stemming from such a decision, the Greek state considered it a setback in the process of settling the name dispute and changed its approach with FYROM (Tziampiris, 2012). Soon, Greece allocated the settling of the name dispute with FYROM’s EU integration process and also introduced the possibility of the Greek veto in the Council (Nimetz, 2020; Heraclides, 2021).

In 2005, when Council would decide to grant the candidate status to Macedonia, Greece was in doubt about whether to use the veto or not. Consequently, Greece gave the green light to the Council and agreed the candidate status be granted to the country under the name FYROM (Tziampiris, 2012). However, following the granting of the candidate status

of Macedonia, Greece began to be more assertive in relating the name dispute with the EU accession and NATO membership (Marusic & Zivanovic, 2018).

In the meantime, Greece wanted to achieve an effective solution to the name issue and for that reason, it shifted into a more *inter alia* approach. In 2007, the Greek government came up with a statement claiming that they would agree on a compound name that could include Macedonia but accompanied by connotations of geographic nature for their upper neighbour” (Tziampiris, 2012). One of the propositions was the name “North Macedonia” (Tziampiris, 2012). On the other hand, the Greek government stated clearly that FYROM is not providing any solution to the name dispute and they would be blocked from becoming members of any international organization such EU or NATO (Tziampiris, 2012). Such a statement turned into action during the 2008 NATO summit in Bucharest where Skopje wasn’t invited as a result of the Greek opposition (Tziampiris, 2012). From that point on, the relations between the two countries worsened, followed also by an increase in the nationalist rhetoric in the Macedonian political spectrum. Consequently, Skopje took Greece to the ICJ under the claim that by blocking their membership in NATO, they had violated the 1995 Interim Accord” (Marusic & Zivanovic, 2018). The ICJ ruled that Greece had violated the Accord but could not force the country to change its stance on the blocking of the EU and NATO path (Tziampiris, 2012; Marusic & Zivanovic, 2018).

Some improvements were made in 2009 with the meetings of the Prime Ministers of both countries following also the visa liberalisation of Macedonia (European Commission, 2010b). However, the settling of the name dispute was always at the table of discussion and the nationalist rhetoric in both countries up until 2011, remained a concern (European Commission, 2012b). As a result, Skopje could not further progress with its EU integration process and could not join NATO. Moreover, the Greek Orthodox Church did not recognize the Macedonian church (Đukanović, 2019; Nimetz, 2020; Heraclides, 2021), even though such an issue was not brought up by the politicians. In the meantime, the UN was acting as a mediator between the two countries by conducting several visits to Athens and Skopje and providing solutions (European Commission, 2014b). As regards the economic, trade, customs, and security relations, they were overall good and were accompanied by expert-level contacts. Also, the inter-institutional cooperation has remained intact despite the discordances in the name dispute. A good sign was the visit of

the Greek Foreign Minister to Skopje in 2015 (Marusic, 2015), which was the first in 11 years (European Commission, 2016b). Such an event was followed by the Macedonian Foreign Minister in Athens later that year was the first in 15 years (Georgievski, Solution to Macedonia's name issue 'should be possible', 2015). The ambassadorial conference meeting in 2016 paved the way for the implementation of the confidence-building measures which brought positive results such as the signing of the Memorandum of Understanding between the University of Piraeus in Athens and the University of Methodus and Cyril in Skopje (European Commission, 2018b), and intensification of the direct contacts between the Ministries of Interior.

A turning point in their relations was seen when the Zaev government took power in 2017. Zaev promoted a foreign policy that was concentrated on resolving the unresolved issues with its neighbours and in particular Greece and Macedonia (Zaev: Name dispute is our biggest challenge, 2017). As a result, the name issue was brought back to the tables of discussion in the UN (European Commission, 2018b). In the meantime, Prime Minister Zaev built close ties with the Greek officials, which was seen during his meetings with the mayor of Thessaloniki and also with his reaffirmation of the confidence-building measures (Bechev, 2018; European Commission, 2018b). These were followed by some significant measures such as the changing of the Skopje Airport and the highway name in early 2018 (Marusic, 2018). Such measures were the early signs of a final solution to the name dispute which arrived later that year with the signing of the Prespa Agreement which entered into force in February 2019 (European Commission, 2019b). This agreement was followed by the establishment of a Joint Interdisciplinary Committee of Experts on Historical, Archaeological, and Educational Issues (European Commission, 2019b). Also, nine agreements were signed on defence cooperation, and the opening of a new border crossing point and a direct airline between Skopje and Athens was re-established.

Relations with Bulgaria

The relations between North Macedonia and Bulgaria have been accompanied by the shadows of nationalistic rhetoric. Their common history begins during the 19th century Ottoman Empire with the Bulgarian uprisings and then with the Macedonian ones in the early 20th century. The Macedonian uprising, otherwise name the Ilinden Uprising was considered by Bulgaria and its historians to be part of Bulgarian history and its people,

denying that such an event pertained to another population or state (Đukanović, 2019; Heraclides, 2021). Considering that, since the very beginning of the last century, Bulgaria had denied the establishment of the Macedonian identity. Even in the upcoming years, when Macedonia was organized under the People's Republic of Macedonia by the half of the 20th century, Bulgaria still had not recognised the existence of a Macedonian language and ethnicity as in fact there was only a Bulgarian dialect and the population was ethnic Bulgarian (Đukanović, 2019; Heraclides, 2021). Nevertheless, Bulgaria was one of the first countries to recognise Macedonia's independence from Yugoslavia in 1991 even though it did not recognize its language and ethnicity. These last two issues would shape the relations between the two countries even during the end of the 20th and the rest of the 21st century (Đukanović, 2019).

A positive step towards the improvement of their relations was made in 1999 with the two countries signing the Joint Declaration which promoted their good neighbourly relations (Ivanov et al, 2008). In the early 2000s, there were some other improvements in their relations which were characterised by high-level meetings primarily regarding the signing of the Memorandum of Cooperation on each other's EU integration process in 2004 and the signing of an agreement in the area of the fight against crime (European Commission, 2005b). Other agreements followed which encouraged cooperation in trade, infrastructural projects, and rule of law while they had been performing their trading relations under the FTA that they signed in 1999 (European Commission, 2005b). In the upcoming years, many other agreements for cooperation in defense and security, border control, traveling and labour were signed and the technical cooperation remained high (European Commission, 2006b, 2007b, 2008b). In the meantime, Bulgaria has steadily increased its influence in Macedonia by granting scholarships for Macedonian students and also citizenships (Đukanović, 2019).

With its EU membership being granted in 2008, Bulgaria began to re-introduce the issue of language and ethnicity in high level-discussions (European Commission, 2009b). While in 2009, some tensions arose after the publication of the Encyclopaedia by the Macedonian Academy of Sciences (European Commission, 2010b; Macedonia embroiled in encyclopaedia row, 2009). In the meantime, the countries were to renew their tri-annual MoU with the EU in 2010 and other agreements were signed such as an agreement on economic cooperation and customs control (European Commission, 2011b). On an

institutional level, the countries remained willing to cooperate under the spirit of good neighbourhood relations. Nevertheless, the nationalist rhetoric that characterised the Government of Macedonia during the ruling of Gruevski, did not promise any further improvement as regards the issue with Bulgaria (Đukanović, 2019).

The relations received a new impetus during the Zaev government which resulted in the signing of the Agreement on Friendship, Good-neighbourliness, and Cooperation in 2017 (Marusic, 2017), which entered into force the next year (European Commission, 2018b). The agreement paved the way for the establishment of a joint commission of experts that would analyze their educational and historical issues based on accurate sources and for celebrating their common historical events and figures (European Commission, 2019b). Another important milestone was the holding of the joint intergovernmental commission on trade and economic cooperation in Skopje, ten years after its establishment, and also Bulgaria’s ratification of North Macedonia's NATO accession protocol of the name dispute with Greece was settled (Bulgaria to become the first country to sign the Protocol for Macedonia’s NATO accession, 2019; European Commission, 2019b).

7.4 Good neighbourly relations and regional cooperation in Albania and North Macedonia

Albania and North Macedonia both have constructed their foreign policy in the region towards the provision of peace, security, and cooperation in the region of the Balkans, which historically has been characterised by war and ethnic conflict, and tension. Such policy was reflected in their respective multilateral and bilateral relations over the past two decades. As such, many multilateral and bilateral documents were signed in throughout the years, which were serviceable to the improvement of their relations with their neighbours and the overall stability of the region, as indicated in Table 7.1 below.

Table 7.1
Multilateral and Bilateral documents signed by Albania and North Macedonia (European Commission)

Year	Albania		North Macedonia	
	Multilateral documents	Bilateral documents	Multilateral documents	Bilateral documents

-2000	6		4	
2000	2		1	
2001		2		2
2002	1	1	1	
2003	2	7	2	4
2004	1		1	5
2005		7		9
2006	3	5	3	7
2007	1	1	1	1
2008	2	11	1	7
2009	1	9		4
2010		1		7
2011		4		3
2012		10		6
2013	1	7		6
2014	1	3		1
2015		1	1	1
2016				1
2017	2	4	2	3
2018		1		10
2019	1	1	1	4

However, differences are noted between the two countries, especially in regard to the bilateral relations with their neighbours which have had an impact on the accession process.

7.4.1 Multilateral relations of Albania and North Macedonia

The multilateral diplomacy in Albania and North Macedonia is similar as both countries are members of international organizations and treaties that have a direct and indirect effect on the cooperation in the regions such as the OSCE (Organisation for Security and Cooperation in Europe), WTO (World Trade Organization) and CEFTA (Central European Free Trade Agreement). Even so, both of them are contributors and supporters of regional initiatives such as the Berlin Process (The Berlin Process-Information and Resource Center) which has produced the Brdo-Brijuni process (European Western Balkans, 2019), Regional Economic Action Plan (Multi-annual Action Plan on Regional Economic Area in the Western Balkans-MAP) and Transport Treaty (Treaty establishing the Transport Community , 2017), the Adriatic-Ionian Initiative (Adriatic-Ionian Initiative), the Border Security Initiative (World Customs Organization), the Energy Community Treaty (Treaty

establishing Energy Community), the European Common Aviation Area Agreement (European Common Aviation Area Agreement, 2006), Regional Initiative for Migration and Asylum (Migration, Asylum, Refugees Regional Initiative) and the Euro-Mediterranean Partnership (European Commission).

Also, both of them had cooperated with NATO under the 2004 Charter for the security of the region (Ministry of Defence) and had contributed to the ALTHEA mission in Bosnia and Herzegovina (European Commission, 2009a;2009b). In the framework of security, both of them signed many bilateral and multilateral agreements on cooperating in the field of border control, illegal migration, police, fight against organized crime and terrorism. Albania took a step ahead of North Macedonia when it became a NATO member in 2008 and increased its influence regarding the promotion of security and stability in the Balkans (European Commission, 2009a). However, we must keep in mind that North Macedonia's NATO membership had been blocked by Greece's veto (Tziampiris, 2012).

The only evident difference in this matter is the cooperation of North Macedonia with the ICTY, considering that such country was part of Yugoslavia and fell under the scope of that tribunal (European Commission, 2004b) while Albania did not have such cooperation. Such multilateral relations were of utmost importance for imposing the rule of law in the region of the Balkans but also conclude the process of reconciliation in this regard. Overall, the cooperation had been continuous and successful, resulting in the prosecution of all the accused individuals.

As regards the fulfillment of the international obligations, only Albania has had some difficulties in the early 2000s regarding duties derived by the Council of Europe and WTO membership (European Commission, 2004a).

7.4.2 Bilateral relation of Albania and North Macedonia

When assessing the bilateral relations that the two countries have had with their most important neighbours, the differences become more apparent as Figure 7.1 2 indicates:

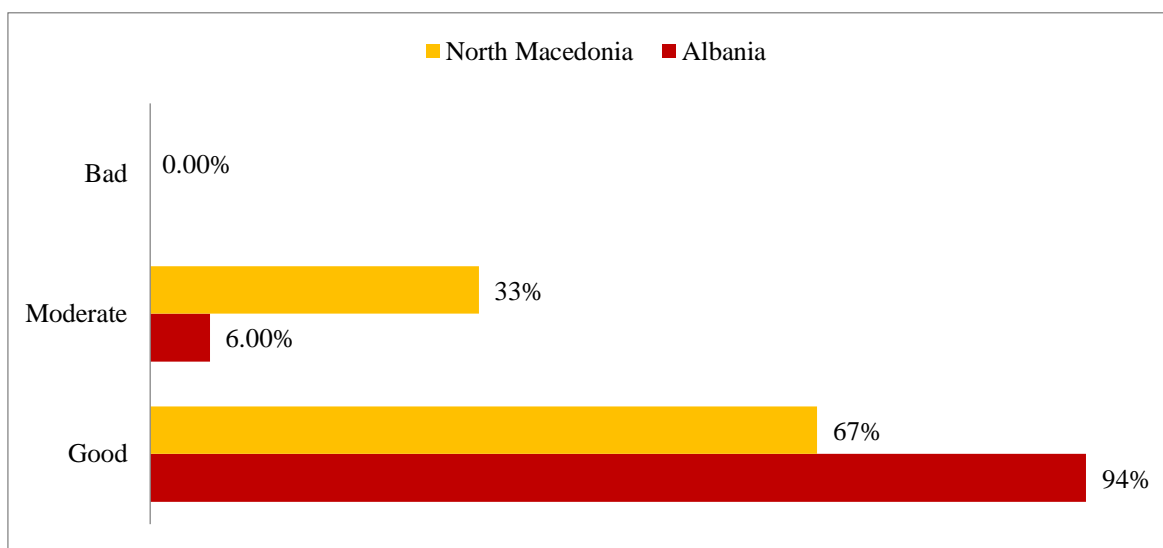


Figure 7.1 Overall status of the bilateral relations of Albania and North Macedonia during 2000-2019

Source: European Commission annual reports on Albania and North Macedonia. Author's work (2022)

In the past 20 years, Albania has had dynamic interactions with Kosovo, Serbia, Montenegro, North Macedonia, Greece, Italy, and Turkey. Albania has brotherly relations with Kosovo due to their shared history, culture, and language and they both have united their diplomacy. Some occasional tensions were seen with North Macedonia and Serbia which regarded the issue of the ethnic Albanians in these countries (Jano et al, 2018). However, they didn't provide the basis for crisis or conflict and their relations had had continuous improvement and were stable. The same was for Montenegro where no tension or issue had been registered, although more needs to be done to increase the cooperation between the two countries. Greece is one of the most important trading partners of Albania and one of the countries where political, historical, and cultural ties are strong (European Commission, 2020a). In essence, no substantial issues are found, although the countries have discordances regarding some historical matters such as the Cham genocide sea border demarcation, the nationalistic rhetorics by certain political groups, and Greece's refusal to

2 Based on the data retrieved from the European Commission's annual reports on Albania and North Macedonia covering the period 2000-2019, I have categorized the relations in "Good", "Moderate", "Bad". "Good" relations reflect cooperation on several levels and no conflict, tensions or political issues are registered. "Moderate" relations reflect cooperation but is often damaged by conflict, tensions or political issues. "Bad" relations reflect lack of cooperation as a result of conflict, tensions or political issues.

recognize Kosovo's independence (Cela et al, 2018). Nevertheless, Greece has been a strong supporter of Albania's integration process. While the relations with Italy and Turkey have been excellent and these two countries have consistently supported Albania through investments and in the international area (European Commission, 2020a).

Table 7.2

Albania's relations with its neighbours (European Commission)

Year	Kosovo	Serbia	Montenegro	North Macedonia	Greece	Turkey	Italy
2000	Good	Moderate	Moderate	Good	Good	Good	Good
2001	Good	Moderate	Moderate	Moderate	Good	Good	Good
2002	Good	Good	Good	Moderate	Good	Good	Good
2003	Good	Good	Good	Good	Good	Good	Good
2004	Good	Good	Good	Good	Good	Good	Good
2005	Good	Good	Good	Good	Good	Good	Good
2006	Good	Good	Good	Good	Good	Good	Good
2007	Good	Good	Good	Good	Good	Good	Good
2008	Good	Moderate	Good	Good	Good	Good	Good
2009	Good	Good	Good	Good	Good	Good	Good
2010	Good	Good	Good	Good	Good	Good	Good
2011	Good	Good	Good	Good	Good	Good	Good
2012	Good	Good	Good	Good	Good	Good	Good
2013	Good	Good	Good	Good	Good	Good	Good
2014	Good	Good	Good	Good	Good	Good	Good
2015	Good	Good	Good	Good	Good	Good	Good
2016	Good	Good	Good	Good	Good	Good	Good
2017	Good	Good	Good	Good	Good	Good	Good
2018	Good	Good	Good	Good	Good	Good	Good
2019	Good	Good	Good	Good	Good	Good	Good

North Macedonia on the other hand, has had close bilateral relations with Albania, Kosovo, Serbia, Greece, and Bulgaria. The relations with Albania have been rather good but have been conditioned by the status of the ethnic Albanian minority in North Macedonia (Jano et al, 2018). Also, the situation with Kosovo has been good, although North Macedonia has been hesitant to recognize its independence and establish diplomatic relations at the beginning (European Commission, 2009b). However, the hesitation was predominantly influenced by its relations with Serbia which had made clear its positioning on the Kosovo issue (Marolov, 2015). Besides that, the relations with Belgrade have been good, and the countries showed a willingness to let behind their discordances during the 1990s and their opposite decisions on the issue of Kosovo. While the relations with Greece and Bulgaria

have been the most delicate as a result of their history. On one hand, Greece has continuously denied the recognition of its northern neighbour's name (Tziampiris, 2012), and on the other Bulgaria has denied the existence of a Macedonian language and ethnicity (Đukanović, 2019). The name dispute took a toll on the Macedonian EU integration process and NATO membership through the veto used by Greece. Nevertheless, the countries settled such a dispute in 2018 through the Prespa agreement where the name "North Macedonia" was adopted (European Commission, 2019b). While the issues with Bulgaria have remained unresolved and could impact North Macedonia's EU integration process in the future.

Table 7.3
North Macedonia's relations with its neighbours (European Commission)

Year	Albania	Serbia	Kosovo	Greece	Bulgaria
2000	Moderate	Moderate	Moderate	Moderate	Good
2001	Moderate	Moderate	Moderate	Moderate	Good
2002	Good	Good	Good	Good	Good
2003	Good	Good	Good	Good	Good
2004	Good	Good	Good	Good	Good
2005	Good	Good	Good	Good	Good
2006	Good	Good	Good	Good	Good
2007	Good	Good	Good	Good	Good
2008	Good	Moderate	Moderate	Moderate	Moderate
2009	Good	Good	Moderate	Moderate	Moderate
2010	Good	Good	Good	Moderate	Moderate
2011	Good	Good	Good	Moderate	Moderate
2012	Good	Good	Good	Moderate	Moderate
2013	Good	Good	Good	Moderate	Moderate
2014	Good	Good	Good	Moderate	Moderate
2015	Good	Good	Good	Moderate	Moderate
2016	Good	Good	Good	Moderate	Moderate
2017	Good	Moderate	Good	Good	Moderate
2018	Good	Good	Good	Good	Moderate
2019	Good	Good	Good	Good	Moderate

7.4.3 Europeanisation of Good neighbourly relations and regional cooperation in Albania and North Macedonia

After having discussed the multilateral and bilateral relations, same as with the previous variables, it is important to draw out conclusions regarding the Europeanisation of Good neighbourly relations and regional cooperation.

Consequently, the three degrees of policy adoption in the Framework of Europeanisation provided by Elbasani (2013), such as verbal, legal, and substantive degrees, are taken into account.

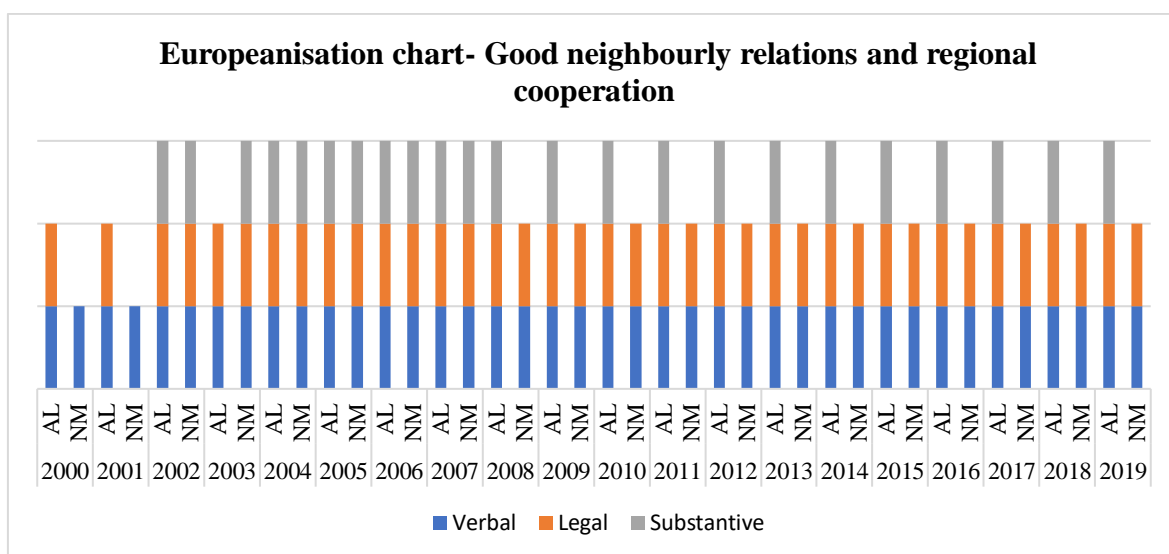


Figure 7.2 Europeanisation chart of the Good neighbourly relations and regional cooperation in Albania and North Macedonia during 2000-2019

Source: Author's work (2022)

As regards the first degree, the **Verbal degree**, similarly with the case of the political system variable, there is no evidence in the EC reports of domestic actors have verbally expressed opponence on adopting the required policies in line with the recommendations provided and also the requirements that stem from the Copenhagen Criteria, as provided in the conclusions of the EC reports in the key milestones for Albania (European Commission, 2007a; 2010a; 2011a; 2014a; 2020a) and North Macedonia (European Commission, 2002b; 2005b; 2006b; 2010b; 2020b). In a similar fashion to the previous case, the implementation of legal reforms consistently through these two decades has showcased the reaching for the subsequent legal adoption degree, which provides for the assumption that the former degree has already been reached and passed.

The **Legal degree** was seen to be reached out for both countries in different years but with a small difference in periods. Both countries have been consistent in adopting bilateral documents with the neighbour countries in many areas which have had a direct impact on their relations. Similarly, many multilateral documents were signed and adopted with the international institutions which directly or indirectly impact regional cooperation. There were only some differences in the periods of signing the agreements, such as the case of the WTO accession, which for Albania occurred in 2000 (European Commission, 2003a), while for North Macedonia it occurred in 2002 (European Commission, 2000b).

Lastly, the **Substantive degree** has been impacted most by bilateral relations. For Albania, the bilateral relations have been overall good and have not become an obstacle to the Accession process, thus providing stability with its border countries. Some difficulties in implementing the obligations from the Council of Europe and WTO accession were evidenced for Albania in the early 2000s but which were addressed by 2004. While for North Macedonia, the complicated relationship with Greece and Bulgaria (European Commission, 2009b; 2018b), and sporadic tensions with Serbia (European Commission, 2002b; 2004b; 2009b) have often impeded the normalization of the relation with them. Moreover, the relation between Greece and Bulgaria has become an obstacle to its Accession process.

7.5 Conclusions

This chapter analyzed the Europeanisation of good neighbourly relations and regional cooperation criteria in Albania and North Macedonia. The baseline of the analysis was the EC annual reports that indicated the progress of the countries from the period 2000-2019. From the comparative analysis, it is indicated that both countries have similarly adhered to and supported the international and regional initiatives. In addition, they both have shown a willingness to foster cooperation and security. As regards the good neighbourly relations, noticeable differences were seen.

For the past 20 years, multilateral relations have been oriented towards the support of economic and security cooperation in the region. Membership to the CEFTA, RCC, and

the involvement in the NATO mission and the Berlin Process, have cemented their European orientation in the region. Therefore, the countries have shown quick adaptability and commitment to any international initiative presented and no particular issue has been evidenced.

As regards good neighbourly relations, North Macedonia has faced the most challenges. Periods of tensions have been noted regarding its relations with Serbia which have mostly been a result of the situation with Kosovo's recognition and the border demarcation. While the relations with two member states, Greece and Bulgaria have been stranded by deeply-rooted historical issues. For years Greece had put a blockade on North Macedonia's EU integration process and the issue would finally resolve in a common agreement in 2018. While in the case of its relations with Bulgaria, the issue of non-recognition of the Macedonian language and ethnicity remains open.

As of above, in terms of Europeanisation **processes**, it resulted that both countries have presented continuously throughout the period the phases of **verbal and legal** adoption. However, only Albania has managed to provide a consistent **substantive** level of adoption while North Macedonia was impacted by its issues with Greece and Bulgaria for the most part.

CHAPTER 8

CONCLUSIONS

The Europeanisation, along with European Integration, has faced stagnation in the Western Balkans region and especially in Albania and North Macedonia, the runner-ups of Serbia and Montenegro regarding the Accession talks. Even though the enlargement policies and the Conditionality have been introduced at a later time in these countries, compared to the CEE, it still should have put enough pressure on the realization of Europeanisation. On a macro level, the progress has been more noticeable regarding the timeframe of the completion of the Accession processes steps of both countries.

Albania had signed the Stabilization and Association Agreement in 2006 and would enter into force only in 2009, with a time difference of ten years since the initiation of the Stabilization-Association Process in 1999. Regardless, it was seen that from that point on, the forthcoming steps would be taken at a faster pace with the granting of the visa liberalisation in 2010, accompanied also by the NATO accession membership a year earlier. However, the candidate statutes would only be granted in 2014, after several years of contestation by the EU Council. Seemingly, the Accession Talks were rejected to be opened for five years, and they were contemplated by additional demands and conditions to be fulfilled.

While North Macedonia has signed the Stabilization and Association Agreement in 2001, becoming one of the first countries in the Western Balkans to sign such an agreement, while its entry into force occurred in 2004. A year later, North Macedonia gained candidate status and was considered one of the countries to most likely join the EU earlier than the rest of the region. However, due to the bilateral issues with Greece regarding the name

dispute, the Accession Talks had been vetoed by this country until 2018 when the issues were resolved.

Considering the superficial differences in the timelines of the European Integration process of both countries, the study deducted that there would have been differences in terms of Europeanisation and that such process nevertheless has not been successful, taking also into consideration the constant concerns that the European Commission had raised such as organized crime, corruption, political stability and rule of law.

For that reason, this study constructed the research question: *Has the Europeanisation regarding the policy adaptation been reached out on same levels in Albania and North Macedonia during the period 2000-2019?*

Consequently, the study provided the hypothesis: *While Albania and North Macedonia are found at the same stage of the Accession process by the year 2019, it doesn't necessarily make the case for the both countries to have the same results regarding policy adaptation in the whole spectrum of the Accession criteria.*

The study answered the research question and proved the hypothesis through a comparative analysis of both countries on three main variables 1) Political System; 2) Judiciary; and 3) Good neighbourly relations and regional cooperation.

Variable 1: Political System

Based on the comparative analysis, it resulted that there were certain differences and similarities regarding the political composition and policy-making processes, and political climate.

The most visible difference in the political composition regarded the homogeneity of the political parties where in Albania is present while in North Macedonia there is a mixture of ideological and ethnic-based parties. However, the political ideologies are widely represented in the largest parties in both of the countries, coexisting with the ethnic-based parties, even though the latter holds more weight in North Macedonia. Moreover, in both countries, the political pluralism and separation of power are sanctioned by their respective Constitutions with minor differences in the number of Parliament members.

While the political stability in both countries has experienced periods of up-s and down-s with the difference in the nature of the political conflict and ability to provide resolution. The analysis indicated that Albania has not had any single period of political stability but

rather it has been accompanied by moderate stability and occasional periods of instability. The nature of the political instability is ideological as well as territorial and cultural.

On the other hand, North Macedonia has also been characterized by periods of moderate stability and occasional instability but with the difference that the political class has shown more capability to resort to dialogue and strike important agreements which have had a direct impact on the Accession process of the country. The nature of the political instability in North Macedonia has been ethnic-based and also ideological.

Considering the results provided, it can be stated that the Europeanisation of the political system in Albania and North Macedonia has experienced difficulties primarily due to the constant political conflict. Taking into consideration the fluctuation of the political stability during the past twenty years in both countries, and the recent situation, it is highly likely that other internal political conflicts may arise. However, if we refer to history, there is a high probability that the political conflicts had a more direct impact in the Accession process of Albania as compared to North Macedonia, whose process had been more reliant on external relations with its neighbours. Moreover, the North Macedonian political class had shown to be more capable of making harder decisions for the sake of stability and progress and can be considered as proof of strength for the overcoming of the crisis to come.

As of above, in terms of Europeanisation **processes**, it resulted that both countries have presented continuously throughout the period the phases of **verbal** and **legal** adoption. However, only North Macedonia has shown to have more consistent performance in the **substantive** adoption phase, as was depicted by the political climate that has been characterized throughout this period.

Variable 2: Judiciary

Based on the comparative analysis, it resulted that there were certain differences and similarities regarding Legislation or Strategic documents, Independence and impartiality, Accountability and Professionalism, and Efficiency.

The most visible difference regarding the Legislation or Strategic documents is that Albania had to undertake many radical and unprecedented acts to reform the judiciary along with its legal framework. In comparison, North Macedonia had adopted continuous legal and strategic documents that have gradually changed and improved the legal and institutional framework of the judiciary. However, the legal documents adopted by both

countries have addressed most of the recommendations and issues raised by the EC reports throughout the years. Seemingly, the state of the legal framework in both countries has been considerably deficient in the early 2000s and has substantially improved in the 2010s.

No particular difference has been observed as regards independence and impartiality. In both countries, their constitution is stipulated that the judiciary is a power separated from the executive and legislative. More so, efforts have been made in both countries to strengthen their independence and impartiality. However, seemingly, the countries have failed to eradicate the long-lasting issues such as political interference in the judicial proceedings and the election of the magistrates.

Some differences have been evidenced as regards accountability and professionalism, concretely referring to the weight that the training institutions have for the election of the magistrates. In Albania, it was made obligatory since the 2000's that the prospect magistrates were to be graduates of the School of Magistrates, while in North Macedonia, the Council of Judges and Council of Prosecutors have held the power to elect magistrates that are not graduates of the Academy of Judges and Prosecutors. On the other hand, in both countries, there have been issues with political pressure and ethics and behavior of magistrates and similarly, efforts were made to address such issues but with not much success.

More visible differences were seen regarding the increase in Efficiency. While both countries have had similar issues such as backlogs and prolonged judicial proceedings, North Macedonia has been relatively more successful in addressing the issues. Concretely, it was made possible to eliminate the backlogs in the early 2010s through the adoption of some sub-legal acts that regulated their management. However, the EC has raised concerns that such an attempt has the risk of going at the expense of the quality of the proceedings. On the other hand, the judiciary in Albania has been paralyzed by the vast vacancies that the 2016 reform created which has aggravated the situation of the backlogs. A commonality in the situation of the efficiency of the judiciary in both countries has remained the inability to address the length of the proceedings.

Considering the results provided, it can be stated that the Europeanisation of the judiciary in Albania and North Macedonia has overall progressed but it has faced serious issues such

as fragile independence, impartiality, and efficiency. North Macedonia will likely perform better in the judiciary and have the capability to address the remaining issues as it doesn't suffer from structural or legal deficiencies and it has notable efficiency. In this regard, an "Albanian type of judicial reform" is unlikely to occur and be needed in the future. While the performance of the judiciary in Albania is highly difficult to predict considering that it is undergoing radical reform. However, it can be said that full functioning of the judiciary will take time and a possible pro-longing of the restoration of the functionality might influence not only the Europeanisation process but also the integration process.

As of above, in terms of Europeanisation **processes**, it resulted that both countries have presented continuously throughout the period the phases of **verbal** adoption. The legal adoption level would only occur earlier for North Macedonia in the first decade while for Albania in the second decade. However, as the evidence showcased above, the **substantive** adoption phase has not been reached.

Variable 3: Good neighbourly relations and regional cooperation

Based on the comparative analysis, it resulted that there were certain and similarities differences regarding regional cooperation and good neighbourly relations.

When it comes to regional cooperation, the countries have successfully integrated into global and regional initiatives that directly or indirectly support cooperation on different levels and fields. Moreover, both countries have advocated for peace and cooperation in the region which has become part of their foreign policy strategy. The only difference in this regard refers to the particular role that North Macedonia has had through its cooperation with the ICTY, considering that this country was once part of the former Yugoslavia and was affected by the Balkan wars in the 1990s. Also, unlike Albania, it could not become a member of NATO, but this was due to the long-lasting dispute with Greece.

The most visible differences are seen in good neighborly relations. Albania has been successful in maintaining good relations with its surrounding member, despite occasional tensions that have arisen. The focus of Albania's relations with its neighbours has been the improvement of cross-border management, common security, trade, economic cooperation,

cultural exchange, and the Albanian ethnic minority in Montenegro, North Macedonia, Presevo valley, and Kosovo itself. The minority in these countries has often served as a bridge of cooperation between Albania and the said countries which has stimulated several mutual development projects and agreements. However, Albania retains open issues with Greece regarding the delimitation of the sea borders and the Cham genocide, which, so far, have not been turned into an obstacle to their relations. On the other hand, North Macedonia had overall attempted and aimed to maintain good relations with its neighbours. The focus of North Macedonia's relations with its neighbours has been the improvement of cross-border management, common security, trade, economic cooperation, cultural exchange, and solving bilateral issues with the neighbours. Throughout the reporting period, North Macedonia has had delicate relations with Serbia, Greece, and Bulgaria for specific reasons. The relations with Serbia were conditioned by the independence of Kosovo and the border limitations between the two, which were resolved years later. The relations with Greece were conditioned by the name issue, which had often raised tensions, but which was finally resolved in 2018. While the relations with Bulgaria have been overall good, in recent years they have been conditioned by the issue of Macedonian ethnicity and language which remained unresolved.

Considering the results provided, it can be stated that the Europeanisation of Good neighbourly relations and regional cooperation in Albania and North Macedonia has overall progressed but retains open issues. The sea border delimitation and the Cham genocide have a high probability of conditioning the Integration process of Albania as Greece might use them as an excuse to exercise its veto in the European Council. As per North Macedonia, the question of the ethnicity and language that Bulgaria so insists on is far more of a deeper issue as it concerns the proper identity of the people residing.

As of above, in terms of Europeanisation **processes**, it resulted that both countries have presented continuously throughout the period the phases of **verbal and legal** adoption. However, only Albania has managed to provide a consistent **substantive** level of adoption while North Macedonia was impacted by its issues with Greece and Bulgaria for the most part.

After having analyzed on a variable-basis, it is necessary to draw an overall conclusion on the reaching out of the Europeanisation, or rather, which of the countries have performed better or worse in which variables/areas.

Overall, it was noticed that both countries have undergone process of policy adoption which are serviceable to the process of the accession towards the EU. The political class in both countries have not opposed the Europeanisation as the commitment towards reaching out the European standards have not been absent. Moreover, even in the aspects of foreign affairs, the political class in both countries has aligned their foreign policy with the EU, specifically regarding regional cooperation and security. However, it resulted that the political class in both countries have showcased tendencies to disrupt the democracy as it was evidenced by several parliament boycotts and also the concerned raised over their influence in the judiciary, which has threatened their independence and integrity.

As regards in the reaching of the three degrees of Europeanisation of policy adoption, North Macedonia has shown to perform better, due to the ability to adopt the required laws in the area of political system and judiciary in a much earlier period than Albania, which is also correlated to the periods of stability which were much more present in North Macedonia, showing much more political maturity and skills in resolving the domestic conflicts.

Not much different than the case of the legal degree, North Macedonia has shown to perform better in the substantive level, due to a better track record evidenced in the reaching out of periods of full political stability. Also, although it does not make the conditions for a substantive degree, it is worth mentioning that North Macedonia has been much more capable in providing efficiency in the judiciary, primarily due to the handling of the backlogs.

On the other hand, Albania has shown better performance in the Europeanisation of the good neighbourly relations and regional cooperation, which was crown with a reaching of a substantive level of policy adoption as a result of the full integration in the regional initiatives, and the establishment of good relations with its neighbours, as opposed to the case of North Macedonia.

In conclusion, the Europeanisation process for these three variables has been highly depended on the political situation in both countries but for two different aspects. The internal political situation in Albania, due to their difficulty in reaching full stability, has

slowed or delayed the Europeanisation, and might be a recurrent issue in the upcoming years as well. While for North Macedonia, the issue with their neighbors, in particular with Bulgaria over the issues of ethnicity, language and history will persist for the years to come. In retrospective, both countries have shown to progress over the years, by addressing several issues, however, considering that North Macedonia has resulted to reach out the EU accession milestones quicker than Albania, and in parallel also the Europeanisation in two of the three variables, it may indicate that it will move at the similar pace even during the accession negotiations phase but taking into consideration that the solving of the issue with Bulgaria will play a role prior to the signing of the accession Treaty.

8.1 Limitations of this study

This study contains some limitations that are worth explaining. First, the retrievable data for both countries have not always been sufficient to cover the reporting period. Moreover, the study acknowledges that there on some occasions there is a discrepancy in data between different official sources with the same indicator. For that reason, the study has narrowed down the comparative variables to prove a comparative analysis that is as much reliable as possible.

Second, this study focuses on the process of Europeanisation from a top-down approach only while does not make use of the bottom-up approach. However, it must be indicated that the bottom-up approach is not disregarded at the expense of the other approach. The reason for focusing on the top-down approach relies on the fact that it stems from the structure and principles of the EC reports, which are familiar not only to the academic field but also to the public, and thus, it makes the comparison more understandable and concise since it derives out of official and objective data.

Last, Europeanisation is an on-going process and is subject to internal and external dynamics which makes the prediction difficult and may not result fully accurate in the future. Nevertheless, considering the behavior of the countries towards the process during the reporting period, it is unlikely that there will be extreme events and changes in behaviour.

8.2 Implications of this study

The study indicates the complexity and overarching process of the Europeanisation through which aspiring EU member states undergo. Through it, it provided how two countries with similarities and differences address the recommendations and fulfill the requirements proposed by the EC. It needs to be understood that Europeanisation does not end with the accession of the countries but is an on-going process that persists even for the Member States, under the framework of reaching full cohesion with the Union itself.

The results of the study may serve to assist interested scholars, researchers and other actors understand the similarities and differences between Albania and North Macedonia in their respective processes of Europeanisation and draw their predictions regarding their future steps and the likelihood of their Accession process as well. Moreover, the results may be used to enrich the literature on the Europeanisation of not only the said countries but also of the rest of the Western Balkans countries.

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APPENDIX A

TABLES

Table 5.1

Legal acts adopted relevant to the political system in Albania and North Macedonia during 1999-2019 (European Commission)

Year	Albania			North Macedonia		
	Electoral	Judiciary	State Institutions	Electoral	Judiciary	State Institutions
2000			1			1
2001		3				2
2002		6	2	1		
2003		1	3		1	
2004		2			2	
2005	1				2	
2006				1	5	
2007			1		2	2
2008	1	2				
2009						
2010					1	
2011						2
2012		3			1	
2013			1			
2014					2	1
2015					2	
2016		7			2	
2017						
2018				1	5	
2019					1	1

Table 6.1

Legal acts adopted and the level of legislative and strategic framework in Albania and North Macedonia during 1999-2019 (European Commission and Official Gazette of Albania and North Macedonia)

No. of acts	Periods of adoption	Level of legislative and
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strategic framework					
Albania	North Macedonia	Albania	North Macedonia	Albania	North Macedonia
9	1	2000-2002	2003	Low	Low
5	3	2003-2008	2004-2007	Medium	Medium
3	1	2011-2012	2010	Medium	Medium
	6		2014-2016		Medium
8	7	2016-2017	2017-2019	High	High

Table 6.2

Level of Independence and Impartiality in Albania and North Macedonia during 1999-2019 (European Commission)

Period of relevant legal and institutional changes		Level of Independence and Impartiality		Issues	
Albania	North Macedonia	Albania	North Macedonia	Albania	North Macedonia
1999-2006	2001	Low	Medium	Missing provisions and acts. Political pressure	Unspecified selection criteria. Political pressure.
2007	2006	Low	Medium	Missing provisions and acts. Political pressure.	Political pressure.
2008	2007	Medium	Medium	Missing provisions and acts. Political pressure.	Political pressure.
2012	2011	Medium	Medium	Missing	Political pressure.

				provisions and acts. Political pressure.	
2016-2019	2017-2019	Medium	Medium	Political pressure.	Political pressure.

Table 6.3

Level of Accountability and professionalism in Albania and North Macedonia during 1999-2019 (European Commission)

Period of relevant legal and institutional changes		Level of Accountability and professionalism		Issues	
Albania	North Macedonia	Albania	North Macedonia	Albania	North Macedonia
2000	1999	Low	Medium	Ethics issues for the judges and prosecutors.	Financial constraints and questionable independence for the Training Center. The Training Center did not cover the training for the Prosecutors.
2001	2006	Low	Medium	Corruption Ethics issues for the judges and prosecutors.	Not all magistrates come from the Academy of Judges and Prosecutors.
2005	2010-2011	Low	Medium	Financial constraints and	Not all magistrates come from the

				questionable independence for the School of Magistrates.	Academy of Judges and Prosecutors.
2008-2015	2015	Medium	Medium	Financial constrains and questionable for the School of Magistrates.	Removal of the practice of the Judicial Council to hear complaints from the public.
2016	2018	High	High		

Table 6.4

Level of Efficiency in Albania and North Macedonia during 1999-2019 (European Commission)

Period of relevant legal and institutional changes		Level of Efficiency		Issues	
Albania	North Macedonia	Albania	North Macedonia	Albania	North Macedonia
2001	2005-2006	Low	Medium	Low execution of criminal proceedings High backlogs Corruption. Lack of transparency. Lengthy proceedings. The high number of trial sessions for cases. Short on human	High backlogs. Unjustified lengthy court proceedings Short on human resources and budget for the case management system.

				resources and budget for the case management system.
2005	2007-2008	Low	Medium	<p>Low execution of criminal proceedings. High backlogs. Corruption. Lack of transparency. Lengthy proceedings.</p> <p>The high number of trial sessions for cases.</p> <p>Short on human resources and budget for the case management system.</p>
2010	2010-2011	Medium	Medium	<p>Corruption. Lengthy proceedings. The high number of trial sessions for cases. Short on human resources and budget for the case management system.</p> <p>High backlogs. Unjustified lengthy court proceedings. Short on human resources and budget for the case management system.</p>

				budget for the case management system.	
2012	2012	Medium	Medium	Corruption. Lengthy proceedings. The high number of trial sessions for cases. Short on human resources and budget for the case management system.	High backlogs. Unjustified lengthy court proceedings. Short on human resources and budget for the case management system.
2016	2013	Medium	Medium	High backlogs. Shortage of judiciary corpus. Short on human resources and budget for the case management system.	Questionable of quality judgement. Short on human resources and budget for the case management system.

Table 7.1
Multilateral and Bilateral documents signed by Albania and North Macedonia (European Commission)

Year	Albania		North Macedonia	
	Multilateral documents	Bilateral documents	Multilateral documents	Bilateral documents
-2000	6		4	
2000	2		1	
2001		2		2

2002	1	1	1	
2003	2	7	2	4
2004	1		1	5
2005		7		9
2006	3	5	3	7
2007	1	1	1	1
2008	2	11	1	7
2009	1	9		4
2010		1		7
2011		4		3
2012		10		6
2013	1	7		6
2014	1	3		1
2015		1	1	1
2016				1
2017	2	4	2	3
2018		1		10
2019	1	1	1	4

Table 7.2

Albania's relations with its neighbours (European Commission)

Year	Kosovo	Serbia	Montenegro	North Macedonia	Greece	Turkey	Italy
2000	Good	Moderate	Moderate	Good	Good	Good	Good
2001	Good	Moderate	Moderate	Moderate	Good	Good	Good
2002	Good	Good	Good	Moderate	Good	Good	Good
2003	Good	Good	Good	Good	Good	Good	Good
2004	Good	Good	Good	Good	Good	Good	Good
2005	Good	Good	Good	Good	Good	Good	Good
2006	Good	Good	Good	Good	Good	Good	Good
2007	Good	Good	Good	Good	Good	Good	Good
2008	Good	Moderate	Good	Good	Good	Good	Good
2009	Good	Good	Good	Good	Good	Good	Good
2010	Good	Good	Good	Good	Good	Good	Good
2011	Good	Good	Good	Good	Good	Good	Good
2012	Good	Good	Good	Good	Good	Good	Good
2013	Good	Good	Good	Good	Good	Good	Good
2014	Good	Good	Good	Good	Good	Good	Good
2015	Good	Good	Good	Good	Good	Good	Good
2016	Good	Good	Good	Good	Good	Good	Good
2017	Good	Good	Good	Good	Good	Good	Good
2018	Good	Good	Good	Good	Good	Good	Good
2019	Good	Good	Good	Good	Good	Good	Good

Table 7.3

North Macedonia's relations with its neighbours (European Commission)

Year	Albania	Serbia	Kosovo	Greece	Bulgaria
2000	Moderate	Moderate	Moderate	Moderate	Good
2001	Moderate	Moderate	Moderate	Moderate	Good
2002	Good	Good	Good	Good	Good
2003	Good	Good	Good	Good	Good
2004	Good	Good	Good	Good	Good
2005	Good	Good	Good	Good	Good
2006	Good	Good	Good	Good	Good
2007	Good	Good	Good	Good	Good
2008	Good	Moderate	Moderate	Moderate	Moderate
2009	Good	Good	Moderate	Moderate	Moderate
2010	Good	Good	Good	Moderate	Moderate
2011	Good	Good	Good	Moderate	Moderate
2012	Good	Good	Good	Moderate	Moderate
2013	Good	Good	Good	Moderate	Moderate
2014	Good	Good	Good	Moderate	Moderate
2015	Good	Good	Good	Moderate	Moderate
2016	Good	Good	Good	Moderate	Moderate
2017	Good	Moderate	Good	Good	Moderate
2018	Good	Good	Good	Good	Moderate
2019	Good	Good	Good	Good	Moderate

APPENDIX B

FIGURES

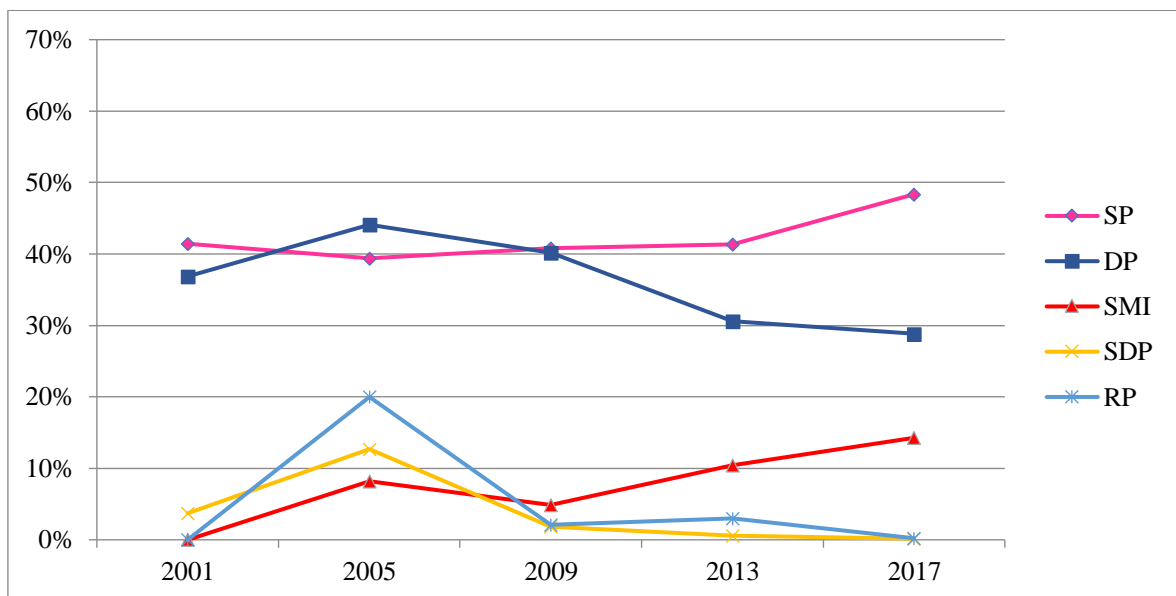


Figure 5.1 Main political parties in the last five Parliamentary elections in Albania

Source: Official website of Central Election Commission of Albania. Author's work (2022)

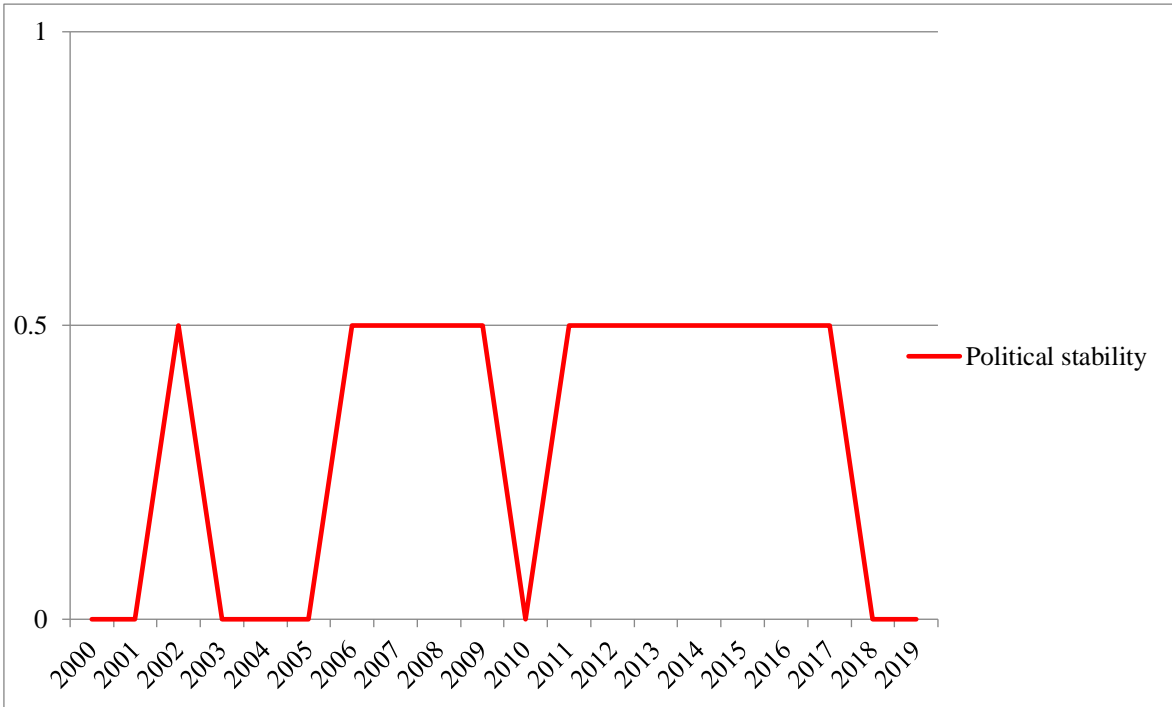


Figure 5.2 Political stability in Albania during 2000-2019
 Source: European Commission's annual country reports. Author's work (2022)

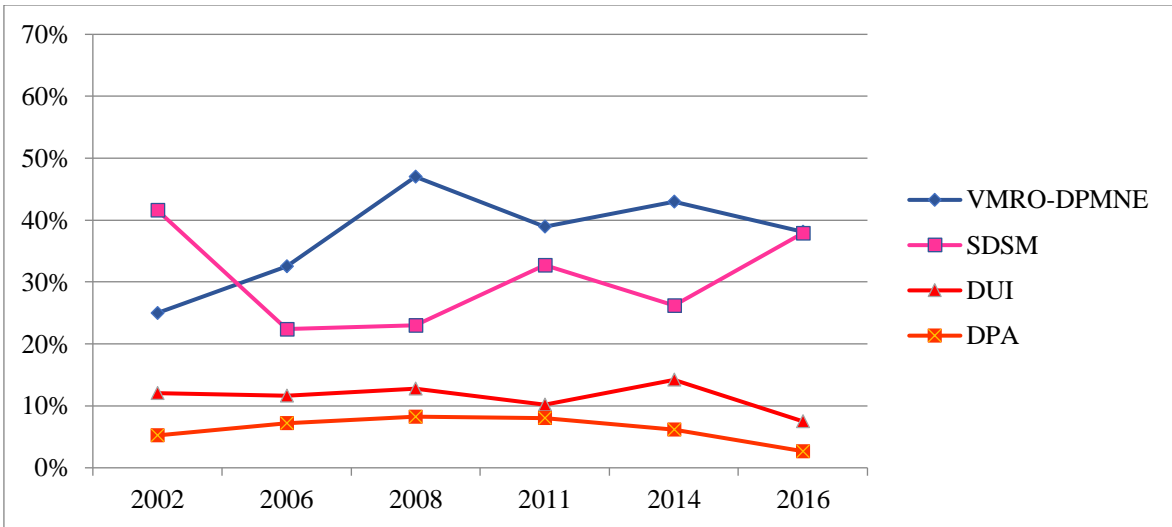


Figure 5.3 Main political parties in the last six Parliamentary elections in North Macedonia
 Source: OSCE/ODIHR Election Observation Mission Final Reports on 2002, 2006, 2008, 2011, 2014, and 2016 Parliamentary elections in North Macedonia. Author's work (2022)

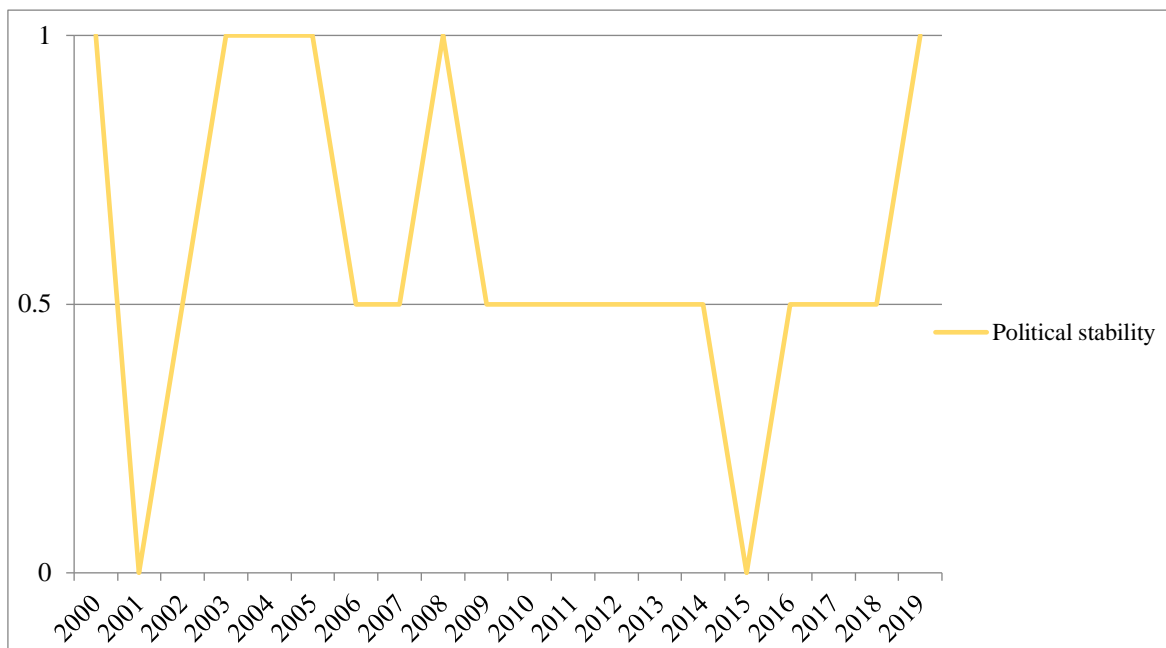


Figure 5.4 Political stability in North Macedonia during 2000-2019
 Source: European Commission's annual country reports. Author's work (2022)

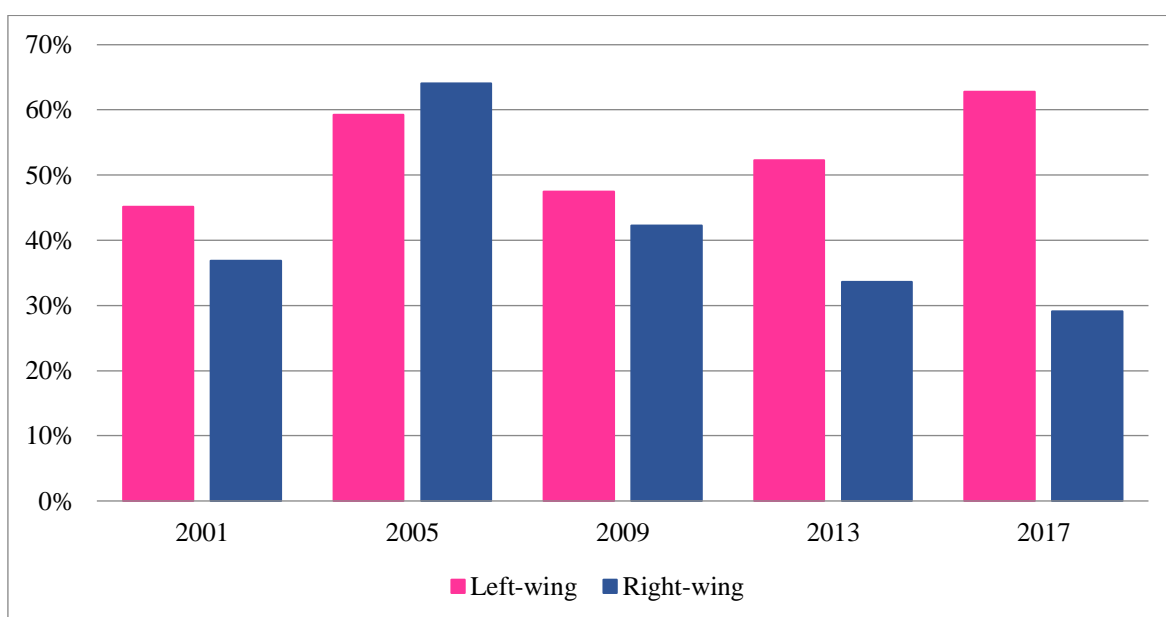


Figure 5.5 Political composition in Albania
 Source: Official website of Central Election Commission of Albania. Author's work (2022)

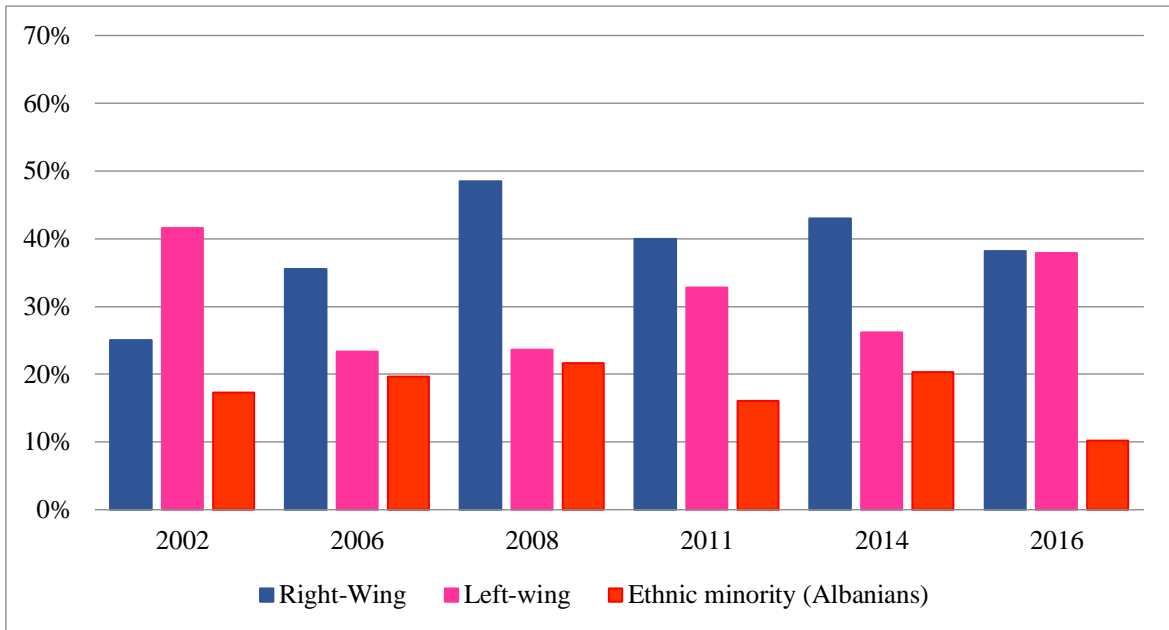


Figure 5.6 Political composition in North Macedonia

Source: OSCE/ODIHR Election Observation Mission Final Reports on 2002, 2006, 2008, 2011, 2014, and 2016 Parliamentary elections in North Macedonia. Author's work (2022)

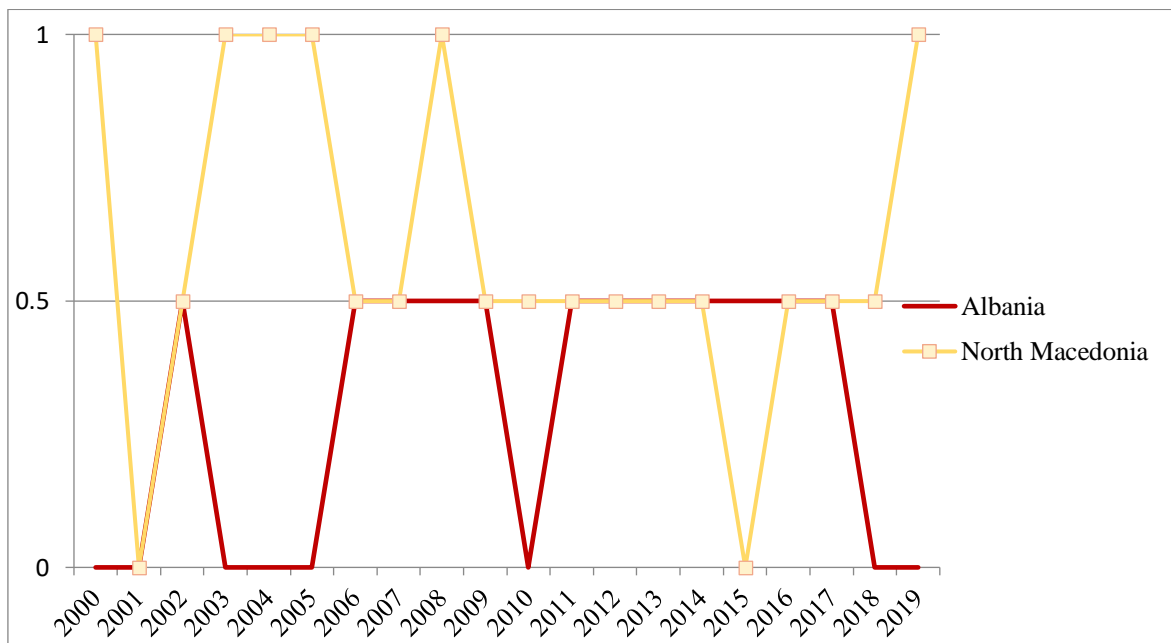


Figure 5.7 Political stability in Albania and North Macedonia during 2000-2019

Source: European Commission annual reports on Albania and North Macedonia. Author's work (2022)

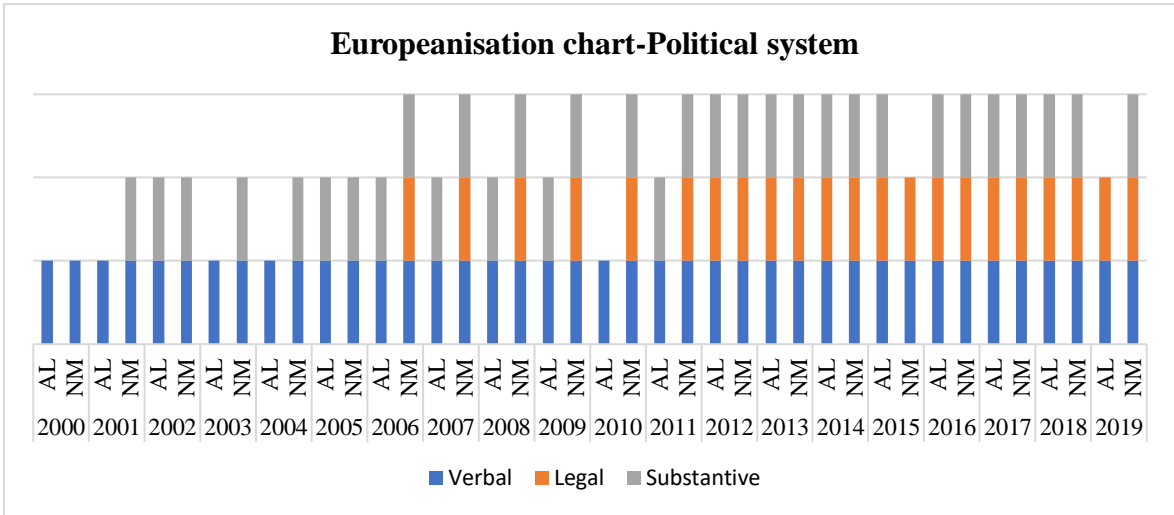


Figure 5.8 Europeanisation chart of the Political system in Albania and North Macedonia during 2000-2019

Source: Author's work (2022)

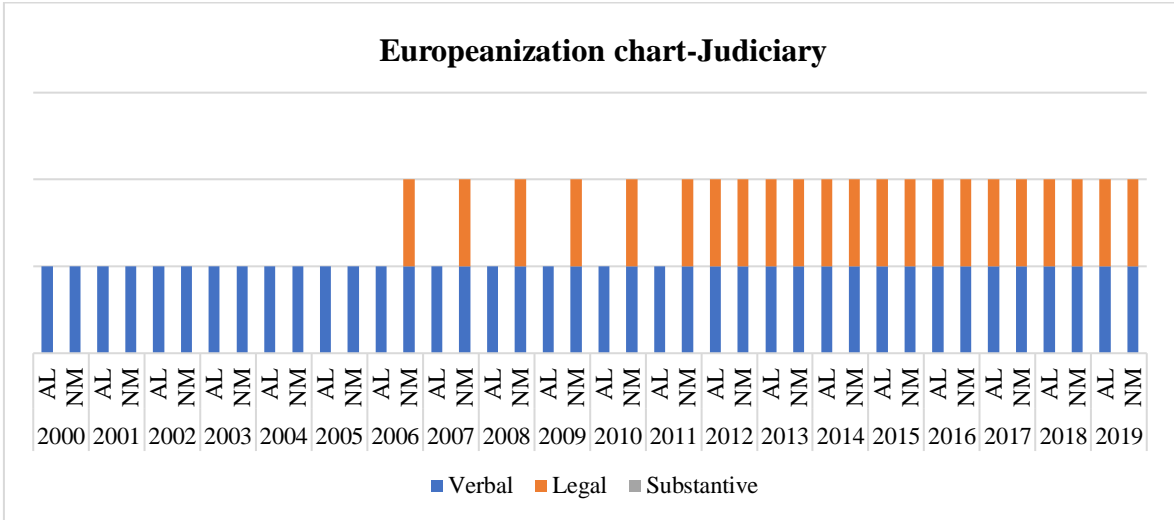


Figure 6.1 Europeanisation chart of the Judiciary in Albania and North Macedonia during 2000-2019

Source: Author's work (2022)

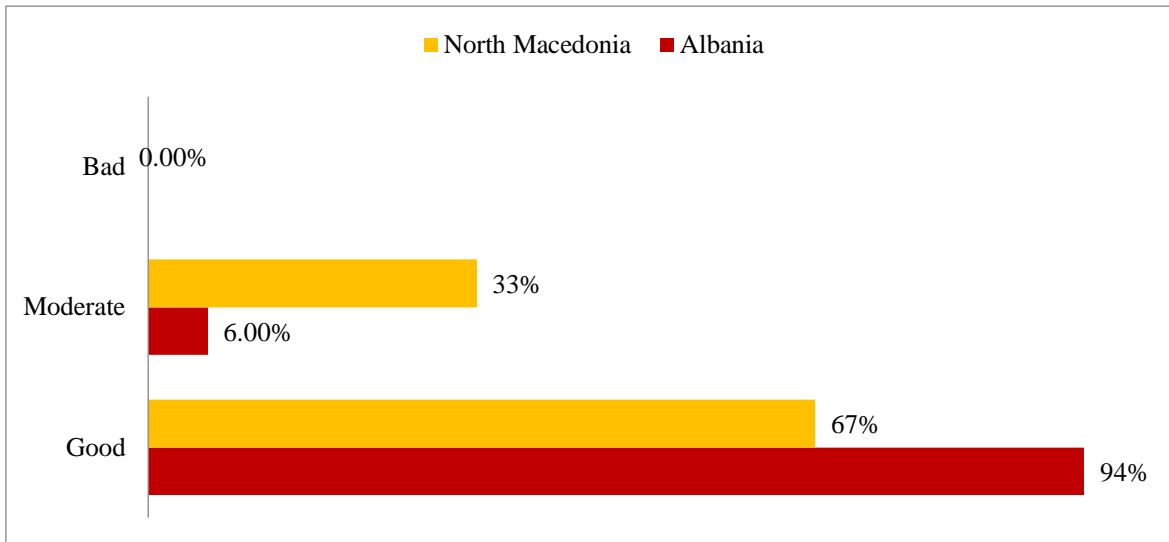


Figure 7.1 Overall status of the bilateral relations of Albania and North Macedonia during 2000-2019

Source: European Commission annual reports on Albania and North Macedonia. Author's work (2022)

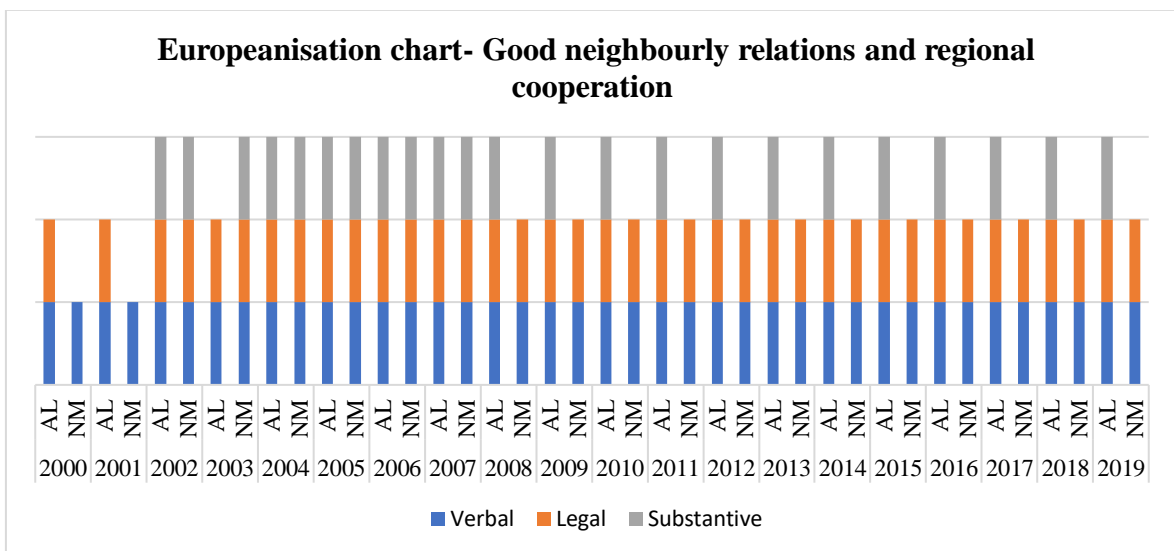


Figure 7.2 Europeanisation chart of the Good neighbourly relations and regional cooperation in Albania and North Macedonia during 2000-2019

Source: Author's work (2022)

CURRICULUM VITAE

Geri Pilaca was born on 17 June 1993, in Shkodër, Albania. He received his bachelor's degree in Italian language and Civilization in 2015 from the University of Tirana and a master's degree in 2017 in International Relations from Corvinus University of Budapest. Since 2018, he has been working at the Public Procurement Agency of Albania, covering tasks related to EU Integration, foreign affairs, and strategic policies of the institution. Also, he has worked as an Adjunct lecturer of English at the Medical University of Tirana during the 2017-2018 academic year.

Publications (Journals)

1. Pilaca G., Nako A. (2021). Organized crime in Albania, a path dependence perspective. *Politologický časopis - Czech Journal of Political Science*, 3 (28). 245-273. DOI: 10.5817/PC2021-3-245 [Indexed by: Emerging Sources Citation Index, Clarivate Analytics (Web of Science); Scopus].
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1. Pilaca G., “The Europeanisation Issue and the Role of Domestic Actors in the State of Democracy in Albania”, Peace in the Balkans, Peace in Europe: Lessons Learned, Epoka University, Tirana, Albania, May 2019.
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