



CHALLENGES OF EU INTEGRATION AND THE 2025 PARLIAMENTARY ELECTIONS IN ALBANIA

Democracy, Media Freedom and European standards

Ervis ILJAZAJ/ Belina BUDINI/ Anjeza XHAJFERAJ/ Dritan IDRIZI/
Erisela MARKO/ Genci GJONÇAJ/ Ador KOCIRAJ/ Ilir BARJABA/ Adela KUSURI/
Albana MISJA/ Sonil BILAJ/ Valeria VALERI/ Rexhina MYRTA

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jus&justicia@uet.edu.al

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EDITORIAL

Challenges of EU Integration and the 2025 Parliamentary Elections in Albania

(Democracy, Media Freedom and European standards)

Asoc. Prof. Dr. Ervis ILJAZAJ

The year 2025 marked another decisive moment in Albania's post-communist trajectory. The parliamentary elections once again placed European integration at the center of political debate, reminding us that accession to the European Union remains the country's most enduring strategic objective. At the same time, these elections revealed the persistent challenges that continue to shape Albania's democratic development, institutional performance, and relationship with its European partners.

This issue of the journal is dedicated to examining the interplay between integration and domestic politics in Albania, with a special focus on the 2025 elections. Our aim is not only to assess where Albania stands in the accession process, but also to reflect critically on how integration is framed, contested, and instrumentalized within the political arena.

The contributions gathered here shed light on three interrelated dimensions. First, they explore the institutional and governance challenges that remain central to the EU's conditionality framework: judicial reform, anti-corruption efforts, and democratic accountability. Second, they consider the political dimension, focusing on the way integration shaped electoral strategies, party competition, and the broader public discourse in 2025. Finally, they engage with the societal aspect, asking whether integration still functions as a mobilizing vision for citizens or whether "integration fatigue" has begun to emerge after decades of waiting.

Taken together, these perspectives underline a key paradox: Albania is formally closer to the EU than ever before, yet substantively, the credibility of the process is fragile. Integration is celebrated across the political spectrum, but often reduced to rhetoric rather than embedded as a consistent policy program.

Our intention is to frame this issue as a contribution to the wider scholarly and policy debate on this topic. Albania's experience in 2025 illustrates both the promise and the limits of EU enlargement in the current context: the promise of transformation through conditionality and alignment, but also the limits posed by domestic polarization, weak institutions, and uncertainty within the EU itself.

We invite readers to approach this collection as an opportunity to think critically about the future of integration. The 2025 elections have confirmed that EU membership remains a shared aspiration, but they also remind us that the path to accession is as much about consolidating democracy and trust at home as it is about meeting criteria abroad.

By highlighting these tensions, this issue hopes to contribute to a more nuanced understanding of the challenges that lie ahead for Albania.

Regulation of the Media Environment in the Digital Age: An Examination of Innovative Tools and Practices Aligned with EU Standards _____

_____ **Belina BUDINI** _____

_____ **Anjeza XHAFERAJ** _____

_____ **Dritan IDRIZI** _____

_____ **Erisela MARKO** _____

Abstract

This paper examines the evolving regulation of the media environment in the digital age, focusing on innovative tools and practices aligned with European Union (EU) standards. The analysis underscores the dual challenge of safeguarding freedom of expression while addressing new risks such as disinformation, ownership concentration, and political interference. Drawing on the EU's regulatory instruments, including the Audiovisual Media Services Directive (AVMSD), Digital Services Act (DSA), Digital Markets Act (DMA), General Data Protection Regulation (GDPR), and the newly adopted European Media Freedom Act (EMFA), the paper highlights the EU's role as a normative leader in shaping democratic media governance. Particular emphasis is placed on Albania, a candidate country whose progress toward EU membership depends on aligning its media framework with European standards. The findings show that while Albania has made formal legislative advances, implementation and

enforcement remain weak, leaving journalists vulnerable to political and economic pressures. By situating Albania's case within broader European developments, the paper identifies regulatory innovations and self-regulatory practices essential for building a resilient, independent, and pluralistic media landscape in the digital era.

Keywords: Media Regulation, Digital Age, EU Standards, Media Freedom, Disinformation, Albania, EU Integration, Audiovisual Media Services Directive, Media Governance.

Introduction

The regulation of media in the digital age is central to safeguarding democratic values, balancing freedom of expression, and protecting society from emerging threats like disinformation and privacy violations. As information flows across digital platforms at unprecedented speed, the European Union (EU) plays a key role in setting standards to ensure media freedom, pluralism, and accountability. Through initiatives such as the European Media Freedom Act (2024), the EU aims to create an environment where both public and private media operate without undue influence.

For countries like Albania, which seeks EU membership, aligning its media regulations with EU standards is essential. While progress has been made in adopting the Audiovisual Media Services Directive (2018), challenges remain in implementing effective measures to protect media freedom and ensure independent journalism. The paper examines innovative regulatory practices within the EU framework and assesses Albania's efforts to modernize its media governance. By analyzing key policy documents and Albania's current legal landscape, the study identifies the challenges Albania faces in aligning its media laws with EU norms and highlights potential solutions to advance its European integration.

Self-regulation is necessary to strike a balance between freedom of expression, professional accountability, and protection from harms such as disinformation or privacy violations. The European Union (EU) recognizes free and pluralistic media as a fundamental element of democracy, while freedom of expression is enshrined as a core right and a key mechanism for holding power accountable (EU/Strategy and Policy/Priorities/A New Push for European Democracy, EC, 2024). By providing reliable information to the public, independent media help citizens make informed decisions and play a significant role in combating disinformation and manipulating democratic debate. Therefore, through various acts, such as the European Media Freedom Act (European Commission, 2024), adopted in May 2024, the EU seeks to create an environment where both public and private media can operate freely and without undue pressure.

In the digital age, traditional media codes are challenged by online platforms and the unprecedented speed at which false information can spread. This has made the regulation of the media environment more important and challenging than ever before, requiring innovative approaches that support open discourse while addressing the new threats emerging from these challenges. The EU has taken an active role in setting media standards and guidelines for member states and candidate countries, positioning itself as a normative leader in media policy. Through directives and action plans, the EU promotes media freedom, pluralism, and independent oversight in alignment with democratic values.

The issue of media environment regulation is particularly important for countries like Albania, which aspires to join the EU and therefore needs to align its regulatory framework with EU standards. To become an EU member state, Albania must comply with EU standards in various areas that aid in building democratic, well-functioning, and sustainable institutions. The EU's enlargement policy sets conditions and rules for membership, negotiated individually, such as Chapter 10 of the "*Acquis Communautaire*" concerning the Information Society and Media, which includes specific rules for audiovisual services and broadcasting, as well as Chapter 23 on the Judiciary and Fundamental Rights, which addresses freedom of expression, including media freedom and pluralism (EU/Enlargement/Conditions for Membership, n.d.).

Albania has been somewhat unprepared for ensuring freedom of expression, and its legal and institutional framework is partially aligned with European standards. Progress has been made in aligning with the Audiovisual Media Services Directive (European Commission, 2018), and steps have been taken regarding measures to guarantee the free exercise of journalistic profession. However, it is recommended that formal and protective measures be effectively implemented to ensure that they become part of journalists' daily routines (European Commission, 2023). EU institutions have made it clear that progress in the accession process may be delayed or blocked if candidate countries adopt media laws that conflict with European norms. Therefore, examining innovative regulatory tools and practices—particularly those in line with EU standards—is crucial for informing Albania's efforts to modernize its media governance in the digital age. This chapter provides an overview of media regulation instruments, analyzes key institutional and policy documents, aiming to identify the main challenges and innovative practices for regulating the media environment within the context of the country's European integration.

Theoretical Framework: Europeanization and Media Regulation

Europeanization has emerged as a central analytical framework for understanding how the European Union (EU) shapes democratic institutions, policies, and political cultures. Radaelli (2003) defines Europeanization as the “process of construction, diffusion, and institutionalization of formal and informal rules, procedures, policy paradigms, styles, ways of doing things, and shared beliefs and norms” that originate at the EU level and are subsequently incorporated in the domestic context (p.30). This definition highlights both the normative and institutional dimensions of EU influence. The theory has been particularly salient in analyzing the reforms undertaken by candidate countries, where EU conditionality acts as the primary mechanism driving policy change (Schimmelfenning & Sedelmeier, 2005).

In the media sector, Europeanization manifests most clearly in the transposition of EU directives and regulations, such as the Audiovisual Media Services Directive (AVMSD), the Digital Services Acts (DSA), and the European Media Freedom Act (EMFA). These instruments articulate not only market-oriented rules but also democratic norms, such as editorial independence, media pluralism, and transparency and ownership. AS Harcourt (2002) argues, the EU has become a “policy entrepreneur” in media governance, promoting both liberalization of markets and protection of democratic values. This dual role reflects the EU’s position as a normative power (Manners, 2002), exporting standards that go beyond technical regulation to embed principles of democracy and fundamental rights in national frameworks.

Yet, Europeanization theory also anticipates the risk of decoupling between formal compliance and practical implementation. Richter and Wunsch (2019) demonstrate how many Western Balkan countries adopt EU-compatible laws while simultaneously experiencing democratic backsliding, a phenomenon rooted in state capture and weak enforcement. This paradox of legal alignment without substantive reform is particularly visible in Albania’s media sector. On paper, Albania has incorporated EU norms into its legislation – aligning its audiovisual media law with the AVMSD, and engaging in preparatory discussions for the DSA and EMFA. In practice, however, regulatory bodies such as the Audiovisual Media Authority (AMA) remain vulnerable to political influence, media ownership is highly concentrated, and journalists face economic precarity and intimidation.

Applying Europeanization theory to Albania’s case therefore clarifies the tension between formal Europeanization and substantive democratization. It reveals that while conditionality has driven legal reforms, entrenched patronage networks and institutional weakness hinder genuine internationalization of EU norms. For the

U, this gap underscores the need to treat enlargement conditionality not merely as a checklist of legislative transposition but as a mechanism that also fosters enforcement, independence of regulators, and cultural change within media institutions. For Albania, Europeanization provides a framework to modernize its media environment, but only when paired with domestic reforms that address political capture and safeguard journalists can these norms be effectively implemented.

Methodology and Analytical Model

This study adopts a qualitative policy review methodology, combining legal-document analysis with secondary literature review. The objective is to evaluate Albania's progress in aligning its media framework with EU standards and to identify the extent of substantive versus superficial compliance.

Primary sources include EU legal instruments and regulations, such as the Audiovisual Media Services Directive (AVMSD), Digital Services Act (DSA), Digital Markets Act (DMA), General Data Protection Regulation (GDPR), and the European Media Freedom Act (EMFA) (European Convention, 2016, 2018, 2022a, 2022b, 2024). These were assessed alongside accession-related documents, notably the European Commission's 2023 and 2024 reports on Albania (European Commission, 2023, 2024a). At the national level, analysis focused on Albania's Law on Audiovisual Media, the Law on the Right to Information, provisions in the Penal Code, and other relevant acts governing data protection, electronic communications, and whistleblowing (Assembly of the Republic of Albania, 1998, 2008, 2013, 2016, 2023; QBZ, 2017).

Self-regulatory instruments were also examined, particularly the Albanian Media Institute's Code of Ethics (2018), to evaluate professional accountability mechanisms and their role in complementing formal regulation.

Secondary sources included scholarly literature, NGO assessments, and international monitoring reports. Key among these were publications from Freedom House (2022), Reporters Without Borders (2023, 2024), the European Centre for Press and Media Freedom (2022), and the U.S. Department of State (2022). These sources provide comparative data on media freedom, pluralism, and journalist safety, situating Albania within regional and European trends.

The comparative dimension of the methodology is particularly relevant. Albania's media framework was juxtaposed with EU standards and selected member state practices, such as those in France, Germany, and the Nordic countries, to highlight divergences and potential pathways for reform. This comparative lens underscores the influence of EU conditionality and reveals the domestic obstacles that impede substantive compliance.

By triangulating legal texts, policy reports, and monitoring assessments, this methodology ensures a comprehensive understanding of Albania's media environment in the digital age. It also enables the analysis to distinguish between formal legal transposition of EU directives and the actual implementation of safeguards necessary for a free, pluralistic, and independent media system.

This study hypothesizes that formally aligning Albania's media regulation framework with EU standards, combined with robust domestic implementation, will lead to measurable improvements in media freedom. EU conditionality makes media reform a central criterion for accession, but genuine progress depends not only on transposing EU directives but also on ensuring independent enforcement and reducing political interference (Schimmelfennig & Sedelmeier, 2005; Richter & Wunsch, 2019).

The analytical model conceptualizes **media freedom** as the dependent variable, shaped by four main independent variables:

1. **Legal alignment** – the extent to which Albanian legislation reflects EU acquis (e.g., AVMSD, EMFA).
2. **Regulator independence** – the capacity of institutions such as the Audiovisual Media Authority (AMA) to operate free from political capture.
3. **Political interference** – pressures from state advertising, censorship, or partisan influence over editorial content.
4. **Self-regulation capacity** – the strength of professional codes of ethics and voluntary compliance within the journalistic community.

These relationships are mediated by two key factors. EU conditionality functions as an external incentive structure, encouraging reforms through accession rewards, while civil society oversight provides bottom-up monitoring and advocacy to ensure compliance with European standards (Börzel & Risse, 2012).

Normatively, the model assumes that stronger legal and institutional alignment with EU norms, when coupled with reduced political interference and enhanced self-regulation, will foster an independent and pluralistic media environment. Conversely, weak enforcement and politicized institutions risk producing only superficial compliance, leaving journalists vulnerable and undermining democratic consolidation.

This framework guides the subsequent analysis of Albania's media environment, assessing the extent to which EU-driven reforms have translated into substantive improvements in media freedom.

Analysis: The EU Legal Framework for Media

The European Union has developed a comprehensive legal framework to regulate the media environment, aiming to ensure media freedom, transparency, pluralism, and security in both traditional and digital media. This framework reflects the commitment to democratic values, the public interest, and adaptability to technological advancements that continue to reshape the media landscape. At the core of EU media policy is the Charter of Fundamental Rights of the European Union, which enshrines freedom of expression, media freedom, and pluralism as fundamental rights that apply across all member states. Article 11 of the Charter safeguards these freedoms by protecting against censorship and excessive concentration of media ownership, which could limit media diversity (European Convention, 2000).

The Audiovisual Media Services Directive (AVMSD) (European Convention, 2018), initially introduced in 2010 and revised in 2018, serves as a cornerstone for regulating audiovisual media within the EU. It governs television broadcasting and on-demand services, setting standards for advertising, cultural content diversity, accessibility, and the protection of minors. The 2018 revision further expanded its scope to include video-sharing platforms, requiring them to responsibly manage harmful content, hate speech, and violent material. The directive also supports media literacy initiatives aimed at fostering critical engagement by EU citizens with media content (AVMSD, 2018).

In addition to traditional media regulation, the EU addresses digital challenges through the Digital Services Act (DSA), adopted in 2022 (European Convention, 2022a). It imposes obligations on online platforms and digital services regarding transparent content moderation, accountability, and the prevention of illegal or harmful material. The largest platforms, referred to as “Very Large Online Platforms” (VLOPs) (European Commission, 2022a), are subject to stricter accountability measures due to their significant impact on public debate. The DSA balances freedom of expression with the need to protect users from disinformation and other harmful content. The Digital Markets Act (DMA) (European Convention, 2022b), adopted to complement the DSA, aims to maintain fair competition in the digital economy by targeting “gatekeeper” platforms that control access to essential digital services. The DMA ensures equal access for smaller media companies and prevents dominant platforms from favoring their own content, thus supporting media diversity by creating equal conditions for small and independent media.

In 2024, the EU proposed the European Media Freedom Act (EMFA) (European Convention, 2024), which focuses on safeguarding editorial independence, media pluralism, and transparency in media ownership. The EMFA aims to prevent

political interference by ensuring that media ownership is transparent and that state advertising practices are fair and free from biased influence. It also seeks to protect the media from dependency on government funding, promoting independence across the sector.

Data protection also plays a crucial role in the EU's media framework, particularly through the General Data Protection Regulation (GDPR) (European Convention, 2016). Although not specifically focused on the media, the GDPR sets high standards for privacy and data security, influencing how media companies manage personal data. By protecting users' data and requiring consent for its collection, the GDPR strengthens trust between the media and their audiences.

Another operational tool of the EU's approach is the Code of Practice on Disinformation (CPD) (European Commission, 2022), created in 2018 and improved in 2022. This self-regulatory framework encourages online platforms, social networks, and media organizations to combat disinformation through transparent content moderation and fact-checking. Although initially voluntary, the EU aims to integrate the principles of the Code into broader regulations, including the DSA, to hold platforms accountable for failing to manage disinformation, particularly during election periods.

Although not directly part of EU legislation, the European Convention on Human Rights (ECHR) (Council of Europe, 1950) and the standards of the Council of Europe influence member states by providing guidance on protecting media freedom and the safety of journalists. Article 10 of the ECHR protects freedom of expression, while the Council of Europe's Platform for the Protection of Journalism and the Safety of Journalists (Council of Europe, n.d., Platform) supports journalists facing threats or harassment. These standards strengthen EU media laws by ensuring that media professionals can work safely and freely across the EU.

Finally, EU competition law (European Commission, n.d., Competition Policy) supports media pluralism by regulating mergers and acquisitions in the media sector. By reviewing such transactions, the EU seeks to prevent excessive concentration of ownership, thereby maintaining a diverse media environment in which the public has access to a range of viewpoints. Through this legal framework, the EU aims to create a balanced and sustainable media environment that guarantees freedom of expression, protects citizens from harmful content, and promotes a pluralistic media landscape. This framework reinforces democratic values by ensuring the public has access to a transparent, independent, and diverse media environment, free from political or corporate influences.

Overall, it could be summarized that EU has a multi-level approach for media governance:

- Content regulation (AVMSD, DSA).
- Market fairness (DMA, competition law).

- Rights protection (Charter, GDPR, ECHR).
- Pluralism and independence safeguards (EMFA, CPD).

This framework reflects the EU's role as a normative power, setting conditions not only for member states but also for candidate countries. For Albania, alignment with this acquis is both a technical requirement for accession and a political test of its democratic consolidation.

Albanian Case Analysis: Media Regulation and Europeanization in Practice

In the following sections the paper takes into analyses the multi-level approach of EU to evaluate the degree of success and what areas need improvement.

Legal Alignment – The Extent to Which Albanian Legislation Reflects EU Acquis

Albania's aspirations to join the European Union require a regulatory framework that aligns with EU standards on media freedom, independence, and pluralism. The European Media Freedom Act (EMFA) is central to this goal, as it sets minimum standards for transparency, editorial independence, and pluralism that Albania must achieve to make tangible progress toward EU membership (European Commission, 2024).

The Albanian media environment is currently structured by a series of laws and regulations designed to guarantee freedom of expression, press independence, and accountability. At the constitutional level, the Republic of Albania enshrines these rights explicitly. The Constitution (Assembly of the Republic of Albania, 1998) establishes the rights to freedom of expression, press freedom, and access to information. These rights, however, are not absolute. They can be restricted when necessary to protect the public interest or the rights of others, provided that such restrictions remain proportionate and consistent with international standards.

A cornerstone of the legislative framework is Law No. 30/2013, "On Audiovisual Media in the Republic of Albania," and its subsequent amendments (Assembly of the Republic of Albania, 2013 [2023]). This law regulates television and radio broadcasters, creating the Audiovisual Media Authority (AMA) as the primary body responsible for licensing, setting content standards, and overseeing ownership transparency. The law also seeks to prevent monopolistic practices and to safeguard pluralism in the media sector. The importance of this legislation lies in its dual function: it provides the formal regulatory framework while also serving as the instrument through which EU directives, such as the Audiovisual Media Services Directive (AVMSD), are transposed into national law.

Transparency in governance is further promoted by Law No. 119/2014, “On the Right to Information,” which grants citizens the right to access documents and information held by public authorities. This law has been especially relevant for investigative journalists monitoring government accountability and spending. Despite its significance, criticisms persist that certain exemptions in the law are used to obstruct public interest reporting, thereby diluting its effectiveness in practice.

Albania has also introduced specific legislation to support whistleblowers. Law No. 60/2016, “On Whistleblowing and Whistleblower Protection,” amended in 2020, is designed to protect individuals, including journalists, who disclose corruption, abuse of power, or other unlawful activity (Parliament of the Republic of Albania, 2016 [2020]). This law strengthens investigative journalism by providing safeguards against retaliation.

The country’s regulatory tradition also includes older frameworks, notably Law No. 8410/1998, “On Public and Private Radio and Television in the Republic of Albania.” Although much of its scope has been replaced by Law No. 97/2013 (Parliament of the Republic of Albania, 2013), some provisions remain relevant, particularly in areas not fully addressed by the newer audiovisual legislation.

Beyond sector-specific laws, the Penal Code of the Republic of Albania plays an important role in shaping the environment for media freedom. Its provisions on defamation, hate speech, and incitement to violence directly affect journalists. While defamation was decriminalized in 2012, civil defamation lawsuits with heavy financial penalties continue to threaten investigative reporting, serving as a deterrent against robust journalistic activity (Bino, 2022, p. 16). Privacy issues are covered by Law No. 9887/2008, “On the Protection of Personal Data,” which outlines standards for data collection, storage, and dissemination. For journalists, this law requires balancing individual privacy rights with the public’s right to information. In parallel, the digital domain is governed by Law No. 9918/2008, “On Electronic Communications,” administered by the Electronic and Postal Communications Authority. Although this law establishes standards for internet use, it does not include explicit provisions on online media content or ownership transparency, leaving significant gaps in the governance of Albania’s increasingly digital media environment.

Efforts to modernize Albania’s media legislation continue, particularly with respect to alignment with the EU acquis. In 2023, amendments were introduced to the Law on Audiovisual Media to further align with Directive (EU) 2018/1808. These reforms address a broad range of issues, including protection of minors, accessibility for people with special needs, ownership transparency, and the introduction of co-regulatory and self-regulatory measures in areas such as media literacy and content moderation. Once fully implemented, these updates are expected to bring Albania closer to the standards required by the EU.

Regulation also occurs at the level of the Audiovisual Media Authority itself, which issues specific guidelines such as the Broadcasting Code. This Code defines standards for advertising, content, and electoral coverage. It is designed to promote fair and balanced reporting, particularly during election campaigns, and to mitigate the influence of political actors on media content (AMA, 2023).

Despite this extensive body of laws and reforms, challenges remain in translating formal provisions into practice. The European Commission's 2024 Report on Albania emphasized that "no progress has been made in aligning the legal framework with EU *acquis* and European standards, including the Media Freedom Act" (European Commission, 2024). Notably, defamation remains a criminal offense in practice, and civil provisions concerning misinformation are not yet harmonized with European norms. Additionally, the Penal Code continues to lack strong protections for journalists against violence, harassment, or intimidation.

Legal uncertainties extend to source protection as well. Article 159 of the Criminal Procedure Code establishes journalists' right not to disclose their sources of information, treating it as a professional secret. However, the same article allows courts to compel disclosure if the information is considered essential to proving a criminal act and cannot be established otherwise (QBZ, 2017). The European Commission (2024) has urged Albania to align these provisions more closely with EU standards and Venice Commission recommendations, noting that weak source protection undermines journalistic independence.

Finally, deficiencies in company ownership transparency, particularly in the online media sector, remain problematic. The Law on Audiovisual Media provides only partial safeguards against monopolies and lacks clear rules on the distribution of public sector advertising. The absence of robust ownership disclosure requirements enables circumvention of transparency standards, often through subcontracting arrangements (Parliament of the Republic of Albania, 2013 [2023]). Compared to EU member states such as Germany or the Netherlands, where ownership disclosure is rigorously enforced, Albania lags considerably behind (Council of Europe, 2022).

Thus, Albania has established a comprehensive legal framework that formally reflects key EU instruments such as the AVMSD and the EMFA. However, gaps in enforcement, persistent criminalization of defamation, weak protections for journalists, and insufficient ownership transparency highlight the distance still to be covered. This dynamic illustrates a broader Europeanization paradox: while Albania has transposed significant portions of the *acquis* into national law, substantive compliance remains weak, resulting in formal rather than functional convergence with EU media standards.

Regular Independence – Institutional Capacity and Autonomy

An essential dimension of Albania's media regulation within the Europeanization framework concerns the independence and effectiveness of its regulatory institutions, most notably the Audiovisual Media Authority (AMA). Created under Law No. 30/2013 "On Audiovisual Media in the Republic of Albania" (Assembly of the Republic of Albania, 2013 [2023]), AMA is formally tasked with overseeing licensing, enforcing content standards, and ensuring transparency in media ownership. It is also responsible for implementing national regulations in alignment with EU directives such as the AVMSD. In theory, this design positions AMA as a cornerstone of Albania's transition toward EU-compliant media governance. In practice, however, AMA has struggled to function as an autonomous regulator, with its authority undermined by political capture and weak institutional capacity.

The independence of AMA has been repeatedly called into question. In 2021, the appointment of board members through a partisan selection process damaged public perceptions of its neutrality and highlighted its vulnerability to political interference (European Commission, 2024a). Once in office, the body has frequently been criticized for failing to regulate media ownership concentration or for enforcing standards on fair competition. Reports by Reporters Without Borders (RSF, 2024) point to AMA's limited effectiveness in addressing market concentration, leaving large media conglomerates with close ties to political and economic elites largely unchecked. These deficiencies undermine the regulator's role as a safeguard of pluralism and highlight a significant gap between Albania's formal alignment with EU legislation and its substantive compliance with EU standards.

By comparison, EU member states such as France and Ireland provide instructive examples of more robust regulatory independence. France's Conseil supérieur de l'audiovisuel (CSA), restructured into ARCOM, and Ireland's newly created Coimisiún na Meán have built credibility through transparent appointment processes, clear accountability mechanisms, and parliamentary oversight (Harcourt, 2022). These measures enhance regulators' autonomy and legitimacy, enabling them to intervene effectively in cases of ownership concentration, political interference, or breaches of content standards. In contrast, AMA's susceptibility to political capture highlights the persistence of Albania's institutional weakness and its inability to replicate the substantive independence that characterizes EU best practices.

This divergence underscores a key theme of Albania's Europeanization process: while transposition of EU legislation into national law has taken place, implementation is compromised by the fragility of domestic institutions. The

European Commission (2024a) has repeatedly emphasized that regulatory independence is a prerequisite for EU membership, urging reforms that depoliticize appointment procedures and strengthen institutional safeguards for autonomy. However, despite consistent recommendations, little substantive progress has been made, and AMA remains constrained by partisan politics and limited resources.

The lack of regulator independence has wide-reaching consequences. It hampers efforts to ensure pluralism, prevents fair oversight of state advertising distribution, and undermines media market competition. Furthermore, AMA's inability to enforce rules uniformly exacerbates public distrust in both the media sector and regulatory institutions. These failures align with broader scholarly observations on Europeanization in candidate states, where domestic institutions often adopt the formal structures required by the EU but fail to implement them effectively, producing what Richter and Wunsch (2019) describe as a "decoupling effect" between formal compliance and substantive practice.

In conclusion, while Albania has established the legal and institutional structures of a media regulator in line with EU models, the independence of AMA remains compromised by political capture, lack of transparency in appointments, and limited enforcement capacity. This institutional weakness highlights one of the central barriers to Albania's full convergence with EU media standards and represents a crucial area where reforms are required if Albania is to credibly advance in its EU accession process.

Political Interference – State Influence, Censorship, and Market Capture

One of the most persistent challenges facing Albania's media environment is the extent of political interference in the sector. Despite constitutional guarantees of freedom of the press (Articles 22 & 23 of the Constitution of the Republic of Albania, 1998), the reality is that structural pressures undermine media pluralism, compromise journalistic independence, and erode public trust.

State advertising remains one of the primary mechanisms of political influence. Reports by Freedom House (2022), the U.S. Department of State (2022), and the European Commission (2024a) confirm that government advertising is distributed selectively to media outlets that adopt favorable editorial lines, thereby creating structural financial dependencies. Investigations by the Balkan Investigative Reporting Network (Kurtic & Mastracci, 2023) document how political and economic interests are deeply intertwined, shaping editorial policies in ways that limit critical journalism and reinforce partisan narratives. This pattern stands in sharp contrast to EU member states such as Sweden and Denmark, where strict rules on state aid and independent oversight of public broadcasting ensure neutrality, limit political capture, and reinforce pluralism (Council of Europe, 1950).

Censorship, both direct and indirect, also remains a problem. After the 2022 cyberattack on Albania's police systems, the authorities restricted the publication of leaked documents, an action that led to accusations of censorship and highlighted the government's willingness to limit access to sensitive information. Similarly, smear campaigns, harassment, and intimidation against journalists are widely reported. According to the European Commission's 2024 Report, journalist safety is increasingly threatened, with growing instances of verbal and physical assaults, discrediting campaigns, and retaliatory lawsuits. Reporters Without Borders (2023, 2024) underscores that these pressures push many journalists toward self-censorship, especially given the lack of effective legal protections.

Media ownership concentration further compounds the issue of political interference. The European Centre for Press and Media Freedom (ECPMF, 2022) noted during a field visit that powerful business groups with close ties to political elites exercise significant influence over the sector, thereby undermining impartiality and pluralism. Similarly, the U.S. Department of State (2022) condemned the overlap of political and commercial interests, observing that such entanglements distort editorial independence and weaken journalistic accountability. Ownership transparency remains weak, with Albania receiving a high-risk score of 81% in the Media Pluralism Monitor (European University Institute, 2024). By contrast, EU member states such as Germany and the Netherlands rigorously enforce disclosure requirements, thereby ensuring greater transparency and accountability (Council of Europe, 2022).

The effects of political interference are particularly pronounced during electoral periods. Reports by the Audiovisual Media Authority (AMA, 2023) and international observers note that campaign coverage often favors incumbents, reflecting the influence of both state advertising and regulatory weaknesses. The failure to guarantee equitable coverage during elections undermines democratic processes and highlights the urgent need for reform.

The overlapping pressures of state influence, censorship, and ownership concentration contribute to a climate where self-censorship is widespread. Journalists facing precarious working conditions, including unpaid wages, lack of contracts, and dismissals, are particularly vulnerable to political pressure (European Commission, 2024; U.S. Department of State, 2022). In 2023, 26 labor complaints were filed with the State Labor Inspectorate, and over 140 journalists were dismissed from the public broadcaster between June 2023 and June 2024. Such conditions reduce the independence of the press and further entrench political control over media narratives.

Overall, Albania's media sector demonstrates a recurring pattern: formal guarantees of freedom are undermined in practice by systemic political interference. State advertising is used as a tool of influence, ownership concentration entrenches political-economic alliances, and censorship—whether through

lawsuits, intimidation, or direct restrictions—weakens journalistic independence. Compared with EU member states where robust safeguards limit state influence, Albania lags significantly behind, underscoring the gap between formal legislative alignment and substantive democratic practice.

Self-Regulation Capacity – Professional Norms and Voluntary Compliance

In addition to formal legal frameworks and regulatory bodies, self-regulation plays a central role in safeguarding journalistic integrity and accountability in democratic societies. In Albania, self-regulation is formally anchored in the Albanian Media Institute's (AMI) Code of Ethics for Journalists (2018), which establishes standards for accuracy, fairness, transparency, and respect for privacy. The Code emphasizes the responsibility of journalists to verify facts, distinguish between news and opinion, and protect confidential sources except when overriding public interest demands disclosure. It further discourages sensationalism, prohibits hate speech, and underscores the importance of editorial independence and professional solidarity. Exceptions to these ethical standards are allowed only in extraordinary circumstances, such as public health emergencies or the prevention of serious crimes.

Despite its comprehensiveness, the impact of the AMI's Code has been limited by the voluntary nature of compliance. Many journalists, particularly those working for the over 900 online news portals that dominate Albania's digital landscape, often disregard these principles. Reports by the European Commission (2024a) and the European Journalism Observatory (2023) emphasize that sensationalist practices, clickbait headlines, and the unchecked spread of disinformation remain pervasive, undermining journalistic credibility and public trust. Weak adherence to ethical standards also reflects the structural fragility of Albania's self-regulatory culture, where the lack of institutional enforcement mechanisms leaves compliance to individual or editorial discretion.

Comparisons with EU member states highlight Albania's shortcomings. In countries such as Finland and Austria, self-regulatory councils enjoy stronger institutional backing, higher levels of public trust, and greater participation from both journalists and media outlets (Council of Europe, 2022). These councils are integrated into national media systems and often collaborate with regulators to ensure adherence to ethical standards, thereby creating a more robust framework of accountability. In contrast, Albania's fragmented media environment, combined with political polarization and economic dependence, weakens the authority and effectiveness of self-regulatory institutions.

The weakness of self-regulation in Albania is further compounded by limited financial and organizational resources. The Alliance for Ethical Journalism, which seeks to monitor compliance with ethical standards across online and traditional

outlets, faces significant resource constraints that reduce its ability to function effectively (U.S. Department of State, 2022). As a result, enforcement of ethical codes is sporadic and uneven, leaving room for partisan narratives, commercial influence, and disinformation to thrive unchecked.

Journalistic working conditions also directly affect self-regulatory capacity. High levels of job insecurity, lack of legally enforceable contracts, and frequent dismissals reduce journalists' willingness to resist external pressures or adhere strictly to ethical standards (European Commission, 2024a; U.S. Department of State, 2022). In 2023 alone, 26 complaints regarding unpaid wages, overtime, and unfair dismissals were filed with the State Labor Inspectorate, while more than 140 journalists were dismissed from the public broadcaster between June 2023 and June 2024. These conditions foster a culture of self-censorship and compromise journalists' ability to adhere to professional codes, especially when doing so may expose them to political or economic retaliation.

Ultimately, Albania's self-regulatory framework illustrates a significant gap between normative aspirations and practical implementation. While the existence of a detailed Code of Ethics provides a foundation for professional standards, weak voluntary compliance, insufficient institutional support, and precarious labor conditions undermine its effectiveness. Compared with EU member states where self-regulation is institutionalized and widely respected, Albania's fragmented and resource-constrained system struggles to provide meaningful accountability. Without stronger institutional backing, greater journalist participation, and improved working conditions, self-regulation in Albania risks remaining largely symbolic rather than a functional safeguard of media integrity.

Overall, the media landscape in Albania faces political influence, economic pressures, and inadequate protections for journalists. While a legal framework exists, deeper improvements are needed to truly guarantee media independence. EU conditionality remains a key driver of reforms. The European Commission's 2024 report explicitly links Albania's accession progress to reforms on decriminalizing defamation, strengthening regulator independence, and protecting journalists (European Commission, 2024a). However, compliance is often formal rather than substantive, confirming Europeanization's "decoupling" effect (Richter & Wunsch, 2019). Civil society organizations, such as the Albanian Helsinki Committee (2024) and BIRN (Kurtic & Mastracci, 2023), provide oversight and advocacy, but their capacity is constrained by limited resources and political polarization. By contrast, in EU states, stronger networks between NGOs, regulators, and media councils create a more robust accountability ecosystem (Börzel & Risse, 2012; Harcourt, 2002).

Conclusion: Towards a Resilient and Independent Media Environment

Albania's case illustrates the paradox of Europeanization: legal frameworks aligned with EU standards exist, yet enforcement and institutional independence remain fragile. Political capture, opaque ownership, and weak self-regulation hinder substantive progress (RSF, 2023, 2024; European Commission, 2024a). For Albania, reforms must prioritize strengthening regulator independence, decriminalizing defamation, ensuring transparent ownership, and improving working conditions for journalists (Freedom House, 2022; U.S. Department of State, 2022).

For the EU, Albania underscores the need to go beyond checklist conditionality. Enlargement policy should focus not only on legislative harmonization but also on ensuring practices that protect journalists, foster pluralism, and counter disinformation (Manners, 2002; Radaelli, 2003). Safeguarding media freedom in the digital age requires combining regulation with self-regulation, enhancing media literacy, and addressing systemic risks from digital platforms (European Commission, 2022; European Convention, 2022a, 2022b).

Ultimately, Albania's trajectory reflects the broader European struggle to uphold democratic media in the digital era. Success will depend on whether Europeanization translates beyond formal legal transposition into meaningful protections for pluralism and journalistic independence (Richter & Wunsch, 2019; RSF, 2024).

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A Political and Media Discourse Analysis on Albania's European Integration _____

Ervis ILJAZAJ _____

DEAN, FACULTY OF LAW, POLITICAL SCIENCE
AND INTERNATIONAL RELATIONS, UET

Abstract

The integration process has always been one of the most important political and strategic priorities of the country. In the parliamentary elections of May 2025, European integration was once again at the center of the electoral campaign. The Socialist Party used Albania's EU accession as a political slogan for its campaign. EU integration has often been used by political parties as an instrument of political legitimacy as opposed to undertaking a genuine commitment to accelerate this process. The aim of this article is to analyze the approach of political parties towards Albania's EU integration, as well as the role that the media has played in shaping public opinion and transmitting this discourse. The findings of this article show that, despite presenting themselves as committed to integration, political parties have utilised this issue for electoral purposes rather than provide a substantive explanation of it. The approach of political forces regarding EU integration has not been cooperative but rather polarizing. Even in the 2025 campaign, the integration issue served more as a source of conflict than of political cooperation. This context has influenced the media, which reflected this process in a fragmented manner and without the necessary objectivity to serve the public interest. The study concludes that European integration in the 2025 electoral campaign served as political confrontation rather than consensus. The use of European integration as a political and media strategy by political parties has directly influenced citizens' perceptions of this process.

Keywords: EU integration, media, political parties, political polarization, public opinion, electoral campaign, political discourse.

Introduction

The parliamentary elections of 2025 held particular significance for Albania because the country found itself at a key moment on its path to European integration. After the opening of accession negotiations in 2022, political and social dynamics have been increasingly focused on meeting the standards required by the European Union. This focus is rooted in the fact that EU integration has always been a major aspiration of Albanian society. However, beyond its technical dimension, European integration in Albania plays a crucial role in political and media debates. It is also a political process, often used by political forces to shape electoral behavior.

The 2025 electoral campaign represents a case study to better understand the positions of political parties regarding EU integration and how these positions were reflected in the country's media. European integration has always been at the center of political and media debates and has often been employed for narrow political interests rather than as an inclusive process. Although in public discourse political parties declare a consensual stance on European integration, in most cases they use it as a motive for conflictual and polarizing politics. Political parties do not hesitate to exploit this national interest of Albanian society as a rhetorical instrument and an electoral mobilization tool. Moreover, it is used both as a means of political legitimacy and of delegitimizing opponents. In reality, Albania's European integration should be presented as an actual platform of consensual reforms.

Europeanization, the mediatization of politics, and Euroscepticism are the theoretical concepts through which this study examines political parties' approaches toward EU integration. Europeanization refers to the adaptation of national policies to EU standards and the alignment of legislation. Euroscepticism appears in Albanian political debates as criticism of delays in the process, while still supporting Albania's EU membership. Meanwhile, mediatization concerns the growing role of the media as an instrument used by politics to shape public opinion on this issue.

The main objective of this article is to analyze how European integration was treated during the 2025 electoral campaign by Albanian political parties and how the topic was covered by the media. The article seeks to answer two questions:

1. How did political parties approach the issue of European integration during the electoral campaign?
2. How does the media influence public perceptions of EU membership?

The article aims to contribute to the analysis of the relationship between politics, media, and Albania's European integration. This is done by examining the political programs of parties, media sources, and public discourse during the 2025 campaign.

This study is based on a combined qualitative and quantitative approach to analyze how Albanian political parties and the media addressed the issue of European integration during the 2025 electoral campaign. The methodology used is content analysis and discourse analysis. The sources include political programs, television reports, and existing literature on the topic.

Theoretical Framework

The process of European Union integration places a candidate country such as Albania on a process of institutional and political transformation on its path toward membership. According to Ladrech (2010), Europeanization implies not only the alignment of national legislation with the *acquis communautaire*, but also a broader process of change in political practices and public perceptions. In the case of the countries of the Western Balkans, EU integration has often acquired a symbolic dimension, being used as an instrument to legitimize political elites (Elbasani, 2013). In some cases, integration has served as a political battleground among parties to delegitimize opponents or highlight governance failures, regardless of which political force has been governing the country at the time. In this sense, the transformation that should result from this process has often been hindered by political rhetoric and by the way political parties approach the issue.

In the Albanian context, political forces formally express consensus regarding European integration. However, this consensus is often more declarative than substantive, as parties have instrumentalized the topic to build their electoral narratives (Bieber, 2020). It is therefore important to analyze political discourse on European integration—not only to examine its content, but also to understand its strategic function in electoral campaigns and its influence on the electorate's behavior. Albanian politics frequently exploits this issue for strategic purposes, being fully aware of the high levels of public support for EU membership, which are among the strongest in the region. In this regard, it is difficult to find political positions in public discourse that oppose integration. This symbolic stance is always consensual, but in reality it changes according to the political interests of different parties.

The literature on Euroscepticism distinguishes between “hard Euroscepticism” (outright rejection of membership) and “soft Euroscepticism” (selective criticism of EU policies or of the integration process itself) (Taggart & Szczerbiak, 2008). In Albania, only forms of soft Euroscepticism appear. This is especially visible in

the opposition's discourse, which has used delays in the integration process as evidence of government failure, as well as to emphasize the absence of European standards in governance. Although Albania has been moving forward with the opening of chapters, the opposition frames this progress more as a geopolitical decision by the EU rather than a merit of the government.

This form of Euroscepticism can be seen as an electoral strategy by political forces seeking to build consensus through government criticism. Even while using this strategy, political parties consistently maintain pro-integration rhetoric as an important element regarding the country's future. This dual strategy is typical of candidate states, where integration is seen as inevitable, but its pace, modalities, and timing are exploited for political confrontation.

During electoral campaigns, this political dimension of EU integration takes on particular significance. At such moments, political communication and strategy play a central role, as was the case during Albania's 2025 elections. Political communication in electoral campaigns is closely linked to the concept of agenda-setting, whereby the media and political parties influence the prioritization of issues for the public (McCombs & Shaw, 1972). Furthermore, the literature on framing (Entman, 1993) emphasizes that it is not only the presence of an issue in discourse that matters, but also the way in which it is presented, which shapes public perception.

In the Albanian context, European integration has served to polarize politics in two main directions. On one hand, the opposition uses it as a critique against the government, and on the other, the government presents it as its own achievement. This polarization reflects the logic of political confrontation that dominates Albania's party system. As a result, integration is not used as a public debate about reforms and concrete public policies, but rather as a political weapon to legitimize or delegitimize the opponent in the eyes of the public. This occurs because integration in Albania is not perceived as a common political contribution of all forces, but as a tool for gaining electoral consensus by specific parties.

Another important dimension in this regard is the role of the media in shaping public opinion on the issue and influencing Albania's collective mission toward this historic objective. The theory of the mediatization of politics (Mazzoleni & Schulz, 1999; Strömbäck, 2008) emphasizes that the media are not merely transmitters of information, but actors that actively influence how politics is presented and perceived by the public. In highly polarized contexts such as Albania, the media often have editorial positions closely tied to particular political forces, contributing to a fragmented rather than cohesive public discourse on this crucial national issue.

In addition, social media has created a direct link between politics and citizens, shaping public opinion according to partisan interests rather than through editorial filters that could facilitate the integration process. All of these elements of

political and media discourse on Albania's EU integration are crucial factors that have influenced the process, making it both lengthy and difficult. These theoretical approaches provide the analytical basis for understanding not only the content of political and media messages on European integration, but also their strategic function in the context of the 2025 electoral campaign in Albania.

The Socialist Party (PS): Appropriation of European Integration Progress

European integration has always been a subject of debate in political rhetoric and in the struggle between parties. In this sense, the issue constitutes one of the strategic pillars of Albanian politics. Since 2013, when the Socialist Party came to power, the delays in this process have been among the main criticisms directed at it by the opposition. The opposition has consistently blamed the Socialist Party for slowing down the integration process. In fact, in previous electoral campaigns, the Socialist Party did not place European integration at the center of its rhetoric. However, since the opening of accession negotiations in 2022, the Socialist Party has shifted to making EU integration the core of its discourse—completely opposite to the previous approach of that before 2022. In the 2025 campaign, the Socialist Party placed EU integration at the heart of its electoral promises and campaign slogan. From 2022 onwards, its public discourse on integration has included several distinct elements, which are confirmed by a content analysis of its political rhetoric.

The Socialist Party's narrative on European integration during the 2025 elections, and continuing today, is centered on the sustainability of progress in this process. This progress is presented as the result of effective governance, political stability, and the strong leadership of the party. Such discourse is employed to legitimize its power, mobilize public support, and position the Socialist Party as the key actor in the country's European journey—often portraying itself as the sole actor, excluding other political forces.

It is evident that EU integration serves as an important source of political legitimacy for Albanian governments, given that it has always been a national aspiration. According to theories of political communication (Fairclough, 1995; Van Dijk, 1998), themes of national consensus are often used to reinforce the standing of those in power. Within this framework, the Socialist Party has intertwined the discourse of integration with that of governance performance, particularly by presenting institutional reforms—most notably judicial reform—as evidence of compliance with EU standards. Judicial reform, often praised as successful by EU institutions, is portrayed by the Socialist Party as its exclusive achievement, realized solely through its political will. This is just one example of

how the Socialist Party appropriates essential reforms for EU integration, making the process exclusionary rather than cooperative, as it should be.

When analyzing the public discourse of the Socialist Party, its elements are clearly linked to protagonism and the positioning of the party as the central factor in the integration process. This constitutes a rhetoric that is not only politically but also socially conflictual. Through electoral rhetoric and institutional public communication, the Socialist Party portrays itself as the “guarantor” of the European journey, presenting integration as an objective closely tied to the continuity of its rule. This approach was especially visible in media coverage and public speeches during the 2025 campaign, where integration was presented as both a symbol of promises fulfilled and as the political responsibility of the party.

Political stability is a key element in Albanian political rhetoric. The Socialist Party frames stability as a prerequisite for integration, a condition it claims to guarantee through its will to lead the country into the EU. In political communication analysis, values such as stability are often used to polarize discourse: in this case, the Socialist Party depicts itself as the guarantor of institutional order, while portraying the opposition as a destabilizing factor (Laclau & Mouffe, 1985). In Albania’s context, where political crises are frequent, stability becomes a crucial political asset. The Socialist Party uses this contrast discursively: “we provide stability and integration” in contrast to “they provide chaos and obstruction.” This polarizing rhetoric has been evident in parliamentary debates and media coverage, where the opposition was frequently framed as anti-integration whenever it criticized the government.

Apart from the Socialist Party, the figure of Prime Minister Edi Rama himself holds a special place in the construction of this narrative. Through personalized and symbolic communication, Rama is presented as the leader who represents Albania internationally, maintaining strong relations with allies and being accepted by European leaders and EU institutions. To reinforce this narrative, the Socialist Party’s 2025 campaign slogan was “With Edi to Europe.” The message conveyed to voters was that Rama is the sole guarantee of Albania’s EU accession. In this way, the integration issue becomes personalized—not only as a political interest, but also as a communication strategy to secure electoral consensus.

This personalization of the integration process aligns with the “strong leadership” models in new democracies, where the individual replaces the party as the embodiment of the political project (Pappas, 2019). In Albania’s case, this has led to the identification of European progress with the personal leadership of the Prime Minister, strengthening the myth of the “reformist leader.” However, Albania’s institutional context remains weak and far from EU standards. Despite the country receiving positive assessments in EU progress reports, issues such as judicial independence, separation of powers, and the protection of fundamental rights persist. The personalization of integration has had negative consequences, particularly in undermining the political cooperation required for EU accession.

One of the reasons Albania remains delayed in the integration process—despite 35 years since regime change—is precisely the instrumentalization of the integration narrative for political and personal purposes.

The media has also played a significant role in shaping and disseminating this narrative. Instead of offering a critical and objective reflection of integration progress, many Albanian media outlets function in a partisan manner, often repeating government messages without further thorough analyses. This has contributed to fragmented information and a publicly managed perception of Albania's EU progress (Balla & Xhambazi, 2022).

The conclusions of this analysis demonstrate that the Socialist Party's discourse on European integration rests on three main pillars: progress as a product of governance performance, stability as a legitimizing condition, and leadership as the personal symbol of international achievements. This approach has enabled the Socialist Party to politically capitalize on the aspiration for integration. In fact, European integration currently represents the central cause and rhetoric of both the Socialist Party and its leader. In this sense, the party employs it as a strategic national objective in its public discourse. Nevertheless, this is more a means of instrumentalization for staying in power than a genuine institutional commitment. Importantly, this discourse should be transformed into a real institutional engagement, rather than remaining a slogan or façade of a reformist government. However, the Albanian government has made satisfactory progress in opening EU chapters and promised during the 2025 campaign that Albania would become a member of Europe with complete rights by 2030.

What's essential is that Albania's EU integration be viewed as an instrument for improving citizens' lives through committed reforms required by the process. If integration continues to be utilised as a tool of political confrontation rather than as a mechanism serving citizens, the process will remain a political symbol instead of a real instrument for the future of Albanians.

The Democratic Party (PD): Real, Not Merely Formal Integration

The Democratic Party's approach toward the EU integration process in recent years, and especially during the 2025 electoral campaign—based on political speeches, press statements, and its program—was built around criticism concerning corruption, lack of transparency, and delays in meeting European standards. An analysis of its discourse shows that the Democratic Party used the EU integration process as a means of delegitimizing its political opponent and presenting itself as a credible alternative in the public opinion.

EU integration has been a strategic objective of Albanian foreign policy for more than two decades. However, Albania's progress in this direction has been

slow and frequently influenced by domestic political factors. During the 2025 electoral campaign, the Democratic Party (PD) employed the issue of integration as a central theme in building its oppositional rhetoric against the Socialist Party government. In the twelve years that the Democratic Party has spent in opposition, accusations against the government for delaying the integration process have been a significant part of its public discourse. Politically, these criticisms have not always been the result of a well-formulated strategy, but rather a spontaneous discourse aimed at influencing public opinion and legitimizing its political action.

The Democratic Party has consistently described the European integration process as “blocked” due to Socialist Party governance. In many public statements, PD leaders presented integration not merely as a technical process but as a direct reflection of the internal functioning of the state. Criticism of state capture, rampant corruption, and the absence of justice were framed as the main reasons why Albania was being prevented from moving forward in EU integration. PD leader Sali Berisha, in a speech on April 15, 2025, declared: “Albania is no closer to the EU today than it was four years ago. Not because of the EU, but because of a government that protects corruption and closes the doors of transparency.”

By advancing this discourse, the Democratic Party drew a direct connection between the failure of integration and the lack of political will on the part of the government. According to PD, this lack of will is tied to the government’s objective of maintaining power without having its power constrained and controlled by EU monitoring and accountability.

An analysis of PD’s public discourse shows that corruption is the key word most frequently used in its political communication. Corruption is perhaps the greatest focus of its criticism of the government, and PD presents it as the primary obstacle to Albania’s EU accession. This rhetoric is also supported by credible international reports monitoring corruption, which consistently rank Albania as a highly corrupt country. Moreover, the issue is politically strategic, given that corruption is one of the most sensitive issues for Albanian public opinion, as revealed in numerous surveys.

In its official documents and media statements, the Democratic Party argues that Albania’s failure to advance in key negotiation chapters stems from the absence of a genuine fight against high-level corruption. For instance, in its 2025 electoral program it stated: “Albania will never join the EU under a government that controls the judiciary and covers up corruption scandals with propaganda.” Through such declarations, PD positioned itself as the political force that would govern in the service of citizens through “transparent and honest governance.” Nevertheless, this anti-corruption rhetoric has often been used by PD more as a communication tool to influence public opinion and gain consensus than as a credible alternative policy. Political confrontation with the government has frequently centered on corruption and the lack of justice, making these issues a constant and focused battleground.

Another significant critique towards the government concerns the lack of transparency in relations between the latter and the EU. PD has argued that the Socialist Party turned the integration process into a closed, politically driven mechanism. According to PD, the government excluded the opposition and other actors, such as civil society, from this process. The appropriation of integration by the Socialist Party has thus been one of the Democratic Party's key criticisms.

From a discourse analysis perspective, PD has employed phrases such as “captured state,” “oligarchy of integration,” and “fictional cooperation with the EU” to reinforce the idea that the process is merely formal rather than substantive. Expressions like “integration is not a formality but substance” are frequently found in its public discourse. Through such rhetoric, PD seeks to portray the government as the main obstacle to achieving European standards in the functioning of the Albanian state. According to PD, the Socialist Party and its leader deliberately block Albania's integration in order to preserve a closed, clientelist, and corrupt system of power.

PD's approach makes use of integration as an instrument to construct its political legitimacy, turning the EU into a moral authority that judges government failures. This strategy is common in transitional countries, where opposition parties seek credibility by appealing to European norms (Krasniqi, 2021).

Nevertheless, criticisms of the government's failure to meet EU standards often remain rhetorical and are not accompanied by alternative proposals. This approach has prevented the creation of consensus around the real reforms the country needs. The Democratic Party's stance on integration and its criticisms of the government have remained largely a tool of political confrontation, used as a measure to expose government failures rather than as a strategic national policy that should unite the entire political class.

The Democratic Party's approach toward European integration was clearly reflected during the 2025 electoral campaign. PD employed a strongly critical stance, portraying integration as damaged by current governance. By emphasizing corruption, lack of transparency, and delays in fulfilling EU conditions, PD attempted to convince voters that it was the political force capable of ensuring integration as a real, substantive process—not a merely formal one. This became the main message of PD's campaign, stressing the need for fundamental state reforms, as opposed to using integration as a slogan for partisan interests. This position was also politically necessary for PD, given that the integration process was moving forward with the opening of new chapters and that the government was portraying this as a success. By focusing on real reforms, the Democratic Party sought to distinguish itself as the credible alternative.

In conclusion, it should be emphasized that Albanian political forces—including the Democratic Party—have used public and political discourse on integration more as a symbolic tool for electoral consensus rather than as a unifying process

aimed at accelerating it. EU integration, which represents the greatest aspiration of Albanians, has been and continues to be exploited by the political class for partisan confrontation rather than for broad consensus, which is essential for making the process faster and more substantive for the benefit of Albanian citizens and their future. The conflictual and polarizing approach to integration has contributed to Albania's delay in this process, despite 35 years having passed since its initiation.

The Role of the Media in the Perception of Albania's EU Integration

The process of Albania's European integration began with the fall of the communist regime in 1990. Since then, it has continued through important stages that have shaped the country's political life. Key milestones include Albania being granted candidate status in 2014 and the opening of negotiation chapters in 2022. Each of these moments has generated a series of reforms across different areas of social and economic life. In this sense, integration has profoundly influenced Albanian politics, as well as political and media discourse. Approaches to this process have varied, despite the progress made. Political actors and public opinion have often been divided in their evaluation of the process, and the media have played a decisive role in shaping these perceptions.

The complex reforms required to fulfill Albania's commitments to the EU have influenced not only the political process but also generated significant media debates. In this regard, the media have played a decisive role in shaping public opinion on the issue. The way the process is presented in the media, the approaches taken, and the debates generated as a result have directly influenced public attitudes toward both politics and European integration itself.

Traditional media in Albania continue to have a major role in shaping public opinion. Although information today is accessed through multiple channels, Albanian citizens still rely primarily on traditional television media. In Albania, the media exert a strong influence on how citizens perceive political processes, including European integration. The coverage of integration in the Albanian media is, in most cases, not objective, but instead reflects the interests of specific political parties, resulting in different portrayals of developments surrounding this process.

Studies have shown that the media is among the main factors that contribute to the construction of public opinion, shaping the way citizens perceive integration (McCombs & Shaw, 1972). In Albania, traditional media—particularly television and newspapers—have often supported the integration process, highlighting the progress achieved and the opportunities it provides. On the other hand, online media and social networks have reflected a wider spectrum of opinions, including skepticism about the process and voices emphasizing delays in fulfilling EU conditions (Gjoni, 2018).

Media coverage of Albania's EU integration has reflected the political alignments of different outlets. Some have presented an optimistic image, emphasizing Albania's successes and progress toward the EU (Dajti, 2020). Others have used more critical tones, due to their editorial line. Nevertheless, regardless of differing portrayals, nearly all media agree on the benefits that EU integration would bring for Albania, particularly economic aid and development opportunities.

Critical tones reflected in some outlets are mainly linked to delays in reforms, corruption, and the lack of judicial independence. The language used in such cases conveys the pessimism often present in Albanian public opinion regarding EU accession. This pessimism is justified by the lengthy and difficult path Albania has faced toward EU membership. In some cases, these delays have eroded public trust in the process, and this has been echoed in the media through language reflecting skepticism and public frustration. Critical coverage has also been framed as a reaction to international pressures, as well as skepticism from certain societal groups (Bajrami, 2019). Online media have also reflected debates and public opinion about integration. Digital platforms have created a wide space for discussion and the circulation of ideas, but they often lack editorial oversight, creating opportunities for disinformation (Krasniqi & Dajti, 2021).

There is a misalignment between media portrayals and public perceptions of integration. While some media portray Albania's EU accession as a successful and realistic process, many citizens remain skeptical about the country's prospect to meet EU standards—especially in the areas of corruption and judicial reform (UNDP, 2020). Some media outlets have reinforced this skepticism, given their editorial or political affiliations.

Media portrayals of integration often follow editorial lines rather than reflecting objective reality in a way that could clarify the issue for the public. In fact, a large portion of the public remains unclear about the process. Citizens' opinions tend to align with their political loyalties rather than an objective perception of integration. A study conducted by IREX (2018) found that 60% of Albanian citizens felt uncertain and insecure about the potential benefits of EU accession—something that has negatively influenced support for the process.

This uncertainty may affect their behavior towards political actors and even slow down the integration process itself. For the process to succeed, it requires the inclusion of social, political, and economic actors—something that is currently lacking.

In this sense, the media coverage of Albania's EU integration has varied: some outlets have supported the process, while others have criticized delays. The analysis suggests that this issue requires more in-depth and objective coverage, as this would encourage greater public support for integration and help transform citizens into promoters of reform policies aligned with European standards.

Conclusions

The process of European integration has perpetually been used by Albanian politics throughout the transition period for political gain. The political class has employed EU integration as a tool of public and political confrontation, being fully aware that the majority of Albanian citizens are pro-European. Publicly and formally, both the Democratic Party and the Socialist Party declare themselves in favor of integration, but whenever cooperation for this goal has been required, they have failed to materialise it. On the contrary, both parties have maintained polarizing and conflictual positions, thus hindering and prolonging the integration process.

Albanian citizens remain largely pro-European, despite the fact that the process has been long and strenuous. However, in recent years skepticism has grown, with many losing faith that Albania can become a full EU member in the near future. This growing skepticism has undoubtedly been fueled by conflictual politics, but also by the way the media have covered the issue.

Even in the most recent electoral campaign, EU integration was not presented as a consensual project of the political class, but as a matter of political conflict exploited for politically motivated and personal interests. In the last elections, integration was the central promise of the Socialist Party, which pointed to the opening of chapters as evidence of progress. Nevertheless, the Socialist Party has appropriated the integration process which is not being viewed as a process that requires the involvement of all actors and stakeholders. Over the course of the long integration process that began in 1990, both political forces have played roles in its successes and its failures. If EU integration continues to be viewed as either the failure or the achievement of only one political party, polarization on the issue will deepen and the process will be further delayed.

If Albania truly intends to implement reforms that meet European standards, it needs cooperative politics and a new rhetoric based on cross-party consensus, rather than conflict. EU integration cannot be considered the success of a single party, as it is a process that has lasted for 35 years in which all political forces have played a role.

Furthermore, the media in Albania must play their important role in reflecting this process. They should act as promoters of EU integration by providing objective and balanced coverage. The media has a decisive role in shaping public opinion; therefore, it must present EU integration as a national interest, clarifying its benefits for citizens and fostering a spirit of political cooperation—a condition necessary for the success of this process.

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Money Laundering linked to organized crime as a priority in the EU Integration of Albania: The Role of the Albanian Parliament _____

_____ **Genci GJONÇAJ** _____

SECRETARY GENERAL, PARLIAMENT OF ALBANIA

Abstract

This research paper investigates the pivotal role of the Albanian Parliament in addressing money laundering linked to organized crime, positioning it as a critical priority in Albania's European Union (EU) integration process. It aims to examine how parliamentary functions, particularly legislative, oversight and accountability, contribute to meeting the EU accession criteria with regard to the fights against money laundering of criminal activities. The paper employs qualitative research methods, relying on the collection and analysis of official documents from international institutions, academic literature, policy briefs, legal resolutions, and national legislative instruments. Findings suggest that while notable steps have been taken, including the adoption of relevant laws in line with international standards and approximation with the EU acquis in the field of money laundering, it is important to ensure consistent engagement of the Albanian Parliament in advancing the progress towards meeting EU accession criteria. The paper is limited by the availability of analyses exploring the chosen topic and the challenge of elucidating it in a limited number of words. Nonetheless, it offers valuable insight into the strengthened role of the Albanian Parliament to influence and oversight EU accession path.

Keywords: money laundering, organized crime, EU integration, international standards, Parliament, EU acquis

Introduction

Money laundering, *often described as cash being placed in the financial system, or cash being converted into assets* (GOPAC, 2012), emerged in the United States and the United Kingdom in the 1980s and rapidly spread Western countries during the 1990s and subsequently expanded globally (Levi, 2013). As mentioned in the recordings of the US President's Commission on Organized Crime (1984), *"this criminal activity has long been a vital feature of the organized criminal groups' activities"*. Similarly, Rose-Ackerman and Palifka (2016) argue that the phenomenon of money laundering is closely linked *inter alia* to organized crime, with the one leading to the other being thus in a vicious circle. Overall, money laundering is one of the sophisticated methods resorted by organized crime to conceal the source of their ill-gotten wealth (Transparency International EU). It relies on mechanisms "shell companies, shell entities, channelling money into valuable properties, or transferring assets to offshore or low-tax jurisdictions (Transparency International EU). These practices not only pose serious threats to the financial system and the economic stability, but also undermine rule of law. While the precise extent of money laundering is difficult to measure, it is generally recognized as a major global issue. The United Nations Office on Drugs and Crime (UNODC) estimates that each year, approximately 2% to 5% of the world's GDP is involved in money laundering (Europol).

Money laundering is an evolving challenge worldwide. Setting international standards and fostering global cooperation to address money laundering became evident because of its transnational nature, criminal organizations' influence and the evolving money laundering techniques (Mcdowell, J., Novis, G., 2001; Pavlidis, G., 2023). Apart from the international legal instruments approved by international organizations, the Financial Action Task Force (FATF) holds the position of the primary global body to design anti-money laundering standards (Cassani, U., Villard, K.A., in Pavlidis, G., 2023), which are recognized by more than 200 jurisdictions (FATF Recommendations, 2025). Criticism on the ineffectiveness of the modern framework on AML exist (Pol, R., 2020). Relying on other literature debates (Halliday et al., 2014; Levi et al., 2018), Pol (2020) questions whether the FATF model "forces" governments to take a "tick on the box" approach to regulatory compliance or whether it contributes to properly measuring the outcomes of such regulatory compliance. The work of the FATF may have unintended negative impact due to AML measures themselves of failure of implementation (Pavlidis, G., 2023). Nevertheless, the FATF standards have demonstrated significant value as a complementary framework within the broader architecture of anti-money laundering regimes.

International community and states have approved comprehensive legal framework to fight money laundering and are continually adapting legislation that responds to the evolving practices exploited by criminal exponents. In this view, the first attempts to design the money laundering as a criminal offence on an international level appeared in 1988, with the approval of the United Nations (UN) Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance (Vienna Convention). However, it extended only to drug trafficking. In 1990, the Council of Europe (CoE) adopted the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime which criminalized money laundering as an autonomous offence. This time nonetheless, money laundering extended not only to drug trafficking, but to all serious crimes and criminal groups involved in organized crime (Vervaele, 2013). Since then, several international treaties and European Union (EU) legislation have addressed money laundering as a predicate offense.

Addressing money laundering on national level requires a multi-dimensional approach, involving several institutions. As stated in the *“Anti-Money Laundering Action Guide for Parliamentarians”* (2012), a successful and robust AML regime requires the political commitment of a Parliament and a national government to adopt appropriate legislation; grant suitable powers; provide necessary resources to the responsible agencies and prosecute cases and deliver convictions (GOPAC, 2012). The World Bank Group stands on a similar position, identifying three primary objectives of a AML legal framework in a given jurisdiction.

The first pertains to deterring money launders using the financial system of a country; the second is to detect and report such illicit activities and the third objective calls for the prosecution and punishment of the authors. (World Bank Group, 2022). Prevention and the fight against money laundering poses significant importance as it mitigates the risks of misusing the financial system by criminals. However, it is particularly critical to identify the source of money laundering threats to which a specific country is exposed to in order to implement an effective anti-money laundering legal (as well as institutional) framework (World Bank Group, 2022).

Money laundering remains a critical challenge in Albania, particularly due to its connection with organized criminal networks. As outlined by the Special Structure against Corruption and Organized Crime ([SPAK], 2024), money laundering is one of the key criminal activities of organized crime, especially of those operating in the area of narcotics and part of international criminal networks operating in Albania, Italy, Germany, Spain, Belgium and Great Britain. These criminal organizations, mostly involved in drug trafficking (SPAK, 2024), rely on money laundering to legitimize their illicit profits and integrate them into the legal economy. Criminal organizations use various schemes to launder their illicit money. SPAK (2024) identifies the following schemes exploited by organized crime to laundering money:

Firstly, illicit funds are “placed” into the economic system, by using cash or payments via cryptocurrencies – techniques exploited to avoid financial authorities’ controls. Illicit funds are then funnelled into circulation through seemingly legitimate transactions carried out by private companies, either already established or created in cooperation with criminal groups to conceal the underlying criminal activity.

Secondly, the process continues with the “layering” of illicit funds. Criminal groups conduct numerous bank transactions between corporate and personal accounts, making it increasingly difficult to trace the origin of the money. Moreover, shell companies created to mask the criminal activity often issue fictitious invoices to legitimize transactions that, in reality, never take place.

The third stage involves the so-called “integration” of illicit funds, typically carried out through investments in real estate. These properties are often subjected to repeated purchases, resales, or loan agreements, creating a chain of fictitious transactions that serve to legitimize the illicit proceeds. Illicit funds are also invested in high-value assets such as vehicles, jewellery, cryptocurrencies, and other forms of movable property.

Money laundering is considered to having a steady growth in Albania, showing also an increase of organized crime activity. (SPAK, 2024) Statistics indicate a significant rise in proceedings related to money laundering of criminal acts or activities. In 2024, the number of registered cases for this offense at SPAK increased by 34% compared to 2023, and has tripled in comparison to 2022.

TABLE 1: Statistics on the registered proceedings for money laundering 2021 - 2024

Article 287 of the Criminal Code	Year			
	2021	2022	2023	2024
Registered proceedings for the “Laundering the proceeds of a criminal offence or of criminal activity”	15	20	35	47

Source: SPAK, 2024

Albania has nonetheless made significant progress in addressing money laundering linked to criminal activity, including organized crime (MONEYVAL reports, Progress Reports 2023 – 2024, Screening Report 2024). In the context of Albania’s EU accession process, the Albanian Parliament holds primary responsibility for adopting and aligning national laws with EU anti-money laundering directives and international standards, including those set by the Financial FATF. With the adoption of law no. 15/2025 “On the role of the Parliament in the integration process of Albania to the European Union”, the Parliament is more than ever vested with broader powers to influence, oversight and monitor the process of EU integration of Albania (Gjeta, A., Krasniqi, A.,

2022). By prioritizing anti-money laundering reforms, the Albanian Parliament not only strengthens the country's internal security and rule of law but also fulfills a core requirement of the EU membership process. Its proactive engagement signals Albania's commitment to meeting EU standards, building public trust, and reducing the risks posed by criminal infiltration into economic and political structures.

Methodology

This research paper adopts a qualitative and descriptive methodology to explore the role of the Parliament of Albania in the fight against money laundering linked to organized crime within the broader context of the EU integration process. The methodology is based on a review of legal analysis, combining both international and national frameworks, and guided by a thematic approach focusing on legislative alignment, institutional oversight, and compliance with EU accession benchmarks.

The paper focuses on the definition of money laundering according to international instruments, the legislative role of the Albanian Parliament in aligning the national legal framework with EU *acquis* and international standards, particularly those of the FATF and Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism's (MONEYVAL), as well as the response of the Albanian Parliament to findings and recommendations from EU Progress Reports, Screening Reports, and Common Position documents.

The methodology relies on primary sources, including adopted legislation, EU official documents, MONEYVAL reports, and parliamentary records; secondary literature, such as academic commentary, policy papers and explanatory reports accompanying draft laws, as well as institutional reports, including yearly reports, the National Plan for European Integration 2024–2026 and the Rule of Law Roadmap.

The paper is based solely on document analysis and does not include interviews or empirical field research. Its findings are limited to institutional roles and legal developments, and do not encompass a broader evaluation of implementation outcomes or operational effectiveness of AML mechanisms in practice.

The international definition of money laundering

Money laundering is broadly defined by international organizations such as the UN, the CoE and the EU, as the process of concealing the illicit origin of proceeds generated through criminal activity. It typically involves placing, layering, and

integrating illegally obtained funds into the legitimate financial system to make them appear lawful. While the exact formulations may differ, these organizations converge on the idea that money laundering facilitates the use and enjoyment of illicit profits by disguising their true source.

United Nations

The first efforts to provide a definition of money laundering on an international dimension appeared in the article 3.1 (b) of the 1988 UN Vienna Convention as *“the conversion or transfer of property, knowing that such property is derived from any offence [...], for the purpose of concealing or disguising the illicit origin of the property or of assisting any person who is involved in the commission of such an offence or offences to evade the legal consequences of his actions”*. Money laundering was criminalized for the very first time as a criminal offence in a mandatory international treaty.

In addition, the UN Convention against Transnational Organized Crime of 2000 (UN Palermo Convention), which entered into force in 2003, follows a similar approach describing money laundering as: *“i) the conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her action; ii) the concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of crime; iii) the acquisition, possession or use of property, knowing, at the time of receipt, that such property is the proceeds of crime; iii) participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the offences established in accordance with this article”*. The UN Palermo Convention contains also several provisions addressing the fight against money laundering and confiscation of proceed of crime (article 7, 12 and 14).

Furthermore, in 2003, the UN approved the Convention against Corruption (UNCAC) to complement the UN Palermo Convention. In view of the UNCAC legal regime to prevent and criminalize prevalent corruptive practices, money laundering was also introduced as a criminal offence. A similar definition to subparagraph (i) and (ii) mentioned above of the UN Palermo Convention was provided in article 23 of the UNCAC. Articles 14, 24 contain legal measures to combating money laundering, complemented by article 312 and Chapter V which contain provisions regarding the confiscation of proceeds of crime.

Council of Europe

The CoE has played a critical and long-standing role in the fight against money laundering, recognizing it as a key mechanism through which organized criminal groups consolidate and expand their operations. As the oldest Pan-European organization committed to upholding human rights, the rule of law, and democratic governance, the CoE has developed comprehensive legal instruments and monitoring mechanisms aimed at disrupting the financial structures that sustain organized crime. Through its conventions, expert bodies, and technical assistance programs, the Council has significantly contributed to shaping robust anti-money laundering frameworks across its member states, promoting international cooperation and legal harmonization in addressing one of the most pressing threats to European and global security.

In 1990, the CoE approved the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime which was updated in 2005 with the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (Warsaw Convention). Article 9 provides for a definition of money laundering, following the definitions outlined in the previous international instruments of the UN, CoE and EU. Accordingly, the following acts constitute a laundering offence when committed intentionally: “(a) the conversion or transfer of property, knowing that such property is proceeds, for the purpose of concealing or disguising the illicit origin of the property or of assisting any person who is involved in the commission of the predicate offence to evade the legal consequences of his actions; (b) the concealment or disguise of the true nature, source, location, disposition, movement, rights with respect to, or ownership of, property, knowing that such property is proceeds; and, subject to its constitutional principles and the basic concepts of its legal system; (c) the acquisition, possession or use of property, knowing, at the time of receipt, that such property was proceeds; (d) participation in, association or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the offences established in accordance with this article”.

European Union

Over 30 years, the EU has constantly revised and strengthened its legislative framework in response to the evolving threats posed by money laundering and the financing of terrorism. These ongoing revisions aim to adapt the legal and regulatory systems to emerging risks, new criminal typologies, and technological developments that criminals increasingly exploit.

The first efforts to preventing and combating money laundering in the EU level appeared in 1991, with the adoption of the Council of the European Communities of 10 June 1991 on the prevention of the use of the financial system for the purpose of money laundering – no longer in force. Money laundering was defined as the following conduct when committed intentionally: *“the conversion or transfer of property, knowing that such property is derived from criminal activity or from an act of participation in such activity, for the purpose of concealing or disguising the illicit origin of the property or of assisting any person who is involved in the commission of such activity to evade the legal consequences of his action; the concealment or disguise of the true nature, source, location, disposition, movement, rights with respect to, or ownership of property, knowing that such property is derived from criminal activity or from an act of participation in such activity; the acquisition, possession or use of property, knowing, at the time of receipt, that such property was derived from criminal activity or from an act of participation in such activity; participation in, association to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the actions mentioned in the foregoing paragraphs”*.

However, the scope of the 1991 Directive was quite narrow as it applied only to financial institutions and focused on money laundering (laundering of proceeds) from drug trafficking. Since then, the EU has developed major reform in the area of AML (in 2001, 2005, 2015/2018).

Currently, Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC, (the 4th AML Directive), as amended by Directive 2018/843 (the 5th AML Directive), constitutes the keystone at the EU level to preventing the use of EU financial system for money laundering purposes. According to article 1 (3), the definition of money laundering is set as follows: *“(a) the conversion or transfer of property, knowing that such property is derived from criminal activity or from an act of participation in such activity, for the purpose of concealing or disguising the illicit origin of the property or of assisting any person who is involved in the commission of such an activity to evade the legal consequences of that person’s action; (b) the concealment or disguise of the true nature, source, location, disposition, movement, rights with respect to, or ownership of, property, knowing that such property is derived from criminal activity or from an act of participation in such an activity; (c) the acquisition, possession or use of property, knowing, at the time of receipt, that such property was derived from criminal activity or from an act of participation in such an activity; (d) participation in, association to commit, attempts to commit and aiding, abetting, facilitating and counselling the*

commission of any of the actions referred to in points (a), (b) and (c)”. In order for the above mentioned acts to fall within the money laundering concept, the author of the criminal offence should have knowledge, intent or purpose to carry out the activities (commit the actions intentionally).

The 4th AML Directive was designed to reinforce the EU’s system for combating money laundering and terrorist financing, and reflects the FATF anti-money laundering standards. It aimed at (i) a stronger focus on identifying ultimate beneficial owners and customer due diligence; (ii) broader classification of politically exposed persons (PEPs), covering domestic officials as well; (iii) lower threshold for cash transactions set at €10,000; (iv) inclusion of all types of gambling services, not just casinos; (v) A more robust risk-based approach requiring evidence-based measures. The 5th AML Directive introduced significant amendments to: (i) Increase transparency by creating national registers that are open to the public and show who truly owns companies, trusts, and similar legal entities; (ii) strengthen the role of EU Financial Intelligence Units (FIUs) by giving them wider access to information needed to perform their investigations effectively; (iii) reduce anonymity in cryptocurrency transactions and lower the limit for prepaid cards to €150 (with a stricter €50 limit for online use); (iv) expand the criteria used to identify high-risk third countries and introduce stronger checks on financial transactions involving these countries; (v) establish central systems in each Member State to access and track bank account information; (vi) enhance cooperation and information-sharing among anti-money laundering authorities, prudential supervisors, and the European Central Bank to ensure better oversight and enforcement (LSEG Risk Intelligence).

As stated in the EC’s *“Impact assessment accompanying the anti-money laundering package”* of 2021, several high-profile money laundering scandals have emerged in the EU, exposing billions of euros laundered through financial institutions and involvement of professionals such as auditors, tax advisors and trust and company service providers. These alleged cases revealed structural shortcomings in the EU’s existing AML legal system, with evidence pointing to fragmented and inconsistent implementation of AML rules across Member States. A 2019 Commission report *“Towards better implementation of the EU’s anti-money laundering and countering the financing of terrorism framework”* confirmed that these issues could not be resolved by the revised AML Directive. Both the European Parliament and the Council recognized the need for stronger EU-level action. In response, in 2020, the European Commission (EC) adopted an *“Action Plan for a comprehensive Union policy on preventing money laundering and terrorism financing”*, to strengthen shortcomings and divergences in the existing regulatory framework. Particularly, the Action Plan outlined six key priorities as well as measures required to be undertaken by the EC to enforce the EU’s preventive rules on combating money laundering:

- (1) ensuring the effective implementation of the existing EU AML/CFT framework,
- (2) establishing an EU single rule book on AML/CFT,
- (3) bringing about EU level AML/CFT supervision,
- (4) establishing a support and cooperation mechanism for FIUs,
- (5) enforcing Union-level criminal law provisions and information exchange,
- (6) strengthening the international dimension of the EU AML/CFT framework.

Following the adoption of the Action Plan, in 2021 the EC adopted an AML legislative package consisting of four proposals¹, including (EU Commission, 2021):

- (1) the creation of a new EU AML Authority to strengthen the AML supervision within the Union. Considering the reliance on the national implementation of AML rules, weaknesses pertaining to the efficient and effective functioning of the EU AML framework were disclosed. Therefore, it was necessary to establish a single EU authority for anti-money laundering and countering terrorism financing which would be responsible for the implementation of harmonized AML/CFT measures across the EU, would strengthen the existing AML/CFT framework, especially AML/CFT supervision and coordination among FIUs. Consequently, Regulation (EU) 2024/1620 of the European Parliament and of the Council of 31 May 2024 establishing the Authority for Anti-Money Laundering and Countering the Financing of Terrorism and amending Regulations (EU) 1093/2010, (EU) 1094/2010 and (EU) 1095/2010 was approved.
- (2) a new regulation on AML/CFT containing directly applicable rules, including in the area of customer due diligence and beneficial ownership. The regulation includes also a limit of 10.000 Euro to large cash payments. The new EU Regulation 2024/1624 was adopted on 31 May 2024. However, it will apply from 10 July 2027, except for article 3 (3) (n) and (o) which will apply from 10 July 2029.
- (3) a new (6th) AML/CFT Directive, which will replace the existing 4th AML Directive, as amended by the 5th AML Directive. The new Directive aims at further strengthening the preventive AML/CFT framework, reflecting on the issues identified from the application of the 4th AML Directive, as amended with 5th Directive. (EU Commission, 2021). The 6th AML Directive (EU) 2024/1640 was also adopted on 31 May 2024. The 4th AML

¹ Read also European Commission. (2021). Impact assessment accompanying the Anti-money laundering package SWD (2021) 190 final. Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52021SC0190>

Directive, as amended with 5th AML Directive will be repealed with effect from 10 July 2027.

- (4) revision of 2015/847/EU of the European Parliament and of the Council of 20 May 2015 on information accompanying transfers of funds and repealing Regulation (EC) No 1781/2006”. This Regulation was repealed in 2023 by Regulation (EU) 2023/1113 of the European Parliament and of the Council of 31 May 2023 on information accompanying transfers of funds and certain crypto-assets and amending Directive (EU) 2015/849.

Prior to the approval of the new Regulation, only certain categories of crypto-asset services were covered by the AML/CFT rules. Accordingly, the new Regulation extends the scope of application to the entire crypto sector, obliging all service providers to conduct customer due diligence. Thus, new rules ensure traceability of virtual assets transfers, prevention and detection of their potential use for money laundering.

Additionally, the EU has adopted Directive (EU) 2018/1673 on combating money laundering by criminal law, which contributes to strengthening the EU’s legal framework by ensuring that serious money laundering offenses are uniformly criminalized across all Member States. The directive translates FATF recommendations and the Warsaw Convention into binding EU law. The following conducts falls within the definition of money laundering according to the EU Directive 2018/1673: *“(a) the conversion or transfer of property, knowing that such property is derived from criminal activity, for the purpose of concealing or disguising the illicit origin of the property or of assisting any person who is involved in the commission of such an activity to evade the legal consequences of that person’s action; (b) the concealment or disguise of the true nature, source, location, disposition, movement, rights with respect to, or ownership of, property, knowing that such property is derived from criminal activity; (c) the acquisition, possession or use of property, knowing at the time of receipt, that such property was derived from criminal activity”*. According to article 3, money laundering shall be considered an offence, if committed intentionally or where the offender suspected or was supposed to have knowledge on the criminal origin of the property.

The national legal framework addressing money laundering linked to criminal activity

The Albanian legislation reflects both domestic priorities and international obligations, incorporating standards set by the FATF, the EU, and the CoE. Albania has acceded to important international instruments (which are integrated into the national legal system) in the area of money laundering, including:

- (1) The UN Vienna Convention, which was ratified by the Republic of Albania with law no. 8722, dated 26.12.2000 “On accession of the Republic of Albania to the Convention of the United Nations against Illicit Traffic in Narcotic Drugs and Psychotropic Substances”.
- (2) The Palermo Convention, which constitutes the core international instrument to combating transnational organized crime, was ratified by the Republic of Albania with law no. 8920, dated 11.7.2002 “On the ratification of the United Nations Convention against transnational organized crime” and two additional protocols”.
- (3) The Warsaw Convention was ratified by the Republic of Albania with law no. 9646, dated 27.11.2006, “On the ratification of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism”.
- (4) The UNCAC was ratified by the Republic of Albania with law no. 9492, dated 13.3.2006 “On the ratification of the United Nation Convention against Corruption”.

Over the years, Albania has developed a dual legal framework to combat money laundering: a criminal legal framework, which provides for the prosecution and punishment of offenders under the Criminal Code, and a preventive (administrative) legal framework, which imposes obligations on financial institutions and designated non-financial businesses and professions to detect and report suspicious activity.

Money laundering has been criminalized since 1995 under the section “Criminal offences against order and public security” of the Criminal Code and since then, the provision has been amended several times (in 2003, 2004, 2007, 2012, 2013). Article 287 (1) of the Criminal Code provides a broad and detailed definition of money laundering, covering actions such as concealment, *acquisition*, possession, use, conversion, transfer, and structuring to avoid reporting. More precisely, article 287 (1) defines money laundering originating from a criminal offence or activity as follows: “a) *the conversion or transfer of property, with the intent to conceal or disguise the unlawful origin of such property, knowing that it is the product of a criminal offense or criminal activity*; b) *the concealment or disguise of the true nature, source, location, disposition, movement, ownership, or rights related to the property, knowing that it is the product of a criminal offense or criminal activity*; c) *the acquisition, possession, or use of the property, knowing at the moment of receipt that it is the product of a criminal offense or criminal activity*; ç) *the carrying out of financial operations or fragmented transactions to avoid reporting, in accordance with the legislation on the prevention of money laundering*; d) *the investment in economic or financial activities of money or items, knowing that they are the proceeds of a criminal offense or criminal activity*; dh) *advising,*

assisting, encouraging, or publicly calling for the commission of any of the acts listed above; is punishable by imprisonment from five to ten years”.² The definition of money laundering evidently reflects upon and complies with the international instruments.

In addition, the Criminal Code criminalizes two other offences involving the “opening of anonymous accounts” (article 287/a) and “the appropriation of money or goods derived from criminal offenses or activity” (article 287/b), which serve the criminal activity of money laundering. Article 36 of the Criminal Code provides for a complementary measure, which covers the confiscation of means of committing a criminal offence and of criminal proceeds. Accordingly, the court is required to mandate the confiscation of: objects that were used or intended to be used in carrying out the criminal act; any benefits or assets gained from the offense, including all forms of property and related documentation that prove ownership or interest, whether obtained directly or indirectly through the crime; any compensation or promises made in exchange for committing the offense; other property that holds the same value as the criminal proceeds; items whose creation, use, possession, or distribution constitutes a criminal offense, regardless of whether a conviction has been issued³.

If the proceeds of the criminal offense have been partially or fully transformed into other properties, the latter shall be subject to confiscation. If proceeds of criminal offence shall be merged with legitimate properties, the latter shall be confiscated up to the value of the proceeds of the criminal offence. Confiscation also applies to income or other benefits from the products of the criminal offense, from the properties into which the products of the criminal offense have been transformed or converted, or from the properties with which these products have

² Also: “*If the offense is committed in the course of a professional activity, in collaboration, or more than once, it is punishable by imprisonment from seven to fifteen years. If the offense causes serious consequences, it is punishable by no less than fifteen years of imprisonment. The provisions of this article shall apply even if: a) the criminal offense, from which the proceeds were derived, was committed by a person who cannot be prosecuted or convicted; b) the prosecution for the predicate offense has been statute-barred or amnestied; c) the person who commits the laundering is the same person who committed the predicate offense; ç) no criminal proceedings have ever been initiated, or no final criminal conviction has been issued, for the predicate offense; d) the predicate offense was committed by a person, regardless of their nationality, outside the territory of the Republic of Albania, and is punishable both in the foreign country and in Albania*”.

³ Article 36 of the Criminal Code reads as follows: “the court shall order the confiscation of : “a) *Items that have been used or designated as tools for committing the criminal offense; b) The products of the criminal offense, including any type of property, as well as the documents or legal instruments that prove titles or other interests in the property that directly or indirectly result from or are acquired through the commission of the criminal offense; c) Rewards, given or promised, for the commission of the criminal offense; ç) Any other property, the value of which corresponds to that of the products of the criminal offense; d) Items, the production, use, possession, or transfer of which constitute a criminal offense, even when no conviction has been rendered*”.

been merged, to the same extent and in the same manner as the products of the criminal offense (Article 36, Criminal Code).

However, the fight against money laundering cannot rely solely on the criminalization of the offence. An effective and sustainable response requires a comprehensive, holistic approach that incorporates a robust preventive legal framework. This includes the establishment of clear reporting obligations for financial institutions, effective supervision and enforcement mechanisms, transparency of beneficial ownership, and coordinated efforts between public institutions and private sector actors. Following the recommendations of international organizations, the Parliament of Albania has adopted a broad legislation aiming at preventing money laundering. The primary legislation to prevent money laundering, also in the context of organized crime, includes: law no. 9917, dated 19.05.2008 “On the prevention of money laundering and financing of terrorism”, as amended⁴ (law no. 9917/2008) and law no 10192, dated 3.12.2009 “*On the prevention and fight against organized crime and trafficking through preventive measures against property*”, as amended (commonly known as the “Anti-mafia law”). Additional laws of utmost importance for the fight against illicit financial circulations include: law no. 157, dated 10.10.2013 “*On measures against terrorism financing*”, as amended; law no. 34/2019 “*On the administration of seized and confiscated assets*”, as amended; law no. 72/2019 “*On international austerity measures in the Republic of Albania*”, law no. 112/2020 “*On the register of beneficial owners*”, as amended; law no. 154/2020 “*On the central register of bank accounts*”, law no. 9662, dated 18.12.2006, “On Banks in the Republic of Albania”, as amended; law no. 9572, dated 3.7.2006, “On the Financial Supervisory Authority”, as amended; law no. 66/2020, “On financial markets based on distributed ledger technology”, etc.

Law no 9917/2008 focuses on two aspects. First, the preventive one, through setting requirements for reporting entities to identify the customer. Therefore, reporting entities such as banks, notaries, lawyers, real estate agencies, casinos and other entities (article 3), are required to identify and verify their customers especially in transactions considered of high risk (article 4, 4/1, 4/2). Also, reporting entities are required to report suspicious transaction to the Financial Intelligence Agency (article 12). Additional checks are required for politically exposed persons (PEPs), non-residents or complex legal structures (article 7 - 8). Law no 9917/2008 has also a punitive aspect as it requires the application of administrative sanctions (provided that no criminal offence occurs) for non-compliance of reporting entities with the law’s requirements (article 27).

⁴ The law was amended for the first time after its approval in 2011 to address the recommendations in framework of the 3rd horizontal review of MONEYVAL’s evaluation rounds. The full report can be found in the link: <https://rm.coe.int/horizontal-review-of-MONEYVAL-s-third-round-of-mutual-evaluation-repor/168071511d>.

The Anti-mafia law aims to prevent and target assets derived from criminal activity, without necessarily requiring a criminal conviction. It allows for the seizure or confiscation of assets belonging to individuals suspected of involvement in organized crime, drug trafficking, corruption, etc., even without a final criminal conviction (articles 1-2, 5). These measures are applied through a civil proceeding at the request of prosecutors of general jurisdiction or SPAK (article 11, 21). The decision on the request is delivered by either the district courts or the Court against Corruption and Organized Crime, based on the criminal offence committed and the subject matter competence as set out in article 75/a of the Criminal Procedure Code (article 7). If assets do not correspond to legitimate incomes and there is suspicion that they originate from criminal activities, they can be confiscated (article 11). The Anti-mafia law applies not only to individuals under investigation or convicted, but also to persons closely connected to them, such as family members or collaborators (article 3 (2)).

In particular, SPAK has prioritized the fight against the laundering of criminal proceeds by combining criminal investigations with parallel financial investigations. The strategy to target the proceeds of crime is based on three main pillars: Confiscation of criminal proceeds, Confiscation of equivalent value, and Preventive seizure and confiscation measures under the Anti-mafia law. This approach has yielded significant results as in 2024, the total amount of seized and confiscated assets is estimated at €65.5 million, of which €28.7 million (43.8%) represent seized assets, and €36.7 million (56.2%) represent confiscated assets (SPAK, 2024). These values represent a significant increase at around 59.7% of the total amount of seized and confiscated assets compared to 2023 (approx. €41 million in 2023).

The government of Albania has, on the other side, undertaken a high level political engagement not only to align with the FATF/MONEYVAL standards, but enforce the efficiency of the preventive system of money laundering. In this view, in 2023, the Committee for the Coordination of the Fight Against Money Laundering⁵ agreed on drafting the National Strategy on the Prevention of Money Laundering and Terrorism Financing 2024 – 2030 (NSPMLTF 2024 – 2030) and its Action Plan 2024 - 2027, which takes into consideration recommendations of international organizations and the needs of institutions and other involved entities. It also considers its alignment with other strategic documents adopted by the Government (such as the National Strategy for Development and European Integration 2020 – 2030; National Strategy against Organized Crime and Serious Crimes 2023 – 2025; Document of Priority Policies 2024 – 2026; etc). The National Strategy 2024 – 2030 addresses strategic objectives aiming at strengthening the efforts of national authorities to prevent money laundering and at modernizing

⁵ The Committee for the Coordination of the Fight Against Money Laundering operates as a policy-making mechanism on issues of preventing money laundering and terrorist financing.

the mechanisms to fight money laundering (NSPMLTF 2024 - 2030). These objectives include: improvement of regulatory framework and strengthening of inter-institutional coordination; improvement of preventive system's effectiveness; improvement of operational efficiency of law enforcement entities and other agencies in the fight against money laundering; use of technological innovations to reduce risks. (NSPMLTF 2024 – 2030). It must be noted that the EU Commission welcomed the drafting of the Nation Strategy for the prevention of money laundering 2024 – 2030, while it urges to start its implementation by 2025 (Progress Report, 2024).

The Role of the Albanian Parliament in meeting the EU criteria in the field of money laundering

The Parliament of Albania, as the highest representative and legislative power, plays a crucial role in the EU integration process, guaranteeing the democratic legitimacy and the legal and political oversight of the process. Although the EU accession process is primarily a responsibility of the government (EU Policy Hub, 2019), the Parliament is vested with the power to monitor the Government and other national institutions, oversight the implementation of reforms aimed at meeting the accession criteria and lastly, it will ratify the accession treaty of Albania to the EU. The role of the Albanian Parliament in the integration process was strengthened with the adoption of law no. 15/2025 “On the role of the Parliament in the integration process of Albania to the European Union”, as amended. The National Council of European Integration (NCEI), which operates within the Parliament, was established for the very first time (article 5 of the law). NCEI brings together all political fractions, public institutions and civil society to monitor the EU integration process (article 7 of the law). The law further enforces the oversighting role of the permanently parliamentary Committee on EU matters, which is responsible for all EU matters, approximation of national legislation with the EU *acquis*, monitoring the implementation of negotiations criteria and other obligations as part of negotiation framework and SAA, analysing and providing recommendations on the negotiating positions of Albania (article 10 of the law). The competences and responsibilities of the Parliament's internal structures regarding the EU integration process are detailed in article 11 of the law. All in all, it is responsible to monitor and check the Government and other responsible institutions regarding the implementation of obligations in respect of EU accession process, approximation of the national legislation with the EU *acquis*; analyses reports/positions of the EU and Albania and provides recommendations accordingly, etc. In this framework, the Internal Rules of the Albanian Parliament provide comprehensive details regarding the parliamentary oversight of the EU integration process (Chapter IV).

Albania's membership aspirations with the EU have placed a significant emphasis on reforming its legal, political, and economic landscape to meet EU criteria. The fight against money laundering is an essential part of this process, as the EU requires candidate countries to demonstrate that they are combating organized crime, corruption, and financial crimes effectively. The Albanian Parliament plays a crucial role in the fight against money laundering, particularly in the context of organized crime, as part of the country's broader efforts to align with EU standards under the integration process. The obligation to align the national legislation with the EU legislation and standards stems from article 70 of the Stabilization and Association Agreement (SAA) signed in 2006 between Albania and the EU (entered into force in 2009), according to which Albania shall gradually approximate the national legislation with the EU *acquis*. Cooperation between Parties of the SAA is also required in order to prevent the exploitation of financial systems for money laundering purposes by criminal activities (Article 82 of the SAA). This is particularly essential as the EU's commitment to a unified internal market includes addressing financial crimes that could undermine the integrity of the financial system. Albania's implementation of EU anti-money laundering regulations is therefore critical to avoid financial instability that could arise from illicit financial activities.

Over the years, the Parliament of Albania has continually approved anti-money laundering legislation in line with the EU and international standards, including FATF/MONEYVAL⁶ recommendations. In the first evaluation round of MONEYVAL, it was noted the involvement of organized crime in money laundering and the lack of a comprehensive regime to tackle *inter alia* money laundering, despite the early efforts⁷ (MONEYVAL, 2000). Based on the recommendations of MONEYVAL, the Albanian Parliament approved law no. 8610, dated 17.05.2000 "On the prevention of money laundering" (fiu.gov.al), which was considered by MONEYVAL "a necessary first step towards an anti-money laundering regime" (MONEYVAL 2000). However, a new law no. 9917, dated 19 May 2008 was approved (currently into force), following the recommendations of MONEYVAL to increase consistency with the FATF recommendations (MONEYVAL, 2006). Since then, several amendments were approved to further comply with reformed legal and institutional architecture (2016 Justice Reform) and MONEYVAL recommendations⁸. In particular, the Parliament approved the amending law no. 120/2021 "On some amendments and additions to law no. 9917, dated 19.5.2008" to fully approximate the 2008 law with EU

⁶ The FATF/MONEYVAL recommendations have a direct and significant impact on Albania's EU integration process as they form the basis for EU standards in this area. In addition, the alignment with these recommendations is closely monitored by the EU during the accession process.

⁷ The Parliament approved the banking law of 1998 which provided general requirements for banks including the lifting of confidentiality provided that there was a suspicion transaction.

⁸ MONEYVAL reports to Albania can be accessed at the following link: <https://www.coe.int/en/web/MONEYVAL/jurisdictions/albania>

Directive 2015/849 of May 2015. Furthermore, law no. 112/2020, “On beneficiary ownership”, was approved by the Albanian Parliament, with the aim to implement the recommendation of MONEYVAL, calling for the creation of a register for the identification of the ultimate owner of companies or non-profit organization (MONEYVAL, 2018). The law is also partially aligned with the EU Directive 2015/849 of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing. In the 4th enhanced follow-up report, released in 2023, MONEYVAL concluded that Albania has made progress to address anti-money laundering technical compliance deficiencies (MONEYVAL, 2023). The EU recognizes that Albania continually improves the anti-money laundering regime in line with MONEYVAL recommendations (Progress Reports 2023 - 2024, Screening Report, 2023). The continued progress of the country in the area of AML has also been noted by the United States Department of State in the “International Narcotics Control Strategy Report” (2025) stating that “*Albania continues to make progress in improving its antimoney laundering/combating the financing of terrorism (AML/CFT) regime. [...] Ongoing judicial reforms have improved Albania’s AML/CFT regime*”.

With the opening of accession negotiations on Cluster 1 – Fundamentals⁹ in October 2024 and Cluster 2 – Internal Market, Albania has moved forward to fully align with the EU’s policies in the area of justice, freedom and security. Notably, the process involves comprehensive reforms across different domains and it significantly influences the progress of the accession process as a whole. (European Commission, 2023). After the opening of negotiations on both clusters, several interim benchmarks were set out for Chapter 24 (Cluster 1) and Chapter 4 (Cluster 2), which cover organized crime and money laundering. Accordingly, as outlined in the EU Common Position on Cluster 1 (2024), the interim benchmark will be met once Albania has:

- (1) *“further aligned with the EU acquis on the fight against organized crime, including on the criminalization of money laundering, as well as asset recovery and confiscation;*
- (2) *made tangible progress towards a solid track record of investigations, prosecutions, and final convictions in all fields of serious and organized crime, money laundering and terrorist financing;*
- (3) *demonstrated a credible and consistent practice of launching parallel financial investigations when dealing with organized crime and money laundering;*

⁹ Cluster 1 – Fundamentals includes the following areas and negotiating chapters: Functioning of democratic institutions, Public administration reform, Chapter 23 (<https://www.coe.int/en/web/MONEYVAL/jurisdictions/albania> Judiciary and fundamental rights), Chapter 24 (Justice, Freedom and Security), Economic criteria, Chapter 5 (Public procurement), Chapter 18 (Statistics) and Chapter 32 (Financial control). Money laundering is covered by Chapter 24 (under the organized crime specific area).

- (4) *made tangible progress towards a solid track record in seizure and final confiscation of assets, with a fully operational asset recovery office responsible for identifying and tracing criminal assets, as foreseen by national legislation; [...].*

While, according to the EU Common Position on Cluster 2 (2025), the interim benchmark will be met once Albania has:

- (5) *“aligned with the EU acquis in the area of prevention of money laundering and terrorist financing (notably Anti Money Laundering Directive, Anti Money Laundering Regulation and Transfer of Funds Regulation, as amended). [...] Albania demonstrates that it will be ready to fully implement the acquis from the day of accession.”*

The EU acknowledges that Albania has developed a legal and institutional framework aimed at addressing organized crime. Nonetheless, it highlights the need for further legislative amendments to ensure full compliance with the EU *acquis*, particularly in the areas of criminalizing money laundering and enhancing mechanisms for asset recovery and confiscation. (EU Common Position, 2024). The Progress Report of 2024 highlights the continued efforts of Albania towards the fight against money laundering. The same report notes that Albania “*continued to implement the MONEYVAL recommendations on improving measures on tackling money laundering and terrorist financing [...]*” (Progress Report 2024). As part of the efforts to fight organized crime and trace their illicit assets, the EU Commission recommended Albania to set up the asset recovery office, which would be in charge of identifying and tracing criminal assets, in line with the EU *acquis* (Progress Report 2024).

The Parliament of Albania plays a crucial role in responding to the findings and recommendations of the EU Commission progress reports. Despite the Government holding the primary role to addressing EU recommendations on policy and executive level, in framework of the law no. 15/2015, the Parliament of Albania, as the main legislative body, is responsible for adopting and overseeing the implementation of laws and reforms required to meet EU standards and obligations.

In response to the Progress Report 2024 recommendations regarding the establishment of a recovery office, the Parliament of Albania approved law no. 44/2025 “On asset recovery office” (ARO law), in the plenary session of 26 June 2025. The law is expected to be promulgated and published in the Official Gazette. The approval of the ARO law represents a concrete step toward meeting the EU requirements to advancing the fight against organized crime and money laundering. It also part of broader national efforts to implement the National Plan for European Integration 2024 – 2026 and the Rule of Law roadmap approved by

the government of Albania (Report to the draft law, 2025). The law establishes the Asset Recovery Office, as a special structure within the State Police, with the aim to facilitate the process of tracing and identifying of proceeds, assets and other possessions that are directly or indirectly related to a criminal offence or criminal activity (article 3 and 6 of the law). The ARO law is partly aligned with the EU directive 2014/42 of 3 April 2014, EU Directive 2019/1153 of 20 June 2019, EU Directive 2023/977 of 10 May 2023, EU Directive 2024/1260 of 24 April 2024 and the Decision of the EU Council 2007/845/JHA of 6 December 2007 (ARO law).

National legislation remains nonetheless partially aligned with the EU *acquis* in the area of money laundering, although due to the technical nature of the remaining provisions to be aligned. At the same time, Albania needs still to undertake legal or institutional reforms to fully comply with the FATF/MONEYVAL technical compliance recommendations. In this view, the Parliament of Albania plays a two-folded role by ensuring laws reflect FATF/MONEYVAL recommendations and the EU *acquis* in the area of money laundering and by monitoring and holding institutions accountable for the implementation of AML requirements in framework of the EU accession process.

It must be also noted that, in addition to the law-making role, the Albanian Parliament guarantees through its oversighting and monitoring powers the implementation of AML legal framework. Through parliamentary committees, particularly the Committee on Legal Affairs, Public Administration and Human Rights and the Committee on Economy and Finance, the Parliament monitors the implementation and effectiveness of AML laws. In addition, the Parliament can summon public officials from the FIU, Ministry of Finance, Bank of Albania, or judiciary bodies to report on progress and challenges in AML laws enforcement.

A comparative overview with Montenegro and North Macedonia

The accession to the EU constitutes a priority for Western Balkans (WBs) candidate countries¹⁰ as well. Moving forward with the European enlargement requires addressing issues concerning organized crime, corruption, state capture and rule of law (Hoxhaj, A., 2020). With the adoption of the revised enlargement methodology in 2020, WBs candidate countries are expected to implement fundamental reforms, including on rule of law, functioning of democratic institutions and public administration, as well as economic reforms (European Commission, 2020). In a broader context, national Parliaments have gained a prominent role in the enlargement process (Koops, J., Costea, S., et al, 2025). The phenomena of organized crime and money laundering is present in the WB region (Zvekic, U., 2017, Agović, A., 2025). Parliaments of WBs candidate countries often

¹⁰ Candidate countries: Bosnia and Hercegovina, Montenegro, North Macedonia and Serbia.

face similar challenges in addressing money laundering linked to organized crime in order to meet EU requirements and standards. Enlargement reports of WBs candidate countries indicate divergent trajectories of progress towards meeting EU standards on the fight against organized crime and the AML regime.

Montenegro (candidate since 2010) “*has made good progress combating organized crime*” and “*some progress*” in the area of money laundering – adoption of a new law in the prevention of money laundering and terrorist financing which aligns with the EU Directives and FATF recommendations, as well as amendments to the law on seizure and confiscation of material benefit derived from criminal activity (Progress Report, 2024). Records of North Macedonia, the first WBs country to be granted candidate status (2005), show a relatively slower pace of progress compared to Montenegro. The EU Commission calls for continued results in the implementation of EU reforms, particularly in the fight against organized crime and anti-money laundering (European Commission, Communication on EU Enlargement Policy, 2024). This affirmation is supported as well by the latest Progress Report (2024), according to which North Macedonia “*has between some level of preparation and a moderate level of preparation in the fight against organized crime*”, while “*limited progress was made in the fight against money laundering*”. The Parliament should in particular approximate the national legislation on the prevention of money laundering with the EU *acquis* (Progress Report, 2024).

Evidently, Montenegro is regarded as a positive example of the enlargement negotiations process and democratic strengthening (Koops, J., Costea, S., et al, 2025). Nonetheless, both countries have made tangible efforts to address such concerns while they have positioned national Parliaments at the cornerstone of the EU accession process.

The Constitution of the Montenegro entitles the Parliament to decide on the manner of accession to the EU (article 15). By contrast to the Albanian case, the Parliament of Montenegro has not approved a special law regulating the role of the Parliament in the EU integration process. However, in 2013 it adopted a resolution “On the matter, quality and dynamics of the integration process of Montenegro to the European Union” which detailed the relationship between the Parliament and the Government regarding the EU accession process. The Resolution set out the responsibility of the Committee on European Integration “*to consider draft negotiating positions on EU *acquis* chapters and deliver opinions thereof*” (Parliament of Montenegro). To exercise its overseeing and monitoring functions, the Parliament has established since 2003 a permanent parliamentary committee on European Integration. It is the key parliamentary working body responsible to monitor the negotiations and assess the course of accession negotiations (Rules of Procedure, 2021). In 2008, the Parliament had established the National Council on European Integration (NCEI) as an advisory body on EU

accession negotiations. Nonetheless, the NCEI was abolished in 2012, enabling the Committee on European Integration to exercise full overseeing competences in the context of the EU accession process. Other permanent parliamentary committees support the EU accession process through the competence to harmonize the national legislation falling under their scope of activity with the EU *acquis* (Rules of Procedure, 2021).

Similarly, the role of the Parliament of North Macedonia is not regulated by a special law. On a political level, the Parliament is vested with the power to decide on the accession to the EU (Constitution of the Republic of North Macedonia). It plays a pivotal role for the dialogue between the majority, opposition and civil society with regard to reforms towards the EU path (Popović, M., 2020). The Committee on European Affairs¹¹ plays the primary role in the exercise of parliamentary oversight of the EU accession process and the harmonization of national legislation with the EU *acquis* (Rules of Procedure, 2023). As part of the Parliament's efforts to not hinder the approximation process, since 2013, Rules of Procedure of the Parliament provide for a "shortened procedure" to adopt draft laws aiming at alignment with EU *acquis* – provided that the harmonization is not complex and voluminous (Rules of Procedure, 2023). In addition, the Parliament of North Macedonia has established as early as of 2007 the National Council on European Integration (NCEI) for a more efficient fulfilment of its oversight role in the context of the EU accession process. The NCEI is composed of 17 Members of Parliament (MPs) and 6 non-voting members: the minister in charge of Integration Affairs, representatives from the cabinet of the President of the Republic, of the Prime Minister, of the Academy of Sciences and Arts, of associations of local self-government and of associations of Journalists (Parliament of North Macedonia). The competences of the NCEI are of an advisory nature, which include: opinions and guidelines on the negotiation position of North Macedonia and on issues raised during the negotiation, evaluating the activities of the negotiation team members, opinions on harmonization of the national legislation with the *acquis*, if necessary, consultations and exchange of information with the President of the Republic, the Prime Minister and the President of the Parliament, etc. (Decision to establish the NCIE, 2007)

While Montenegro and North Macedonia illustrate different paces of progress, both underline the central role of national Parliaments in overseeing EU reforms and putting forward the accession process. As similar challenges persist, Parliaments have followed each-others' steps in establishing parliamentary structures to deal with EU affairs. As detailed above, unlike Montenegro and North Macedonia, Albania has adopted a dedicated law governing parliamentary

¹¹ Competences of the Committee on the European Affairs are listed in the following link (in Macedonian language): <https://www.sobranie.mk/detali-na-komisija.nspx?param=b2ec72ba-50c6-40fc-b611-5dabced75e30>

competences in EU accession, thereby formalizing its monitoring and oversight functions. This approach reflects Albania's commitment to strengthen the role of the Parliament in advancing rule of law, democratic governance and compliance with EU *acquis*.

Conclusions

The Parliament of Albania as the supreme representative and legislative authority plays a pivotal and multifaceted role in the country's EU integration process, especially in advancing reforms required to align with EU standards on the fight against money laundering and organized crime and also to its domestic fight against money laundering, corruption, and organized crime. While the EU accession process is predominantly managed by the Government, the Parliament guarantees democratic legitimacy and legal oversight through its legislative functions and monitoring responsibilities.

The adoption of law no. 15/2025 has significantly strengthened the Parliament's institutional framework and political role in EU integration, particularly through the establishment of the NCEI and reinforcement of the competencies of the Parliamentary Committee on EU Matters. These bodies contribute to inclusive monitoring, inter-institutional cooperation, and legislative alignment with the EU *acquis*.

In the area of anti-money laundering, the Parliament has consistently responded to both EU and MONEYVAL/FATF recommendations by enacting key legislative acts and reforms. From the early approval of foundational laws in 2000 and 2008, to more recent reforms such as law no. 112/2020 on beneficial ownership and law no. 44/2025 on the establishment of the Asset Recovery Office, the Parliament has played a central role in Albania's legal approximation to EU standards. These steps contribute to Albania's compliance with critical EU directives and demonstrate the country's progress on key benchmarks under Chapter 24 and Chapter 4 of Cluster 2 of the accession negotiations.

Despite the legal progress, alignment with the EU *acquis* and international standards remains partial, requiring continued parliamentary engagement. The remaining gaps, primarily technical, still demand legislative updates and institutional strengthening, including effective oversight of law enforcement and implementation practices.

The Albanian Parliament not only ensures the formal transposition of EU AML provisions but also plays a vital oversight role to guarantee that reforms are implemented in practice. Its proactive response to EU progress reports, alignment with MONEYVAL recommendations, and the approval of legal initiatives such as the ARO law illustrate its evolving role as a driver of Albania's transformation

towards EU membership. The Parliament's capacity to sustain this role, particularly in overseeing the enforcement of AML measures, remains a decisive factor for the credibility and success of Albania's integration journey.

From a regional comparative perspective, although partial, the WBs share the common challenge of addressing organized crime and money laundering as core conditions for advancing EU accession. Yet, levels of progress differ markedly. Montenegro is often regarded as the frontrunner, having consolidated parliamentary oversight mechanisms early on and demonstrating tangible progress in aligning legislation with EU standards. North Macedonia, while slower progress, has strengthened its parliamentary structures and procedures to facilitate approximation with the *acquis*. Albania, by contrast, stands out for institutionalizing the role of Parliament through a dedicated law that formalizes its competences in EU accession process, reflecting a more structured approach. Still, across the region, national Parliaments remain pivotal in putting forward the EU integration, ensuring oversight of executive actions, approximation of laws and fostering political consensus - functions that will ultimately determine the credibility and sustainability of each country's EU path.

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Fair Elections and European Integration in Albania's 2025 Parliamentary Elections: Education, Minority Inclusion, and Democratic Challenges

Ador KOCIRAJ

UNIVERSITÀ CATTOLICA DEL SACRO CUORE

ador.kociraj@unicatt.it

ORCID:0009-0000-8988-7530

Abstract

Albania's May 2025 parliamentary elections the first since the country opened European Union (EU) accession negotiations represent a crucial test of democratic consolidation and European integration. This paper examines how electoral reforms and enduring challenges will shape the fairness of the 2025 vote, and how education, youth engagement, and minority inclusion factor into Albania's democratic trajectory. A qualitative analysis of legal reforms, election observation reports, survey data, and media discourse reveals both progress and persistent issues. Notable reforms (such as diaspora voting rights and partially open candidate lists) indicate responsiveness to past criticisms, but problems like vote-buying, abuse of state resources, and opposition fragmentation continue to threaten election integrity. Voter turnout has declined to under half of the electorate, reflecting public apathy—especially among disillusioned youth. Meanwhile, ethnic minorities have stronger legal protections on paper yet remain underrepresented in politics, raising questions about alignment with European standards. The study also highlights the role of media and public discourse

in shaping citizens' perceptions of election legitimacy, European integration, and the value of political participation. Ultimately, while EU conditionality has driven some democratic reforms, domestic political will and societal engagement will determine whether the 2025 elections become a turning point toward deeper democracy or entrench Albania's challenges.

Keywords: *Albania; Parliamentary Elections; European Integration; Youth Participation; Minority Inclusion; Media and Public Discourse*

Introduction

Albania's upcoming parliamentary elections in May 2025 come at a pivotal moment as the country stands at the doorstep of the EU. These elections are the first national vote since Albania officially began EU accession talks, and they are widely seen as a critical benchmark of the country's democratic credibility. Fair, transparent, and inclusive elections are not only a domestic imperative for Albania's stability but also a key requirement of the EU's political criteria for membership (European Commission, 2024). International observers and EU officials have long viewed the conduct of Albanian elections as an indicator of readiness for integration serious irregularities in 2025 could jeopardize the accession process. The media and public discourse in Albania have accordingly put the upcoming vote under intense scrutiny, amplifying debates on electoral integrity and reform.

Three core challenges frame the context of the 2025 elections: (1) persistent democratic deficits in the electoral process, (2) the engagement of youth through education in politics amid the EU integration drive, and (3) the political inclusion of ethnic minorities. The first challenge involves ongoing issues with election fairness ranging from vote-buying and misuse of administrative resources to questions about media freedom and the dominance of the ruling party. The second pertains to the widespread apathy among young voters and how educational initiatives and EU-backed programs might boost youth political participation. The third concerns the extent to which Albania's ethnic minorities are represented and empowered in political life, in line with European norms on minority rights. These challenges are deeply interlinked with Albania's European ambitions: progress in each area would strengthen Albania's democracy and support its EU bid, whereas failure to address them could stall integration.

This paper explores each of these areas in depth. It is informed by democratization theory recognizing that genuinely free and fair elections are a cornerstone of democracy (Huntington, 1991) and by Europeanization perspectives that suggest EU accession frameworks can drive domestic reforms (Schimmelfennig & Sedelmeier, 2005). Albania's democracy remains a work in

progress: Freedom House (2024) rates Albania as only “Partly Free,” noting that while elections are competitive, politics are highly polarized and often personality-driven. Such polarization is reflected in Albanian media and public discourse, which often mirror the country’s partisan divides. Against this backdrop, the 2025 elections offer an opportunity for Albania to demonstrate that its institutions are strengthening rather than stagnating on the path to EU membership.

The remainder of the paper is organized as follows. A brief literature review situates Albania’s current challenges in the context of democratization and European integration scholarship. Next, the methodology of the study is outlined. The results are then presented in three thematic sections corresponding to the challenges above: democratic shortcomings in the electoral process, youth participation and education, and minority political integration. Throughout these sections, the influence of media coverage and public narratives on public perceptions is highlighted. This is followed by a discussion that integrates the findings and provides policy recommendations to ensure the 2025 elections and their aftermath advance Albania’s democratic and European trajectory. Finally, a conclusion reflects on the broader implications of the 2025 elections for Albania’s future.

Literature Review

Democratization and Elections

Free and fair elections are widely regarded as the bedrock of democratic consolidation. Classic democratization studies argue that competitive elections with genuine uncertainty of outcome are essential for a democracy to deepen (Linz & Stepan, 1996; Huntington, 1991). In practice, post-communist Albania has struggled to fully institutionalize this principle. Elections since the 1990s have been pluralistic but frequently contested, with allegations of fraud and episodes of political crisis following close results. Scholars warn that prolonged one-party dominance and weak opposition can erode democratic competition. Levitsky and Way’s (2010) concept of “competitive authoritarianism” regimes that hold elections but skew the playing field in favor of incumbents has at times been applied to countries in democratic transition that exhibit chronic electoral irregularities. In Albania, the ruling Socialist Party’s increasingly long tenure and the opposition’s fragmentation raise similar concerns about an uneven playing field. The role of the media is central here: in a healthy democracy, media serve as watchdogs and forums for balanced debate, but Albania’s media landscape is often partisan or subject to political influence, which can shape public perceptions of whether elections are truly fair.

European Integration and Reforms

The prospect of EU membership has been a major driver of reforms in Albania, reflecting a broader pattern of “Europeanization” in Eastern Europe (Schimmelfennig & Sedelmeier, 2005). The EU’s conditionality requiring aspiring members to meet strict political and institutional standards has prompted Albania to adopt various democratic reforms, from strengthening the judiciary to improving minority rights frameworks. European Union progress reports (European Commission, 2024) consistently underline areas needing improvement, such as electoral laws, corruption, and media freedom. However, scholars note that EU leverage is not omnipotent: domestic political will and public pressure are decisive in implementing reforms. Albanian public discourse remains strongly pro-European, and media coverage of the EU integration process is generally positive, but translating EU recommendations into on-the-ground changes can be slow. Frequent political bickering and episodes of polarization have stalled reform efforts in the past (Freedom House, 2024). Thus, while EU accession goals provide an impetus for democratic improvements, internal dynamics including how politicians use the media to frame EU-related reforms affect the pace and sincerity of implementation.

Youth Engagement and Civic Education

Civic culture literature emphasizes the importance of an informed, engaged youth for the sustainability of democracy (Dahl, 1971; de Tocqueville as cited in modern civic education studies). In Albania, however, surveys have documented a significant trust gap among young people. A report by Civil Rights Defenders (2021) found that a majority of Albanian youth believe that democratic principles (like equality before the law and freedom of speech) are not fully respected in their country. High youth unemployment and pervasive corruption feed cynicism, leading many young Albanians to disengage from formal politics or consider emigration as a better path (“exit” over “voice”). The education system historically placed little emphasis on civic education, although recent initiatives often supported by EU funds and international organizations aim to change this. Studies suggest that interactive civic education and direct involvement in community projects can improve political efficacy among youth, but these practices are only gradually being introduced in Albania. Media and technology are double-edged factors: on one hand, social media networks provide youth with alternative spaces for expression and mobilization (witness the student protests of 2018 that were organized largely online), on the other hand, the spread of misinformation or partisan propaganda online can further alienate young citizens from constructive engagement.

Minority Rights and Political Inclusion

Inclusion of ethnic minorities is recognized as a cornerstone of liberal democracy and a requirement under EU criteria (European Commission, 2024). Albania's population includes small Greek, Macedonian, Roma, Aromanian (Vlach), Serb-Montenegrin, and Egyptian communities. While ethnic relations have been largely peaceful, the literature on minority rights in the Balkans highlights that formal peace can mask political marginalization. Albania has made strides in improving its legal framework for example, the 2017 Law on the Protection of National Minorities expanded minority rights and recognition (aligning with the Council of Europe's standards) yet research and reports indicate an implementation gap (Council of Europe, 2023). Political scientists have observed that minorities often struggle to gain representation in Albanian institutions due to structural factors like electoral thresholds and geographic dispersion. Comparative studies show that many countries in the region and EU have mechanisms (reserved seats, lower thresholds, minority electoral districts) to ensure minority representation, whereas Albania's system offers no such facilitation, making it an outlier in this regard. Public discourse about minorities in Albania tends to be sporadic: outside of isolated incidents (like a high-profile arrest of a Greek minority politician in 2023 that sparked international controversy), minority issues seldom dominate media coverage. This low visibility can lead to a lack of public pressure to address minority concerns, even as meeting minority rights standards is imperative for EU integration.

Media and Public Discourse in Democratization

A thread running through all these themes is the role of media and public discourse. Democratic theory underscores that a pluralistic and independent media environment is vital for informed citizen participation and government accountability. In transitioning democracies, media narratives can either bolster reforms by highlighting successes and calling out abuses, or they can entrench divisions by echoing partisan lines. Albania's media scene, characterized by a mix of vibrant outlets and others aligned with political or business interests, has a profound impact on public trust. When media report credibly on election integrity issues or give voice to youth and minority perspectives, they can build momentum for positive change. Conversely, if media are seen as biased or are muzzled, citizens may become cynical, assuming that "nothing will change" a sentiment common among Albanian youth and opposition supporters. As this review suggests, the media's influence intersects with each of the challenges discussed, making it a crucial factor in Albania's 2025 election context.

Methodology

This study employs a qualitative, analytical approach to examine Albania's 2025 parliamentary elections in context. It draws on a combination of primary and secondary sources. Primary sources include official documents and reports such as Albania's electoral code amendments, Constitutional Court decisions (notably the 2022 ruling on diaspora voting), OSCE/ODIHR election observation reports from 2013 and 2021, European Commission annual progress reports, and national statistics on voter turnout and demographics. Secondary sources include scholarly analyses of Albanian politics and EU integration, survey data on youth attitudes (e.g., Civil Rights Defenders, 2021), and news media investigations of electoral malpractices. Media commentary and public discourse including coverage by major Albanian news outlets and statements by political leaders on social media were also reviewed to gauge prevailing narratives around the 2025 elections.

Historically oriented analysis is used to compare the 2025 election preparations with past election cycles (2009, 2013, 2017, 2021), identifying patterns in reforms and recurring problems. The role of education and minority rights is examined through policy analysis (reviewing education strategies, minority laws) and by comparing Albania's practices with regional examples. Throughout, an emphasis is placed on triangulating information: for instance, correlating claims of election fraud reported in media with findings from international observers, or comparing youth turnout statistics with survey responses about political trust. This approach allows for a comprehensive understanding of the factors at play. The analysis is structured around the three thematic areas identified, ensuring balanced attention to each. While largely descriptive and analytical, the study's findings form the basis for normative policy recommendations presented later. All data and sources were evaluated for credibility, and APA 6th edition citation style is used to reference the materials.

Results

Democratic Challenges in the 2025 Elections

Albania's electoral process has historically been fraught with irregularities and intense partisanship, and many of these issues persist as the 2025 vote approaches. Politically, the ruling Socialist Party (SP) is seeking an unprecedented fourth consecutive term in power (having governed since 2013). No other administration in post-communist Albanian history has won four terms, and even a third term

was unprecedented before Prime Minister Edi Rama's tenure. This accumulation of power has raised concerns among observers about potential democratic backsliding. A fragmented opposition exacerbates these worries. The main opposition Democratic Party (PD) is split between rival factions one led by ex-premier Sali Berisha (who has been sanctioned by Western allies) and another aligned with former PD leader Lulzim Basha leaving voters with a weakened alternative to the ruling party. With the opposition in disarray, the SP faces little effective competition, a scenario that democratic theorists argue can undermine accountability and genuine choice in elections.

Indeed, prolonged one-party dominance, especially in a polarized media environment, risks moving the country toward a "dominant power" system resembling competitive authoritarianism (Levitsky & Way, 2010).

Multiple reports indicate that the playing field ahead of the 2025 elections may still be uneven. Allegations of vote-buying and misuse of government resources for campaigning have become a perennial feature of Albanian elections (OSCE/ODIHR, 2021). There are also persistent concerns about media bias: the ruling party is often accused of exerting influence over media outlets and blurring the line between state and party media coverage. For example, critical observers note that state-run broadcasters and government-friendly private channels tend to give the incumbents disproportionately positive coverage, shaping public perception in their favor. In past elections, investigative journalism (including wiretaps revealed in 2019) uncovered instances of organized crime figures allegedly coordinating vote-buying for the ruling party. Such episodes, widely covered in the press, fuel public cynicism. They illustrate what Levitsky and Way (2010) describe formal democratic processes exist, but the incumbents' abuse of resources and media dominance tilt the contest.

Despite these challenges, Albania has enacted several reforms ahead of 2025 that aim to improve electoral integrity. One landmark change is the introduction of voting rights for citizens living abroad. Following a Constitutional Court ruling in 2022 that mandated diaspora voting, the authorities established a framework for Albanians overseas to vote by mail. This is a significant step given Albania's large diaspora (with estimates of 1 to 1.3 million citizens abroad). By March 2025, nearly 300,000 expatriate Albanians had applied to register as voters, and election authorities approved roughly 233,000 of these registrations (Albanian Times, 2025). The inclusion of diaspora voters could enhance the representativeness of the election, as these citizens have long been excluded from the political process despite maintaining ties to the homeland. However, implementation has been rocky. Many overseas applicants encountered cumbersome online registration and documentation requirements, and questions remain about the logistics of delivering and counting mail-in ballots on time. Moreover, a separate issue threatens to limit diaspora participation: only citizens with valid biometric IDs

are eligible to vote, and it is estimated that about 120,000 Albanians abroad lack up-to-date biometric identification, effectively disenfranchising them unless they renew their documents (Biometric Update, 2025). Thus, while the diaspora voting reform is a milestone for inclusivity, its initial execution is testing administrative capacity and may yield lessons (and further reforms) after 2025.

Another reform involved modifying the electoral system to allow a degree of open-list voting. Prior to 2021, Albania used closed party lists, meaning party leaders effectively decided which individuals entered Parliament. In response to public pressure for greater accountability, the Electoral Code was amended in 2020 to let voters express preferences for certain candidates on the party lists. In theory, this partial open-list system should make MPs more accountable to voters rather than just party bosses. In practice, however, the reform has been limited. The law still reserves the top portion of each party's list as effectively "fixed" those top candidates win seats as long as the party passes the threshold, regardless of preference votes. A lower-ranked candidate can only leapfrog into a seat if they obtain more individual votes than the average votes of those top-tier candidates, a threshold so high it has rarely been met (Exit News, 2021). Consequently, party leaders continue to secure parliamentary spots for their favored candidates by placing them at the top of lists, and the open-list element has not yet produced significant changes in representation. As the 2025 election candidate lists were announced, they featured many familiar veteran politicians at the top, signaling continuity. This suggests that while the reform was symbolically important, further steps would be needed to truly empower voters over party hierarchies.

To address recurring problems like fraud and intimidation, Albanian institutions have ramped up enforcement efforts. The Special Anti-Corruption Structure (SPAK), a prosecutorial body established as part of a broader judicial reform formed a task force specifically to monitor and prosecute election-related crimes in 2025. By early April, authorities reported investigating dozens of cases of alleged vote-buying and had arrested several individuals for electoral offenses. These developments have been publicized in the media, potentially deterring some would-be violators.

Observers note, however, that most arrests so far have been of low-level activists; skepticism remains as to whether major political figures will be held accountable if implicated. Additionally, the government has invited robust election observation: OSCE's Office for Democratic Institutions and Human Rights (ODIHR) deployed a full mission with hundreds of international observers, and the EU and domestic NGOs will also monitor extensively. This heavy scrutiny, frequently discussed in Albanian news coverage, underscores the high stakes any blatant irregularities are likely to be quickly reported and could spark public outrage or opposition protests.

Voter turnout is another critical barometer of the election's legitimacy. Turnout in Albania's parliamentary elections has been on a declining trend, reflecting

public disillusionment. In 2009 and 2013, about 53% of registered voters cast ballots; by 2017 and again in 2021, turnout fell to roughly 46%.

This means more than half of eligible voters effectively sat out the last two general elections. Analysts have pointed to several reasons for this apathy: frustration with unfulfilled promises, a sense that election outcomes won't bring meaningful change, and dismay at corruption and scandals. Notably, young voters have the lowest participation rates (Civil Rights Defenders, 2021). Low turnout not only signals democratic malaise but can exacerbate problems; for instance, if only the most loyal or mobilized segments vote, practices like vote-buying or pressure on public sector employees can have a larger impact on results. Comparatively, Albania's turnout now lags behind many neighboring countries. For example, Serbia and North Macedonia often see above 50% turnout, and even in Kosovo where voting is voluntary for its diaspora the 2021 election drew about 48% participation. The mid-40s turnout in Albania is a worrying indicator that large portions of the populace feel disconnected from the political process. Albanian media commentary has debated this issue, with some outlets launching get-out-the-vote messages and others cynically suggesting that voters are "fed up" with politics.

In summary, the 2025 elections pose a dual reality. On one hand, reforms like diaspora voting, better technology (biometric voter identification was successfully implemented nationwide by 2021), and targeted anti-fraud efforts show that Albania is responding to past criticisms and aligning more with European best practices. On the other hand, entrenched problems including governing-party advantages in resources and media exposure, opposition weakness, and public cynicism persist. Public discourse ahead of the vote reflects these contradictions: optimism about new reforms tempered by skepticism rooted in decades of political turmoil. The true test will be whether the election is conducted cleanly and whether its results are broadly accepted without the post-election crises that marred earlier cycles (such as the opposition's parliamentary boycott after the disputed 2019 local elections). A credible election, widely affirmed by citizens and the press as fair, would mark a significant step forward, whereas a flawed process could reinforce Albania's democratic deficits and tarnish its EU aspirations.

EU Integration, Education, and Youth Participation

Young people in Albania are often described as both the future drivers of change and the most disillusioned segment of society. Albania has a relatively young population compared to many European countries, yet youth turnout and engagement in formal politics are strikingly low. In recent national surveys, Albanian youth have expressed deep frustration with the status quo. For instance, in a 2021 survey, 79% of respondents aged 18-29 felt that the principle of equal

justice is not upheld in Albania, and about 70% believed that exercising freedoms like protest or political association can result in negative consequences (Civil Rights Defenders, 2021). Such perceptions paint a picture of a generation that views the system as unfair, corrupt, and unresponsive to their needs. Albanian media reports frequently highlight youth emigration stories and interviews where young graduates say they see no future at home. Indeed, economic hardship underlies much of this cynicism: while overall unemployment has declined in recent years, youth unemployment remains around 20%, roughly double the national average (World Bank, 2023). Many employed youth are stuck in low-paying jobs unrelated to their education, fueling a sense of stagnation.

As a result, a large share of Albanian youth express a desire to leave the country in search of better opportunities. Surveys and regional studies consistently show over 60% of young Albanians would emigrate if given the chance. This “brain drain” of the ambitious and educated not only deprives Albania of talent but also has political consequences: those who might agitate for reforms are opting to build their lives elsewhere. Sociologist Albert Hirschman’s classic framework of “Exit, Voice, or Loyalty” is often cited to describe this dynamic facing dissatisfaction, many youth are choosing exit (leaving the country) rather than voice (engaging to change conditions). The outcome is a vicious cycle: the more youth disengage or depart, the less pressure there is on leaders to enact changes that would appeal to young citizens, and thus the alienation grows.

Voter participation among youth starkly illustrates this problem. In Albania’s 2021 parliamentary elections, turnout among voters under 25 was significantly below that of older age groups. The trend worsened in the 2023 local elections, where overall turnout was only 37.8%, but among newly eligible young voters (those voting for the first time) it was estimated at merely 13.5%. In other words, nearly seven in eight first-time eligible voters did not bother to vote. Such a gap is alarming. It suggests that traditional methods of voter outreach have failed to motivate the youngest electorate. Additionally, political parties in Albania have not prioritized youth issues in their platforms, nor have they recruited young candidates in meaningful numbers the share of MPs under 30 is negligible, and youth wings of parties are often inactive or tokenistic. Media and campaign messaging tends to target middle-aged and older voters, who are seen as more reliable voting blocs, further sidelining youth concerns in public debates.

Yet, Albanian youth are not uniformly apathetic. When issues resonate directly, they have shown willingness to mobilize outside the formal political arena. A watershed moment came in December 2018 when tens of thousands of university students launched mass protests in Tirana and other cities over tuition fees and campus conditions. These demonstrations, organized autonomously and largely via social media, were non-partisan but highly political in their demands for accountability and better governance in education. The movement pressured the

government into negotiating a “Pact for the University” and pledging increased funding and reforms for higher education (some of which were only partly realized). The significance of the 2018 protests lies in revealing that Albanian youth care deeply about policy when it affects them directly and when they believe they can achieve results. Similar youth-led civic actions have occurred in environmental campaigns (opposing certain hydropower projects) and community initiatives. The challenge is channeling this civic energy into ongoing political participation rather than occasional protest.

Education is a critical part of the solution. Recognizing the need to foster a more civically engaged generation, Albanian authorities under guidance from the EU and Council of Europe have started reforming civic education curricula in schools. New high school programs include modules on democratic institutions, the Constitution, and Albania’s EU integration process, often delivered in more interactive ways than the old rote memorization approach. Teachers are being trained (with EU project support) in civic education and critical thinking pedagogies (Council of Europe, 2020). Additionally, the government adopted a National Strategy for Education 2021-2026 aiming to modernize teaching and emphasize skills like critical analysis and community involvement. If effectively implemented, such educational reforms can incrementally increase young people’s understanding of and confidence in democratic processes. However, funding remains a major bottleneck. Albania invests only around 34% of its GDP in education (Brokenchalk, 2023), one of the lowest rates in Europe, limiting improvements in school infrastructure and teacher salaries that are necessary for real change.

The EU integration process explicitly encourages youth engagement as part of preparing the country for membership. The European Commission’s reports (European Commission, 2021) have praised the creation of bodies like the National Youth Action Plan and local youth councils, urging Albania to involve young people in decision-making. Through the Instrument for Pre-Accession (IPA), the EU has funded youth-focused programs and regional initiatives like the Western Balkans Youth Lab and the Regional Youth Cooperation Office (RYCO, headquartered in Tirana), which

promote dialogue and exchange among youth in the Balkans. These efforts not only broaden youths’ horizons but also empower youth organizations domestically. For example, RYCO support has enabled Albanian NGOs to run projects that bring together young people from different ethnic or regional backgrounds, indirectly strengthening social cohesion and civic skills.

In the run-up to the 2025 elections, there have been targeted campaigns to inspire youth participation. The Central Election Commission (CEC), in partnership with civil society, has rolled out voter education workshops at universities and high schools. One notable initiative was the “Active Youth in Elections” project in 2021, which trained first-time voters about the electoral process and even recruited many as volunteer election observers (Election-Watch, 2021).

Participants in such programs reported feeling more motivated to vote and engage their peers. Moreover, political communication is slowly adapting: some political figures and NGOs are increasingly using Instagram, Facebook, and TikTok to reach younger audiences with content about voting and EU integration. In 2021, popular Albanian singers and online influencers joined a non-partisan campaign urging youth to vote an approach that, while having limited measurable impact, signaled new thinking in outreach.

The intersection of media with youth engagement is particularly evident in social media usage. Albanian youth, like their global counterparts, rely heavily on online platforms for information. While this provides opportunities (messages about civic duty or European values can spread quickly online), it also poses risks, as misinformation and polarizing content can discourage participation or distort understanding. During previous elections, rumors and fake news circulated widely on Facebook, sometimes leading young voters to doubt the point of voting or to believe conspiracy narratives about the election being “decided in advance.” Combating this requires proactive communication both state institutions and independent media need to provide clear, factual information and positive narratives about the importance of voting. Encouragingly, some independent media outlets and fact-checking organizations have focused on debunking election-related misinformation, aiming to keep the discourse honest.

In summary, Albania’s youth stand at a crossroads much like the country itself. They are highly supportive of the idea of a European future for Albania and are less burdened by the communist past than older generations, which could make them champions of democratic reform. However, socioeconomic struggles and disillusionment have led to disengagement. Reversing this trend requires investing in education (to build civic competence), improving economic prospects (so that young people see a future for themselves in Albania), and innovating in how politics engages youth (through digital media, youth-inclusive policies, and giving young people real stakes in decision-making). If the 2025 elections see greater youth turnout and activism, it will be a positive sign that Albania’s democratization is regenerating from the ground up. If youth apathy persists or worsens, it will remain a critical weakness in Albania’s democratic fabric and a concern for its European integration, since an EU-bound country needs an active, not absent, next generation.

Political Integration of Minorities

Ensuring the political inclusion of ethnic minorities is both a democratic principle and an explicit EU membership criterion for Albania. The country’s minorities including Greek, Macedonian, Roma, Aromanian, Egyptian, and others collectively

constitute only a small percentage of the population (official figures are debated, but likely under 58% combined, depending on definitions). Albania has largely avoided ethnic conflict, and interethnic relations are generally cordial in everyday life. However, this social peace can obscure the political underrepresentation of minorities in governance.

Legally, Albania has taken steps to bolster minority rights. The Framework Law on National Minorities, adopted in 2017, was a landmark piece of legislation. It formally recognized several communities that previously had ambiguous status (for example, the Bulgarian minority gained official recognition) and guaranteed minorities rights in areas of language use, education, and cultural expression. This brought Albania's legal framework closer to European norms, aligning with instruments like the Council of Europe's Framework Convention on National Minorities. The European Commission's 2024 progress report acknowledges that Albania's minority rights legislation is largely in place (European Commission, 2024). However, the same report and other assessments (Council of Europe, 2023) point out that implementation is lagging. By 2025, key by-laws and regulations such as those detailing how minority languages can be used in contacts with authorities or in official signage in areas with substantial minority populations were still pending or only partially enacted. This delay means that many minorities have yet to experience tangible improvements in their daily interactions with the state, despite what the law promises.

Political representation remains the area of greatest disparity. Albania's electoral system does not have any provisions to ease minority entry into Parliament. All parties, including those representing minorities, must clear the national threshold (currently 1% of the vote) to gain seats in the 140-member Assembly. Minorities like Greeks (the largest minority, often estimated around 2% of the population) have managed to elect representatives mainly through the Unity for Human Rights Party (UHRP), which traditionally aligns with larger coalitions to win a seat or two. In the 2021-2025 Parliament, the UHRP holds one seat, secured via a pre-election coalition with a major party. Other minority-oriented parties for Macedonians, Roma, or others have not won any seats, as their communities are too small nationally to surpass 1%. A few individuals of minority background have been elected from the major parties, but they typically do not publicly assert a minority platform. Notably, Albania has never had a Roma or Egyptian MP, despite those communities facing significant issues.

This situation contrasts with practices in several neighboring democracies. Many European countries guarantee minority representation through reserved seats or relaxed thresholds. For instance, Croatia reserves eight parliamentary seats for various minority groups, Slovenia reserves two, and Romania ensures each significant minority gets at least one representative via special provisions. In the Western Balkans, Montenegro's election law lowers the threshold to

0.7% for minority parties (benefiting its Albanian and other minorities), and Serbia exempts minority parties from the usual 5% threshold entirely (enabling Hungarian, Bosniak, and other minority parties to enter Parliament with small vote shares). Because Albania lacks such mechanisms, it effectively expects very small minorities to achieve what might be unrealistic vote totals for representation, rendering their political voices largely absent at the national level (Council of Europe, 2023).

Geography further complicates minority representation. The Greek community is concentrated in certain southern areas (such as Gjirokastrë and Sarandë), which has allowed them local representation there have been ethnic Greek mayors and local councilors, and the Greek minority language is used alongside Albanian in some municipal settings due to legal provisions from a 2015 decentralization law. Macedonians are concentrated in one municipality (Pustec) where they have local presence. Roma and Egyptians, however, are dispersed across various cities and often live in marginalized settlements, which dilutes their electoral impact anywhere. Thus, even at local levels, Roma and Egyptian representation in councils is minimal.

Recent events have highlighted minority grievances and their international dimensions. In the May 2023 local elections, a controversy erupted in the town of Himarë, where the population includes many ethnic Greeks. An ethnic Greek independent candidate, Fredi Beleri, won the mayoral race but was arrested on allegations of vote-buying on the eve of the vote. He remained in custody after winning, preventing him from being sworn in. This incident sparked a diplomatic dispute with Greece: Greek officials and media portrayed Beleri's arrest as politically motivated suppression of the Greek minority's will, while Albanian authorities insisted it was a legitimate anti-corruption action. Greece's Prime Minister Kyriakos Mitsotakis went as far as to link Albania's EU accession path to the treatment of the Greek minority, explicitly citing the Beleri case and other longstanding issues like property rights for Greeks in southern Albania (Brussel Signal, 2024). By late 2024, Mitsotakis warned that Greece would hold Albania accountable on minority rights as part of the EU negotiations process. The Beleri case thus demonstrated how quickly minority rights can escalate into high-level international issues. In Albanian domestic discourse, the case was polarizing some media and nationalists framed it as Albania enforcing its laws without foreign interference, while others worried it tarnished Albania's image regarding minority rights and could indeed slow its EU bid.

Beyond the Greek community, other minorities continue to face systemic challenges. The Roma and Egyptian communities are among the most socioeconomically disadvantaged groups in Albania.

Many Roma/Egyptian families live in poverty, often in informal settlements with limited access to services. Educational attainment is low; there are instances

of de facto segregated schools with predominantly Roma students who have fewer resources and support, leading to high dropout rates. Such social exclusion feeds into political exclusion: without education and economic opportunities, individuals from these communities are less likely to engage in civic matters or have the means to run for office. They also encounter bureaucratic obstacles for example, some Roma lack personal identification documents, which complicates voter registration and accessing government programs.

While the government has adopted an Action Plan for the Integration of Roma and Egyptians (aligned with EU frameworks for Roma inclusion) and anti-discrimination laws, on-the-ground progress has been limited (Council of Europe, 2023; U.S. Department of State, 2024). Reports from civil society indicate that during elections, Roma communities are sometimes targeted by local powerbrokers for vote-buying or pressured in bloc, given their vulnerable status. These issues seldom make major headlines, but they are known to observers who study Albania's elections.

Institutionally, Albania created a State Committee on National Minorities to advise on minority issues. However, both the European Commission and Council of Europe have critiqued this Committee's effectiveness and representativeness. The process for appointing its members has been seen as top-down, with the government selecting individuals purported to represent each minority, rather than the minorities electing or delegating their own representatives. This has raised questions about the committee's legitimacy in the eyes of minority communities. In its 2024 report, the European Commission recommended reforming the Committee to make it more inclusive and capable of monitoring minority rights implementation (European Commission, 2024).

Strengthening such bodies could give minorities a greater voice and channel their concerns to the central government, instead of relying on foreign diplomats to raise issues (as happened in the Greek minority's case).

In Albanian public discourse, minority political inclusion is not a highly politicized issue for the majority, which perhaps contributes to the slow pace of change. However, there is a general understanding, especially among the political elite and informed media, that meeting European standards on minority treatment is a necessary part of the EU accession journey. As EU negotiations progress, particularly Chapter 23 (Judiciary and Fundamental Rights), Albania will be assessed on this front. Thus, the 2025 elections are a chance not only to test electoral reforms but also to demonstrate commitment to minority inclusion. If minorities feel their electoral rights are respected for instance, seeing bilingual ballots in their areas or witnessing minority candidates campaigning freely and getting fair media coverage, it could improve trust. Conversely, any flare-up (like another incident akin to Himarë) could be detrimental.

In summary, Albania's ethnic minorities enjoy a climate of general tolerance but remain on the margins of formal politics. Aligning with European democratic

norms will require creative solutions to include these communities politically. This could involve legal electoral adjustments, proactive inclusion by major parties, and better enforcement of minority rights laws. The media can play a constructive role by highlighting minority contributions and issues in non-sensational ways, helping build broader public support for their inclusion. Ultimately, a democracy is measured also by how it treats its smallest communities. For Albania, moving from nominal minority rights to substantive minority representation is an ongoing challenge directly tied to its European integration aspirations.

Discussion

The findings above illustrate that Albania's path to a consolidated democracy and EU membership is contingent on overcoming a set of interrelated challenges. Election integrity, youth engagement, and minority inclusion are not isolated issues; progress (or backsliding) in one affects the others. A fair electoral process can encourage broader participation, while higher participation (especially by youth and minorities) can, in turn, improve the fairness and representativeness of the process.

Conversely, if elections are widely perceived as flawed, it reinforces apathy among young voters and skepticism among minority communities about the value of engagement.

Media and public discourse emerge as cross-cutting influences in all these areas. The media shapes citizens' perceptions: investigative journalism and balanced reporting can expose problems and demand accountability, whereas partisan or repressive media practices can distort reality and entrench divisions. In recent years, Albanian public discourse has at times been progressive for instance, strongly pro-EU and supportive of reforms but also prone to polarization and sensationalism. How the 2025 elections are discussed in the public sphere will likely impact public trust. If the narrative, driven by media and officials, emphasizes transparency, calls out misconduct, and highlights positive engagement (such as youth initiatives or minority participation), it could build confidence. If instead the discourse is dominated by accusations, propaganda, or ethnic scapegoating, it may inflame tensions and discourage voters. Thus, strengthening independent media and ensuring open dialogue is part and parcel of democratic consolidation.

When viewed considering the literature, Albania's situation validates certain theoretical expectations while challenging others. Democratization theory reminds us that building democracy is a long-term process of institution-building and norm internalization (Linz & Stepan, 1996).

Albania has made important institutional changes like judicial reforms and new election laws often spurred by EU recommendations (European Commission, 2024). Yet, consistent with Europeanization scholarship, external incentives alone

cannot guarantee deep change; domestic actors must internalize democratic values. We see this in how some reforms (like biometric voting or minority laws) have been adopted but not fully implemented or embraced in spirit. Political will at the highest levels remains a decisive factor. For example, the ruling elite's commitment to truly fair play in elections will determine whether abuse of state resources is curbed in 2025. Similarly, the opposition's commitment to democratic norms will determine whether they accept results or resort to boycotts if they lose.

One encouraging sign is the growing involvement of civil society and citizens' groups in promoting democracy. The presence of thousands of domestic election observers, the activism of youth NGOs, and advocacy by minority associations indicate a more vibrant civic sphere than in decades past.

These actors often work closely with or are amplified by media outlets and social networks, gradually strengthening public oversight of the political process. Their role will be crucial in the 2025 elections and beyond, acting as watchdogs and raising awareness on issues like vote-buying or inclusion.

Of course, challenges persist. Political polarization in Albania remains high much political discourse is framed as government versus opposition, with little middle ground. This zero-sum mentality can hamper consensus on reforms and is often reflected in media coverage that is split along partisan lines. Overcoming polarization requires building trust between rival factions, perhaps through mechanisms like the all-party pledge for election conduct (as suggested among recommendations) or mediated dialogues. The EU and international community can facilitate these confidence-building measures, but ultimately Albanian leaders must choose cooperation over confrontation in the national interest.

Another challenge is ensuring that improvements are not just one-off for the sake of EU scrutiny, but sustainable. For instance, if the government cracks down on vote-buying in 2025 under the EU's watchful eye, will that rigor continue in subsequent local elections or once EU pressure eases?

Similarly, will youth engagement initiatives persist after the election buzz, or fade out? Institutionalizing positive practices (like regular civic education or permanent minority consultation forums) is key to lasting change.

In integrating the findings, it becomes clear that Albania is at a democratic crossroads in 2025. The optimistic scenario is one where the elections proceed with minimal issues, youth and minorities see greater representation and responsiveness, and all parties accept the outcome, thereby boosting Albania's EU accession momentum. The pessimistic scenario is a disputed election that triggers political instability (as seen in 2019) and feeds a narrative of democratic failure, potentially slowing EU negotiations and causing public disillusionment to spike (with more youth emigrating and minorities feeling alienated). The most likely outcome lies somewhere in between, but concerted effort can nudge it toward the positive end.

To maximize the chance of a positive outcome, a multifaceted set of actions must be taken. The following policy recommendations are proposed to address the identified challenges in an integrated way.

Policy Recommendations

To ensure that Albania's 2025 parliamentary elections are free, inclusive, and supportive of its European integration trajectory, the following measures are recommended:

- 1. Guarantee Free and Fair Elections:** Fully enforce electoral laws and close loopholes to prevent fraud. Authorities should crack down on vote-buying and voter intimidation by dedicating sufficient resources to investigative bodies like SPAK and by making high-profile examples of offenders. Stricter oversight of campaign financing and a clear separation between government and party activities are needed, for instance, public employees must not be coerced into campaign events. The Central Election Commission should enhance transparency by live-streaming vote counts and promptly publishing detailed results for each polling station to build public confidence. Technical issues in the diaspora voting process must be resolved (e.g., expedite mailing of ballots and provide return postage) so that overseas votes are counted accurately and on time. Crucially, the media and civil society must have unrestricted freedom to monitor and report on the election process: regulators should ensure all parties receive fair coverage and penalize any blatant bias, especially on public broadcasters. Albania should also welcome extensive international observation beyond the OSCE/ODIHR mission, invitations can be extended to European Parliament delegations or international NGOs to further attest to the election's integrity. A visibly clean and well-conducted election will remove a major obstacle in Albania's EU path.
- 2. Empower Youth through Education and Engagement:** Combat youth apathy by making young people stakeholders in Albania's democracy. The education system should integrate practical civic education at all levels not just as a textbook subject, but through interactive methods like debates, student elections, and community service projects. The Ministry of Education, with EU support, can train teachers to deliver these modules effectively and include information about the EU and democratic rights in curricula. Outside the classroom, successful pilot programs should be scaled up nationally: for example, the "Active Youth in Elections" workshops that prepared first-time voters could be organized in every county, possibly by

creating a network of youth ambassadors or peer educators who travel to high schools. Establish formal channels for youth input in governance, such as youth advisory councils in municipalities and a national “Youth Parliament” event where young people simulate legislative debates on current issues. To give youth a voice in Albania’s EU integration, the government could form a Youth Advisory Board on EU Negotiations, involving young professionals and students in discussions about accession reforms this would signal that their perspectives matter. Political parties must also rejuvenate their ranks by recruiting and promoting young members; this can be incentivized through public recognition or support for parties that meet certain youth representation targets. Given that only 13.5% of first-time voters cast ballots in the last local elections, creative ideas to make voting easier for youth are warranted: mobile polling stations on university campuses, early voting days for students, or even exploring secure online voting for young overseas voters as a pilot. Additionally, sustain programs like the Youth Guarantee for employment and training (Brokenchalk, 2023) so that young citizens feel they have opportunities at home a youth who sees a future in Albania is more likely to engage in its civic life. Finally, leverage social media and pop culture to reach youths: non-partisan campaigns with influencers, musicians, and sports figures should continuously promote messages that voting and civic participation are “cool,” impactful, and patriotic.

3. **Strengthen Minority Representation and Rights:** Translate Albania’s legal commitments to minorities into real political inclusion. The government and Parliament should consider electoral reforms to lower barriers for minority representation for example, waiving the 1% national threshold for parties that represent recognized minorities, or introducing a small number of reserved seats (as an interim measure for one or two election cycles) to ensure communities like Roma or Macedonians can have a voice in the Assembly. In the meantime, major parties should be publicly encouraged and held accountable (through civil society “scorecards” and media scrutiny) for placing minority candidates in winnable positions on their electoral lists. Election administration must accommodate minority needs ballots, voter information booklets, and polling place signage in areas like Himarë or Pustec should be bilingual (Albanian and the local minority language) in compliance with the law. Poll workers in those areas should receive training in assisting voters in the minority language to avoid confusion. The State Committee on National Minorities should be reformed to increase its legitimacy its members could be chosen via nominations from minority associations rather than direct government appointments, and it should be empowered to review policies and raise concerns publicly. Allocating a robust budget to this Committee would allow it to conduct outreach, such

as workshops informing minorities of their voting rights or consultations to gather minority policy priorities. In light of recent tensions, it is imperative to build trust: the handling of cases like the 2023 Himarë mayoral incident must be transparent and in strict accordance with due process, to dispel perceptions of bias. Albanian authorities might also initiate a high-level dialogue with minority community leaders (e.g., a roundtable convened by the President or Prime Minister) to discuss and address lingering grievances whether they concern property restitution, language use, or local governance issues. Demonstrating respect and proactive inclusion of minorities in the 2025 election period perhaps through symbolic gestures like featuring minority cultural performances in official election-related events or public service announcements celebrating Albania's diversity can turn a potential point of friction into a strength. Such steps would not only meet EU expectations but also improve Albania's bilateral relations (as with Greece) and social cohesion internally.

4. **Maintain Momentum on EU-Aligned Reforms:** Use the election year as an opportunity to double down on governance reforms, showing that Albania's commitment to European values is unwavering even amid political competition. Anti-corruption and rule-of-law efforts should continue unabated during the campaign: institutions like SPAK must operate free of political interference and pursue investigations even if they involve high-ranking officials or candidates. This will send a message that nobody is above the law, boosting public trust. The government and opposition could agree on a "democratic code of conduct" for the election period possibly facilitated by the National Council for European Integration (a multi-party body) pledging respect for the electoral outcome, repudiation of violence or inflammatory ethnic rhetoric, and cooperation on implementing any recommendations from election observers after the vote. Such a pact, if publicized, would reassure citizens that stability will be maintained whichever side wins. Albanian leaders should continuously communicate to the public the link between a successful election and progress toward EU membership, framing every reform (whether it's cleaning up voter lists or promoting minority rights) as part of "getting our house in order for Europe." This narrative helps build a shared national purpose that rises above partisan interests. Furthermore, Albania should embrace assistance from the EU and international experts in strengthening election administration, media monitoring, and civic education during this period showing openness to best practices. For example, inviting an EU expert mission to advise the CEC, or utilizing EU funding for media fact-checking initiatives around the elections, can improve quality and credibility. The momentum of reform must also be carried into the post-election phase:

irrespective of which government comes to power, there should be a rapid return to the business of meeting EU accession benchmarks (such as judicial vetting, civil service reform, etc.), avoiding the traditional post-election slowdown. All parties would benefit from signaling to Brussels that Albania is steadfast in its European course. Consistently linking election integrity and inclusive governance with the goal of EU accession in public statements can help align the incentives of politicians and voters alike toward the long-term prize, rather than short-term wins. In essence, Albania should treat the 2025 election not as a distraction from reforms, but as an integral part of the reform process an opportunity to showcase and solidify democratic progress.

These recommendations, while ambitious, are feasible with collective effort from Albania's institutions, civil society, media, and international partners. Even if not every measure can be fully implemented before the 2025 vote (for instance, substantial electoral law changes might take time), initiating them and demonstrating intent can send a powerful positive signal. The goal is to leverage the 2025 elections as a turning point breaking with patterns of the past and moving decisively toward the standards of an EU democracy.

Conclusion

As Albania prepares for the 2025 parliamentary elections, the nation finds itself at a crossroads between its tumultuous political past and the prospect of a more democratic European future. The analysis in this paper underscores that ensuring fair elections, engaging youth, and including minorities are not merely boxes to tick for EU accession, but fundamental steps to strengthen Albania from within. These facets of democracy reinforce each other: cleaner elections give disillusioned citizens (especially young people and marginalized groups) reasons to participate, and broader participation in turn can lead to more legitimate and representative governance.

Albania's post-communist journey has seen milestones like joining NATO and achieving EU candidate status, but also repeated setbacks, often around elections that ended in disputes or boycotts. The 2025 elections offer a chance to break that cycle. A genuinely well-run election, one accepted by winners and losers alike, would be a historic achievement, potentially the first in decades without major contestation. Such an outcome could build momentum to tackle other longstanding issues, from corruption to economic reform, in an environment of greater political stability. On the other hand, if the election were to be marred by significant irregularities or political crisis, it could derail Albania's EU integration

progress and deepen public cynicism, squandering the hard-won gains of recent reforms.

The stakes are high, but so are the potential rewards. By implementing the recommended measures prioritizing electoral integrity, civic education, and minority rights Albania can use the 2025 elections as a springboard for democratic deepening. Success will bolster Albania's credibility in the eyes of its European partners, helping to accelerate accession talks. Equally important, it will strengthen the social contract at home: citizens will be more likely to trust institutions and engage constructively if they see evidence that their voices are heard and that the rule of law prevails.

European integration has often been called Albania's "strategic objective," but 2025 is the year to demonstrate that this objective is underpinned by genuine domestic transformation. If Albania can deliver an election that meets international democratic standards and is perceived as fair by its own people, it will send a powerful message to its citizens, its neighbors, and the EU that the country has matured politically. In practical terms, a smooth election followed by a responsible post-election cooperation (for instance, a graceful concession by the losers and a commitment by the winners to govern inclusively) would improve the political climate. It could reduce the zero-sum, winner-takes-all mentality that has plagued Albanian politics and replace it with a more consensus-driven approach aligned with European democratic norms.

It is important to recognize that the 2025 elections are not an end point but part of an ongoing process. Democratization does not conclude with one good election, nor does EU integration end at the negotiating table. However, pivotal moments like this can accelerate positive trends or, conversely, exacerbate negative ones. The coming months are therefore critical. Albania's institutions, media, and civil society must work in concert to uphold transparency and fairness. The populace, including its youth and minorities, should be encouraged to take ownership of the process by voting and participating, showing that democracy is a shared responsibility.

In conclusion, Albania's ability to conduct a fair, inclusive, and peaceful 2025 election will be a litmus test of its democratic maturity. A successful election would mark the start of a new chapter one in which Albania moves forward with confidence and unity towards full European integration. By contrast, a failure would serve as a cautionary tale and likely delay the nation's European dream. The optimistic view and the one this paper advocates is that Albania will rise to the occasion. With the right actions and attitudes, the 2025 elections can become a catalyst for Albania's long-sought democratic consolidation, ensuring that the country's future particularly the vision of EU membership rests on the solid foundation of shared values and accountable governance.

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Legal Restrictions on the Right to Vote in Albania's Parliamentary Elections and EU Accession

Ilir BARJABA

JURIS DOCTOR¹

PHD CANDIDATE²

UNIVERSITY OF TIRANA, FACULTY OF LAW, DEPARTMENT OF PUBLIC LAW

Abstract

This paper presents a comprehensive legal analysis of current voting restrictions and the right to be elected in Albania, examining both national legislation and international democratic standards. While Albania has undertaken substantial electoral reforms in pursuit of European Union accession, the framework governing voting rights remains problematic due to exclusionary provisions and systemic barriers. Key constraints include the disenfranchisement of prisoners, persons with mental disabilities, and long-term non-resident citizens; insufficient accommodations for persons with disabilities; and procedural complexities that hinder effective legal redress. The study employs a doctrinal legal research method, combining textual analysis of constitutional provisions, the Electoral Code, and relevant legislation with jurisprudential review of Constitutional Court and European Court of Human Rights (ECtHR) cases. A comparative approach is applied to contextualize Albania's legal framework within the broader Western Balkans region, while secondary sources, such as OSCE/ODIHR reports, Venice Commission opinions, and academic scholarship, are used to critically evaluate compliance with international obligations under the ICCPR, ECHR, and CRPD. The analysis also draws on field reports and

¹ *Juris Doctor* (2014), Northwestern University School of Law, USA.

² *PhD Candidate*, (2022 – Present), The University of Tirana Faculty of Law, Albania.

policy assessments to identify the practical impact of legal restrictions on marginalized groups. The findings reveal that despite constitutional guarantees of universal suffrage and recent reforms, Albania continues to be deficient of ensuring inclusive and accessible elections. Disenfranchisement of vulnerable groups, combined with weak enforcement of existing protections, undermines both democratic legitimacy and EU accession prospects. The paper concludes that Albania must pursue deeper structural reforms beyond formal legislative amendments, particularly by strengthening enforcement mechanisms, ensuring accessibility, and further improving the mechanism of diaspora voting. Only by addressing these gaps can Albania achieve substantive compliance with international democratic standards and build durable public trust in its electoral institutions.

Keywords: *voting rights, electoral legislation, court decisions, electoral inclusivity, democratic legitimacy, international obligations.*

Introduction

Background and Context

The right to vote is recognized by scholars as an important foundation of a democratic system of governance and political participation. In terms of national legislation, the Republic of Albania's legal framework provides a solid foundation in guaranteeing the right to vote. Currently, according to reports from international institutions like OSCE and ODIHR, "the legal framework for elections in Albania provides a satisfactory basis for the conduct of democratic elections", and "the electoral administration managed the process in an inclusive and transparent manner" (OSCE/ODIHR, 2025). However, in practice, a combination of restrictive laws, administrative challenges, and electoral practices approved from the Central Election Commission, limit the ability of many citizens to participate in elections fairly.

As a post-communist society, Albania has undergone significant political transformation since the early 1990s, aiming to design a legal and institutional framework that guarantees fundamental civil and political rights. However, despite substantial legal progress, Albania continues to face challenges in ensuring universal and equitable access to electoral participation. This paper seeks to analyze the current legal restrictions on voting rights in Albania, offering a comprehensive review of national laws, court decisions, international obligations, and reform initiatives, in the context of Albania's accession to the European Union (EU).

Albania's path toward EU accession has necessitated profound transformations, particularly in the field of electoral reform. This is because electoral integrity,

transparency, and institutional trust are key components of the EU's Copenhagen criteria (1993), which Albania must fulfill to progress toward full membership. The Copenhagen Criteria are the requirements a country must meet to join the (EU). These criteria, established in 1993, focus on political, economic, and legal aspects, ensuring a candidate country is ready for integration into the EU. As such, electoral reform has emerged as a foundation stone of Albania's Europeanization strategy, driven by both domestic political imperatives and external conditionality (Schimmelfennig & Sedelmeier, 2005, p. 5).

The central thesis of this paper argues that despite constitutional guarantees of universal suffrage, multiple legal restrictions and systemic challenges, including the disenfranchisement of vulnerable groups, continue to undermine the effective exercise of the right to vote in Albania; thus, necessitating comprehensive legal and institutional reforms to ensure truly inclusive elections. The paper argues that these restrictions are either codified in legislation or result from administrative shortcomings that disproportionately impact vulnerable communities, thereby interfering with the application of democratic principles and international human rights.

Ethnic minorities, particularly Roma and Egyptian communities, are often disenfranchised due to systemic exclusion. Many lack birth certificates, identification documents, or permanent addresses, all of which are prerequisites for inclusion in the voter registry (European Commission, 2022). In addition, the absence of multilingual electoral materials limits the meaningful participation of these communities, despite Albania's commitments under the Framework Convention for the Protection of National Minorities.

Addressing these issues of voting rights in Albania requires a multilateral approach involving legislative amendments, improved voter registration system, and further improving the infrastructure for diaspora voting. Ultimately, safeguarding the right to vote for all eligible citizens is essential for strengthening Albania's democracy and fulfilling its commitments to international human rights standards.

Research Objectives and Questions

The primary objective of this paper is to provide a comprehensive legal analysis of the current restrictions on the right to vote and the right to be elected in Albania, with particular attention to their compatibility with international human rights standards and the requirements of European Union (EU) accession. The study aims to critically examine both the normative framework and the practical application of electoral laws, identifying the extent to which Albania ensures genuine universal suffrage.

Specifically, the research pursues the following objectives:

- To analyze constitutional and legislative provisions governing voting rights in Albania, focusing on categories of exclusion such as prisoners, persons with mental disabilities, and non-resident citizens.
- To assess the practical barriers to voting faced by marginalized groups, including women, ethnic minorities, and persons with disabilities.
- To examine the jurisprudence of the Constitutional Court of Albania and the European Court of Human Rights (ECtHR) as it relates to electoral restrictions.
- To evaluate the alignment of Albania's electoral legislation with international obligations under the International Covenant on Civil and Political Rights (ICCPR), the European Convention on Human Rights (ECHR), and the Convention on the Rights of Persons with Disabilities (CRPD).
- To situate Albania's experience within the broader Western Balkans context, drawing comparative insights into regional trends and challenges.
- To formulate evidence-based recommendations for legal and institutional reforms that would advance electoral inclusivity and strengthen democratic legitimacy in Albania.

The analysis is guided by the following research questions:

1. What are the main legal and practical restrictions on the right to vote and be elected in Albania?
2. To what extent do these restrictions comply with international human rights standards and EU accession requirements?
3. How have Albanian courts and the ECtHR interpreted and addressed the legality of such restrictions?
4. What lessons can Albania draw from other Western Balkans states in overcoming similar challenges?
5. What reforms are necessary to ensure inclusive, transparent, and equitable electoral participation in Albania?

Methodology and Structure of the Paper

This paper employs a doctrinal legal research methodology, relying on a critical examination of constitutional provisions, the Electoral Code, and relevant legislation governing voting rights in Albania. Primary legal sources include the Constitution of the Republic of Albania, Law No. 10019/2008 (Electoral Code), and Law No. 138/2015 ("Decriminalization Law"). Jurisprudence from the Constitutional Court of Albania and the European Court of Human Rights

(ECtHR) is analyzed to evaluate how electoral restrictions have been legally interpreted and applied.

To complement the doctrinal approach, the paper adopts a comparative methodology, situating Albania's legal framework within the broader Western Balkans context. Reports and recommendations from the OSCE/ODIHR, Venice Commission, European Commission, and domestic monitoring organizations are examined to capture both normative standards and the practical challenges of implementation. Academic scholarship and policy studies are also incorporated to critically engage with ongoing debates about electoral inclusivity, political participation, and democratic legitimacy.

The choice of doctrinal legal research is justified by the nature of the inquiry. Since the right to vote is primarily framed, limited, and protected through constitutional and statutory provisions, the analysis must focus on interpreting these texts in light of international standards. The doctrinal method allows for a systematic exploration of how Albania's laws align—or fail to align—with its international obligations under the ICCPR, ECHR, and CRPD. Furthermore, because electoral rights are often adjudicated in constitutional and supranational courts, the jurisprudential method provides the most direct means of evaluating compliance. While empirical research would capture the lived experiences of disenfranchised groups, doctrinal analysis remains indispensable for clarifying the legal validity, scope, and limits of voting rights within Albania's evolving institutional framework.

Methodological limitations must, however, be acknowledged. The study relies primarily on legal texts, court decisions, and secondary literature, without the inclusion of empirical fieldwork such as surveys, interviews, or case studies of affected groups. Consequently, while the research provides a detailed account of the legal and institutional framework, it does not capture the full experiential dimension of disenfranchised populations or the sociological impact of electoral restrictions. Moreover, reliance on official reports and international assessments may reflect institutional perspectives that do not always align with grassroots realities. These limitations are mitigated through the use of a comparative regional perspective and the triangulation of multiple sources, yet they remain relevant for contextualizing the scope and applicability of the findings.

The paper is organized into eight core sections, each building upon the previous to provide a systematic and comprehensive analysis of legal restrictions on the right to vote in Albania.

- Introduction presents the historical background, research objectives, and methodology, situating the issue within Albania's democratic development and EU accession process.
- Chapter 2: The Electoral Code analyzes the constitutional and legislative framework governing elections, including recent amendments, diaspora

voting, gender representation, voter registration, electoral administration, and dispute resolution.

- Chapter 3: International Oversight and Compliance evaluates Albania's obligations under international human rights treaties and examines assessments by the OSCE/ODIHR, Venice Commission, and European Commission.
- Chapter 4: Comparative Analysis situates Albania's electoral laws within the broader Western Balkans, highlighting both common challenges and regional divergences.
- Chapter 5: Legal Limitations provides an in-depth examination of the most significant restrictions on suffrage, including those affecting prisoners, persons with mental disabilities, non-citizen residents, diaspora voters, and individuals facing accessibility barriers.
- Chapter 6: Public Perceptions and Democratic Legitimacy explores the societal implications of these legal restrictions, focusing on citizen trust and electoral participation.
- Chapter 7: Conclusions synthesizes the findings, identifying the core tensions between Albania's legal commitments and electoral practices.
- Chapter 8: Recommendations offers concrete proposals for legal and institutional reforms aimed at enhancing inclusivity, enforcement, and compliance with international standards.

This structure ensures a balance between doctrinal legal analysis, comparative assessment, and normative recommendations, thereby providing a complete picture of Albania's electoral challenges in light of its EU accession aspirations.

The Electoral Code

Electoral Legislation and Allocation of Mandates for Parliamentary Elections

The primary legislation governing elections in Albania is the Electoral Code of Albania, amended in July 2024 and with further, minimal, amendments in February 2025. In addition, the legal framework comprises the Constitution, Law on Political Parties, Law on Gender Equality, and Law on Decriminalization. Secondary legislation derives from this framework, including numerous decisions and orders issued by the Central Election Commission in its role as the national election management body.

The Parliament of Albania is a unicameral legislative body with 140 seats. Its members are elected every four years through a regional proportional and multi-

member system in 12 constituencies. The proportional system calls for multiple electoral candidates across jurisdictions, varying from a minimum of three mandates in Kukes to a maximum 37 in Tirana. Mandates are allocated by ranking quotients derived from dividing each electoral subject's votes by successive divisors (1, 2, 3, etc.) up to the total number of seats in the district. Contestants win as many seats as the number of their quotients that rank within the available seats. For independent candidates, votes are divided only by one.

The Albanian Electoral Code, details the rules governing elections and clarifies eligibility criteria for exercising the right to vote. Article 3 of the Code reaffirms constitutional provisions, emphasizing voter eligibility as dependent on age, citizenship, and mental competence. The Code, however, introduces additional restrictions, such as residency requirements and technical conditions for voter list inclusion. The Electoral Code also distinguishes heavily between the right to vote and the right to be elected, treating the latter with stricter conditions, especially concerning criminal convictions. The Code is administered and interpreted by the Central Election Commission (CEC), which has discretion in managing disputes and maintaining electoral integrity.

The European Commission's annual progress reports have recurrently identified deficiencies in Albania's electoral framework, including concerns about political polarization, limited voter trust, and irregularities in election administration. Responding to both international and domestic pressures, Albania undertook further electoral reforms more substantively in 2020, 2024 and February 2025.

From a historical perspective, it remains important to mention that the 2008 constitutional reform altered the electoral system from a mixed-member majoritarian representation system to a closed-list proportional system in a regional system composed from 12 multi-member constituencies. Scholars argue that this proportional electoral system has favored larger political parties and marginalized smaller ones; thus, consolidating party leadership power and weakening democratic pluralism (Rakipi, 2010, p. 76).

The 2020 reform package amendments introduced partial open lists for parliamentary elections, allowing voters to choose among candidates within party lists—a shift toward greater voter agency and intra-party democracy (OSCE/ODIHR, 2021, p. 6).

The Significance of the 2024 and 2025 Amendments to the Electoral Code

The recent electoral code amendments in July 2024³ and February 2025 introduced changes to the electoral system and to certain campaign finance rules but most importantly enabled the voting from out-of-country of the Albanian Diaspora, specified the competencies of the CEC in organizing overseas voting

³ These amendments were approved by the Parliament of Albania with 106 votes in favor.

and introduced provisions related to registration of voters residing abroad, as requested by a Constitutional Court ruling from December 2022. The ruling requested the Parliament to amend the legal framework to enable the constitutional right of Albanian citizens who reside abroad to vote from abroad. In the 2025 Parliamentary elections, approximately 245,935 overseas voters were approved to participate, enhancing electoral inclusivity, transparency, and representation.

The 2022 Constitutional Court of Albania decision also ruled that the criteria for allocating parliamentary mandates were unconstitutional, specifically the threshold required for reordering preferential list candidates, and the one per cent national threshold imposed on independent candidates. Thus, another important amendment to the electoral code was reducing the national electoral threshold to 1%, down from the previous 3% for parties and 5% for coalitions. This change was designed to enhance the inclusivity of the electoral system, providing smaller parties with a better opportunity to gain parliamentary representation. Thus, a very progressive amendment in improving the quality of electoral legislation in Albania to better align with the fundamental EU principles of justice and democracy.

The 2024 amendments to the electoral code of Albania also added a closed list component alongside the existing preferential voting lists. Under the new electoral system, each party or coalition presents a closed list, with a number of candidates equal to one-third of the number of seats in the district, and a preferential list, with the same number of candidates as there are seats in the district.

In sum, the 2024 amendments to Albania's Electoral Code represent a significant step toward modernizing the country's electoral framework, with notable advancements in diaspora inclusion and further enforcing affirmative action for gender representation.

Voting Rights for the Albanian Diaspora

Diaspora voting has long been a contentious issue in Albania's electoral discourse. Before the 2025 elections, Albanians could not vote from outside the country, despite retaining their citizenship. This legal exclusion placed Albania behind regional peers like North Macedonia and Kosovo, which allow diaspora voting through embassies or postal services.

On July 20, 2024, the Albanian Parliament adopted amendments to the Electoral Code to permit external voting starting with the 2025 parliamentary elections. These reforms followed prolonged civil society advocacy and the recommendations of the Council of Europe and EU Enlargement Reports, which had consistently flagged Albania's lack of diaspora voting as a democratic deficit (European Commission, 2023).

Diaspora voters in the 2025 Albanian parliamentary elections were required to register through the Central Election Commission's (CEC) Electronic Registration

Platform (PER) between January 11 and March 4, 2025. Registration necessitated the submission of a valid Albanian identification document (passport or ID card) and at least one official document proving residence abroad. Acceptable documents included property ownership certificates, rental agreements, utility bills, bank statements, or official residency confirmations from host country authorities. Upon successful registration, voters were removed from domestic voter lists and added to a separate diaspora electoral list. Ballots were mailed to the registered foreign addresses, and voters were responsible for returning the completed ballots to the CEC by election day.

By the registration deadline, approximately 284,114 applications were submitted, with around 225,797 approved. Italy, Greece, and Germany had the highest numbers of registered diaspora voters. The CEC reported that a significant portion of initial applications were rejected due to mismatches between declared addresses and supporting documentation, highlighting the importance of accurate and consistent information. This initiative marked a pivotal step in Albania's efforts to include its diaspora in the democratic process, aligning with practices in other Western Balkan countries and addressing long-standing calls for electoral inclusivity among Albanians abroad.

Despite the legislative advancement, practical obstacles remain. The Electoral Code requires voters abroad to pre-register via consular offices, and the CEC is responsible for developing a more secure, transparent, and accessible voting infrastructure. It must be emphasized that the 2025 OSCE/ODIHR, praises the CEC of Albania concluding that “the out-of-country voting, was well managed” and that “the electoral administration managed the process in an inclusive and transparent manner” (OSCE/ODIHR, 2025). These conclusions represent a significant step forward for Albania in line with the European Union principles of justice and fairness toward building a more stable and inclusive democracy in light of EU membership.

Gender-Based Participation and Representation

While Albania's legal framework does not overtly discriminate against women's voting rights, structural barriers and cultural norms continue to impede full gender equality in electoral participation. The Electoral Code imposes a gender quota: one in every three candidates on a party list must belong to the less-represented gender. This measure, introduced in 2008 and strengthened in 2020 and 2024 through progressive amendments to the electoral code, seeks to improve women's representation in the Parliament and local councils.

Parliamentary elections were held in Albania on 11 May 2025 to elect the 140 members of Parliament. The total turn out of voters has been estimated around 45% of the 3.71 million Albanian citizens of voting age from the official data available

from the CEC. Among the two major political parties of Albania, the Socialist Party (SP) will be represented by 35 women and 48 men. In the opposition camp, the Democratic Party (DP) and its allies will be represented by 13 women and 37 men in the Assembly.

According to official data from CEC, in the 2025 parliamentary elections approximately 1.86 million women were enrolled on the electoral register. However, the number of women which voted was only 760,930 (676,000 voted domestically, and approximately 93 thousand voted by mail from the diaspora). Thus, from the total number of the women registered voters, only around 41.4% voted. On the other hand, approximately 788 thousand men voted domestically, and approximately 109 thousand voted by mail from the diaspora. In total, 48.4% of the 1.85 million men on the voting register voted. From the data, it becomes evident that female eligible voters both from domestically and abroad, voted in lesser ratio compared to male voters.

In practice, compliance with the gender quotas has often been superficial. This is because political parties sometimes place women candidates at the bottom of lists or replace them after elections. Moreover, in rural areas, family or patriarchal influence often determines women's voting behavior. A 2022 OSCE report found that in some regions, women were discouraged from voting independently or were expected to vote in alignment with male family members' preferences. To combat this, electoral authorities have begun implementing public awareness campaigns and capacity-building programs for female candidates. Nonetheless, cultural transformation and robust enforcement mechanisms remain essential to ensure substantive, not merely formal, gender equality (Gjonça, 2023).

Although the Electoral Code prohibits such practices, enforcement remains minimal, and legal remedies are rarely pursued. Legal scholar Arta Vorpsi (2023) argues that the gap between law and implementation stems from a combination of political interference, limited institutional capacity, and weak judicial oversight. She emphasizes the need for Albania to adopt a culture of constitutionalism in electoral enforcement, where rights are not merely declared, but institutionally protected through active remedies and independent oversight (Vorpsi, 2023, pp. 58-74).

Voter Registration

The voter registration system in Albania also presents legal obstacles. Voter registration can be active or passive. That is, a person may be required to actively apply for voter registration, or a person may be automatically (or passively) registered through participation in another process, such as holding a driver's license or being included on a national population register. Where voter registration is active, a process is needed to convert an application into a voter register record. While this process can be conducted using an entirely manual

paper-based system, the various outputs required of modern voter registers generally dictate that an application for registration be converted to an electronic form. Where voter registration is passive, data is generally taken from another source, such as a driver's licenses authority or a national population register (Kim et al., 2023).

Although Albania utilizes a passive voter registration system, inaccuracies in the National Civil Registry—such as outdated address information and failure to update records for deceased or emigrated individuals—often result in irregularities. This disproportionately affects marginalized communities such as the Roma, Egyptians, and internal migrants, many of whom face barriers to obtaining official documentation and residency status (OSCE/ODIHR, 2021). The OSCE/ODIHR has repeatedly recommended that Albanian authorities enhance the integrity and inclusiveness of the civil registry and voter lists.

First, the accuracy of the registry is undermined by high levels of emigration and frequent changes in residency, which often go unreported. This results in outdated voter lists, with numerous deceased individuals or citizens no longer residing in the country remaining on the roll. Second, the procedure for correcting errors or changing polling stations can be bureaucratic, discouraging citizen participation, especially among marginalized communities such as the Roma and Egyptian minorities (Koci, 2022, pp. 87-102).

Additionally, voters with disabilities face logistical barriers, despite legal guarantees of equal access. According to the 2021 IFES report, many polling stations during the 2021 Parliamentary elections lacked ramps or accessible booths, and electoral staff were often not trained to accommodate voters with special needs. This creates a form of an alarming *de facto* disenfranchisement for disabled citizens.

Electoral Administration

The Central Election Commission (CEC) is the highest electoral authority in Albania, mandated to ensure the administration, oversight, and legality of elections. Articles 9–24 of the Electoral Code regulate the Central Election Commission (CEC). The 2020 reform divided the CEC into:

- State Election Commissioner (executive role),
- Regulatory Commission (rule-making), and
- Appeals and Sanctions Commission (KAS) (adjudicatory).

This tripartite model reflects Venice Commission recommendations for functional separation (Venice Commission, 2020). However, Albanian scholars question whether appointments remain too politicized, as commissioners are nominated by parliamentary parties (Rakipi, 2021).

Article 11 of the Electoral Code defines the CEC as an independent institution, yet its appointment process has drawn criticism for politicization. Commissioners are appointed by the Parliament, typically in accordance with party quotas, undermining public confidence in the CEC's neutrality (Caca, 2023).

The CEC plays a central role in enforcing legal provisions related to voter eligibility and registration. While it has issued some progressive directives, such as pilot initiatives for electronic registration and gender balance monitoring, it has also been criticized for insufficient enforcement of laws protecting marginalized voters, such as the disabled and Roma communities.

A further complication lies in the CEC's capacity. Despite being tasked with supervising tens of thousands of polling stations and handling thousands of registration corrections, the CEC's staffing and budget remain limited. Despite the CEC appraisal from the OSCE/ODIHR official report for the 2025 Parliamentary elections in Albania, scholars contend that the "CEC'S decisions often lack transparency, with rulings not always published promptly online or communicated clearly to affected parties" (Caca, 2023).

What remains problematic is that the Central Election Commission often lacks the legal tools to enforce regulations related to accessibility or discriminatory practices. In 2022, several NGOs documented over 100 polling stations that failed to meet minimum accessibility standards, yet no formal penalties were issued (Avokatët për Demokracinë, 2022). Thus, some legal electoral reforms have been only partially successful in addressing structural legal restrictions. For example, although biometric voting has increased confidence in voter identification, it did not significantly improve access for disabled or rural populations (Këshilli i Monitorimit Zgjedhor, 2024).

Electoral Disputes

Legal recourse is essential for protecting the right to vote. Albania's electoral dispute mechanism is governed by Articles 118–129 of the Electoral Code, which provide for complaints and appeals to be handled by the Central Election Commission and the Electoral College of the Court of Appeals in Tirana.

According to Part X of the Electoral Code, Administrative Appeals of Election Commissions Decisions (Articles 124–144) and Part XI, Judicial Appeals of CEC Decisions and Invalidity of Elections (Articles 145–159), electoral subjects and candidates have the legal right to appeal the official counts of the Commission for Electoral Administration Zone and CEC, along with any other violations of their rights stipulated in the Electoral Code and its sublegal acts. Complaints are filed first with the CEC, which must make a decision within 10 days of receipt regarding the table of election results and within two days for all other complaints. Complainants can appeal CEC decisions to the Judicial Electoral College within

five days of the decision during the election period. The Judicial Electoral College has 10 days to adjudicate and decide on the appeal and the subsequent decision is final and cannot be appealed.

However, legal scholars and international observers have criticized these procedures as insufficiently accessible, overly technical, and slow (Bajo, 2021). For example, complaints concerning voter registration errors must be submitted within extremely tight deadlines—often as little as 24 hours—making it difficult for ordinary citizens to react. Additionally, decisions by the Electoral College are final, with no opportunity for appeal to the Constitutional Court, thereby potentially limiting judicial oversight of electoral restrictions (Bajo, 2021).

A 2021 case, *Aleanca për Barazi dhe Drejtësi v. Komisioni Qendror i Zgjedhjeve*, highlighted the structural bias in the system when the Electoral College declined to rule on an appeal concerning voting access for voters in home isolation during COVID-19, citing lack of jurisdiction. This procedural opacity has deterred many voters from pursuing legal challenges to violations of their electoral rights.

International Oversight and Compliance

Albania is party to multiple international treaties that protect the right to vote, including the International Covenant on Civil and Political Rights (ICCPR), the European Convention on Human Rights (ECHR), and the Convention on the Rights of Persons with Disabilities (CRPD). These instruments impose obligations on Albania to eliminate unreasonable or discriminatory restrictions on suffrage. However, as recent critiques from the UN Human Rights Committee (2022) and the Venice Commission (2023) demonstrate, Albania's compliance is partial. The blanket disenfranchisement of individuals with mental disabilities, the practical exclusion of certain prisoners, and the under-regulation of diaspora voting are all seen as incompatible with Articles 25 (ICCPR) and Article 3 of Protocol No. 1 (ECHR), which guarantee equal and universal suffrage.

Frequent amendments to the Electoral Code in Albania on the eve of elections have been an issue of concern creating legal uncertainty. The 2020 constitutional and electoral code amendments, implemented without broad political consensus, were criticized by a legal opinion from the Venice Commission, for undermining electoral stability and transparency (Venice Commission, 2020). The Commission for Democracy through Law, popularly known as the Venice Commission (VC) is part of the Council of Europe (CoE) dealing with constitutional and other legal matters of importance for democratic and rule of law development. The 2020 rapid legal amendments, according to the legal opinion of the Venice Commission, violate the international principle that electoral laws should not be altered less than one year before elections, a standard advocated by the “Code of Good Practice in

Electoral Matters of the Venice Commission” (Venice Commission & Council of Europe, 2003).

The reason why the Venice Commission’s opinions are of crucial importance for countries like Albania on the eve of EU membership is because such opinions provide independent, expert legal advice on constitutional and legislative matters, to help a country align its legal framework with the European standards of democracy, human rights, and the rule of law (Cameron, 2021). Essentially, the commission’s opinions serve as a guide for states like Albania, seeking to strengthen their democratic institutions and legal systems.

Furthermore, the European Commission’s 2023 progress report identified electoral inclusiveness as a “key area for improvement” in Albania’s accession process. It recommended alignment of electoral law with international human rights standards, especially with regard to marginalized groups and dispute resolution mechanisms.

The Venice Commission and OSCE/ODIHR have repeatedly recommended depoliticizing electoral administration, strengthened campaign-finance oversight, and improved diaspora enfranchisement. Albania’s 2025 reform responded to long-standing ODIHR recommendations by introducing diaspora voting (OSCE/ODIHR, 2025).

The previous exclusion of the diaspora to vote from abroad was in contradiction with Albania’s international obligations under instruments such as the International Covenant on Civil and Political Rights (ICCPR), which mandates equal access to voting for all citizens (United Nations, 1966, art. 25). The 2024 legal amendments to the Electoral Code enabled the necessary legal framework for Albanian citizens to vote from abroad by mail ballot in the 2025 Parliamentary elections.

Despite legislative advances, the OSCE/ODIHR reports have repeatedly noted challenges such as media bias, misuse of administrative resources, voter intimidation, and the lack of accountability in the Central Election Commission (CEC).

The Venice Commission has lauded Albania’s reform trajectory but has also emphasized that implementation remains inconsistent. It noted in 2023 that “the persistence of disenfranchisement of specific social categories undermines the democratic character of the reforms” (Venice Commission, 2023). Another concern according to scholars exists due to the fact that while the EU’s accession framework has encouraged important legal and procedural changes in Albania, including increased electoral transparency and voter empowerment mechanisms, the democratizing effect of these reforms is partially undermined by partisan entrenchment, reflecting the ongoing politicization of electoral rules (Ceka, 2018, p.183).

A Comparative Analysis of Albania's Electoral Legislation within the Western Balkans Region

When assessing the restrictiveness of Albania's electoral laws, comparative analysis with neighboring Western Balkan countries is instructive. North Macedonia and Kosovo, for instance, have initiated the external voting of the diaspora through embassies and postal ballots, whereas Albania only recently initiated the enablement of the already existing constitutional right in the 2025 parliamentary elections. Serbia, by contrast from Albania that as aforementioned has been praised for the successful and fair implementation of the 2025 diaspora voting, has been criticized for excessive control over electoral lists in diaspora voting and politically influencing electoral commissions (Vukovic, 2023, pp. 40-58).

In terms of inclusion, Montenegro has taken progressive steps to enfranchise citizens with disabilities and non-citizen residents in municipal elections, a model Albania has yet to emulate. Furthermore, Bosnia and Herzegovina's constitutional discrimination against ethnic minorities, highlights how the regional legal systems in the Western Balkans all struggle with reconciling democratic ideals with structural restrictions (OSCE/ODIHR, 2022). Nonetheless, Albania's legal framework is generally more progressive than those of some of its Western Balkans peers, in principle; however, it still lags in implementation. This suggests that Albania's main challenge lies not in legislative inadequacy but in enforcement and accessibility.

From a regional comparative perspective, scholars argue that for electoral reforms to meaningfully advance Western Balkans's EU aspirations, such transformations must be complemented by broader efforts to depoliticize public institutions, strengthen judicial independence, and ensure robust civil society participation (Kmezic, 2017, p. 89). As scholar Nathalie Tocci observes, the EU's transformative power in the Western Balkans remains "conditional, gradual, and reversible" depending on the political will and capacity of domestic institutions (2007, p. 4).

As scholars Dimitrova and Pridham suggest, Europeanization in post-communist states often results in "formal institutional compliance" that may not translate into behavioral or normative change without sustained internal reform pressure (Dimitrova & Pridham, 2005, p.100). In addition, Bieber contends that political elites in the Western Balkans region have often "adopted the language and laws of the EU while continuing to manipulate democratic institutions for partisan gain" (Bieber, 2020, p. 15).

In the Albanian context, this tension is evident in the pattern of cyclical reforms that coincide with election cycles or moments of increased EU scrutiny, rather

than being the product of a sustained internally driven democratization agenda. The EU has repeatedly emphasized that the importance of inclusive political dialogue as a condition for accession, emphasizing that democratic procedures cannot be reduced to periodic elections alone but must involve ongoing pluralistic engagement (European Commission, 2020, p. 14). These issues reveal an implementation gap between formal legal alignment with EU standards and substantive democratic practice.

In sum, while significant electoral amendments have been undertaken in formal legal alignment, the consolidation of a stable, inclusive, and transparent electoral system yet remains a central challenge on Albania's European path.

Analysis of Legal Limitations on the Right to Vote and be Elected in Albania

Restrictions on The Voting Rights of Persons with Criminal Convictions

One of the most debated restrictions in Albanian electoral law concerns individuals serving prison sentences. Article 45 § 1 of the Constitution of the Republic of Albania provides those Albanian citizens who have reached the age of eighteen have the right to vote. Article 45 § 3 provides that voting rights may be restricted for Albanian citizens who have been convicted by a court of a criminal offence and are serving a sentence in a penal institution. It provides:

“3. Citizens sentenced to imprisonment by a final decision for committing a crime are excluded from the right to stand for election, under the rules set out in a law to be approved by three-fifths of all the members of Parliament. In exceptional and justified cases, the law may provide for restrictions on the voting rights of citizens who are serving a prison sentence, or on the rights of citizens to stand for election before a final verdict has been given or when they have been deported for a crime or for a very serious and grave breach of public order.”

The law no. 138/2015 also imposes restrictions on the voting rights of persons who have been sentenced to a term of imprisonment, irrespective of its duration, for the commission of specified criminal offences. Section 2(1)(a) and (b) and (4) sets out the list of criminal offences of which conviction entails disenfranchisement, including some of the most severe offences such as: murder, the manufacture and sale of narcotic drugs, drug trafficking, participation in an organized criminal group, and, in general, offences which fall within the categories of: crimes against humanity; crimes against life or health; sexual crimes; crimes against a person's freedom and property; crimes against national sovereignty and constitutional order; terrorist acts; crimes against State authority and public order; crimes against justice; and electoral offences. Under section 4(8), the legal restriction on the right to vote ends when the prison sentence has been served, including where

the sentence has been reduced.

Section 12 regulates the procedure to be followed when a person is excluded from the electoral roll. Even though the exclusion should be mentioned in the judgment convicting the person concerned of one of the criminal offences listed in section 2 and sentencing him or her to a prison term, it is applicable even if it is not explicitly mentioned in such a judgment. Thus, what this means from a legal stand point is that in the Albanian legal system the measure of suspending the right to vote is applied by operation of law once the decision on a person's conviction for one of the offences specified in Law no. 138/2015 has become final; irrespective of the duration of the sentence imposed. Also, the voting restriction applies irrespective of whether it was mentioned in a judgment or not, because it stems directly from the legislation.

The Compatibility of Voting Restrictions for Incarcerated Persons with the ECHR

The European Court of Human Rights' judgment in *Hirst v. the United Kingdom* (No. 2) (2005) has become a mandatory point of reference in determining the compatibility of national voting restrictions with the European Convention on Human Rights. The Court's reasoning in *Hirst* offers critical guidance for Albania and other states in the Western Balkans regarding limitations on the right to vote, especially for incarcerated persons and others under legal disability. The principle established in *Hirst*—that any restriction on voting rights must be proportionate, pursue a legitimate aim, and be subject to individualized assessment—forms a standard against which Albania's current legal and practical approaches must be measured. The European Court of Human Rights (ECtHR) found that the UK's blanket prohibition on voting by prisoners under section 3 of the Representation of the People Act 1983 violated Article 3 of Protocol No. 1 of the European Convention on Human Rights. The Court emphasized that the right to vote is not a privilege but a fundamental democratic right. While the Convention permits restrictions on suffrage, these must not be arbitrary, and states must demonstrate that such limitations pursue a legitimate aim and are proportionate to that aim (European Court of Human Rights, 2005, paras. 82–85).

The ECtHR took particular issue with the UK's indiscriminate nature of the restriction, which failed to consider the gravity of the offense, the length of the sentence, or the individual circumstances of the prisoner. As the Court noted, "the disenfranchisement of all convicted prisoners, regardless of the nature or gravity of their offences and irrespective of the length of their sentences, must be seen as falling outside any acceptable margin of appreciation, however wide that margin might be" (European Court of Human Rights, 2005, para. 82). The ruling thus established a requirement for states to apply nuanced and individualized criteria if they wish to restrict voting rights.

According to Article 3 of Protocol No. 1 of the European Convention on Human Rights (ECHR), the right to free elections includes the right to stand for election. While this right is not absolute, the European Court of Human Rights (ECtHR) has stressed that restrictions must be proportionate and must not impair the essence of the right itself.

In *Scoppola v. Italy* (2009), the ECtHR ruled that blanket bans on candidacy based on criminal records violate the Convention unless narrowly tailored to meet legitimate democratic objectives. The Venice Commission has echoed this interpretation, advising that while states may exclude individuals with serious criminal records from public office to preserve the integrity of democratic institutions, such exclusions must be clearly defined, proportionate, and subject to judicial oversight (Venice Commission, 2015, p. 10).

On 31 January 2017 the Albanian Helsinki Committee filed a complaint against Law no. 138/2015 with the Constitutional Court of Albania, concerning the inability of six Albanian citizens to vote in the parliamentary elections of 2017 while serving prison sentences, having been convicted of various criminal offences including murder, organized criminal behavior and drug-related offences. The Albanian Helsinki Committee claimed a potential violation of Article 3 of Protocol No. 1 of the European Convention on Human Rights. The Albanian Helsinki Committee argued that the list of offences for which the restriction on the right to vote was imposed was arbitrary and that it violated the right to be treated equally with other convicted prisoners whose voting rights were not restricted. Furthermore, it argued that there was no clear definition of the public interest purportedly protected by the law. On 5 June 2017 the Constitutional Court of the Republic of Albania dismissed that complaint, finding that Law no. 138/2015 did not violate the Constitution or the Convention. The Constitutional Court of Albania held that the restrictions on the right to vote pursued a legitimate aim and were not disproportionate.

The European Court of Human Rights (ECtHR) addressed the matter in *Mysliha and Others v. Albania* (2023). The ECHR ruled for this specific case the disenfranchisement of the six Albanian convicts was justified and proportionate and that the restrictions imposed on the applicants' right to vote did not "thwart the free expression of the people in the choice of the legislature" and that it maintained "the integrity and effectiveness of an electoral procedure aimed at identifying the will of the people through universal suffrage" (see *Hirst*, cited above). The Court accepted both the lawfulness of the restrictions, as well as the arguments of the Albanian Constitutional Court with respect to the legitimate aims that they served (para 63). Turning to necessity and proportionality, it noted that the Parliament followed a careful procedure in the approval of the Law and had sought the opinion of the Venice Commission, and that the Law enjoyed a high degree of support from Parliament, demonstrating a consensus among all political factions (para 65). The Electoral Code in Albania does not explicitly

impose a blanket disenfranchisement on convicted prisoners, which is a marked departure from the UK legislation invalidated in *Hirst*.

In practice, however, the application of these provisions has led to ambiguity. While prisoners serving sentences for minor crimes are legally entitled to vote, Albania has not institutionalized consistent mechanisms to facilitate voting in detention facilities. For example, the Central Election Commission (CEC) has in the past failed to install ballot boxes or ensure adequate registration for inmates during national elections, effectively rendering many prisoners unable to vote despite formal eligibility (Central Election Commission, 2021).

As a matter of fact, the legal restriction on voting in the 2017 parliamentary elections in Albania affected only 923 prisoners, compared to more than 5,300 prisoners who enjoyed the right to vote. Although Albanian law does not formally exclude most categories of prisoners from voting, its institutional and logistical shortcomings have resulted in de facto disenfranchisement. A 2021 report by the People's Advocate noted that prison administrations lacked coordination with the Central Election Commission to inform and register eligible detainees, and polling stations were not provided in most detention centers during the 2021 parliamentary elections.

Additionally, there are no specific legal guarantees or procedural frameworks that allow prisoners to challenge decisions or administrative inaction related to voting rights. This undermines the accessibility and justifiability of electoral rights in Albania, contravening the standards of legal clarity and procedural fairness articulated in *Hirst* and other ECtHR jurisprudence. The ECtHR's jurisprudence establishes that rights protected in the Convention must not only exist on paper but must be accessible in practice. As the Court emphasized in *Sejdic and Finci v. Bosnia and Herzegovina*, the lack of effective access to rights, even when formal protections are in place, constitutes a violation of the Convention (*Sejdic and Finci v. Bosnia and Herzegovina*, 2009). By this measure, Albania's failure to operationalize the right to vote for prisoners, and to apply individualized assessments for those with mental disabilities. A rights-respecting democracy must ensure that legal entitlements to suffrage are not hollow guarantees but are reinforced by meaningful access and procedural safeguards.

To fully align with the standards set forth in *Hirst*, Albania should consider the following reforms:

1. Institutionalizing the right of eligible prisoners to vote through clear administrative protocols and mandatory prison polling infrastructure.
2. Revising the legal framework concerning mentally disabled persons to require individualized judicial assessments of voting capacity, rather than automatic disenfranchisement.
3. Enhancing transparency and judicial remedies to allow for challenges to disenfranchisement and failures in voting facilitation.

Limitations Imposed by the “Decriminalization Law”

Law no. 138/2015 “On the Guarantee of Integrity of Persons Elected, Appointed or Exercising Public Functions” (“Decriminalization Law”) ensures the integrity of persons who are elected, appointed to or exercising public functions in the Republic of Albania. The law prohibits individuals who have been convicted by a final court decision of certain criminal offenses from holding or running for public office. These offenses include crimes such as murder, drug trafficking, corruption, terrorism, human trafficking, and money laundering. The length of the disqualification depends on the type and seriousness of the offense, ranging from five years after sentence completion to permanent bans in the most severe cases.

Article 2 requires candidates for parliament or local government to submit a self-declaration form disclosing any previous criminal convictions, both domestic and international. These forms are vetted by the Central Election Commission (CEC) and cross-checked with information from the General Prosecutor’s Office, Interpol, and other relevant authorities. Failure to provide accurate information or submission of false declarations, results in the immediate disqualification of the candidate, regardless of the stage in the electoral process. Even if a candidate wins the election, their mandate may be revoked *ex post facto* upon discovery of ineligibility, as established by several decisions of the CEC and the administrative courts.

Moreover, the law applies extraterritorially, meaning convictions issued by foreign courts are also recognized, provided they are final and meet the criteria defined in the law. This expansive scope has had significant consequences for several political candidates, some of whom were disqualified after verification of prior criminal records abroad.

In addition, critics have also raised concerns about the retroactive application of the law, especially in cases involving old foreign convictions or convictions for crimes that may have been politically motivated. Retroactive application of the law means applying a new law to events that occurred before the law was enacted. According to legal scholars, the retroactive application of laws can raise significant constitutional issues, particularly concerning fairness and due process (Stimson, 1939). In some instances, candidates in Albania for parliamentary elections were disqualified due to minor or outdated offenses, raising questions about whether the principle of proportionality was being consistently applied (Cani, 2020, pp. 135-150).

Cognitive Impairment and Legal Disqualification from Voting in Albania in Relation to International Norms

Albania's legal framework concerning the right to vote is primarily grounded in its 1998 Constitution and the Electoral Code. Article 45 of the Constitution guarantees the right to vote to all citizens aged eighteen and over. However, it includes exceptions. One of the most prominent legal barriers to suffrage in Albania is found in Article 45 (2) of the Constitution of the Republic of Albania, which provides that "every citizen who has reached the age of 18, even on the day of the elections, has the right to vote and to be elected" unless "he has been declared mentally incompetent by a final court decision" (Constitution of the Republic of Albania, art. 45). This provision reflects a long-standing legal assumption that certain mental conditions may impair a person's capacity to make rational and informed decisions, including those concerning political participation.

The Electoral Code of Albania, in alignment with the Constitution, reiterates this position. Article 2 of the Electoral Code defines voters as "Albanian citizens who are 18 years old on election day and not declared incompetent by a final court decision". The use of the term "final court decision" is significant because it sets a judicial threshold to prevent arbitrary or discriminatory disqualifications. However, scholars have raised concerns regarding the broadness and potential misuse of such legal provisions. As Erinda Ballanca, the People's Advocate (Ombudsman) of Albania, has argued, "restricting voting rights on the basis of mental capacity must be approached with extreme caution, to avoid violations of the principle of universal suffrage" (Ballanca, 2022, p. 14).

On an international level, the exclusion of individuals declared mentally incompetent—though legally sanctioned—has been increasingly criticized by international bodies, including the United Nations and the European Court of Human Rights (ECtHR), for violating the principles of non-discrimination and universal suffrage (Council of Europe, 2023). In addition, legal scholars criticize such blanket exclusions to not satisfy the requirement of proportionality and infringe upon rights protected by the UN Convention on the Rights of Persons with Disabilities (CRPD), to which Albania is also a party.

Individuals declared mentally incompetent in Albania are subject to automatic disenfranchisement without further procedural review. This restriction is codified in both constitutional and electoral legislation, with implications for human rights, legal theory, and electoral justice. This provision resembles legal frameworks invalidated in *Kiss v. Hungary* (2010), where the ECtHR held that a blanket exclusion of people under guardianship violated the Convention. In Albania, the absence of individualized judicial review for assessing voting capacity among mentally disabled persons raises potential concerns under the same standard.

Legal systems across democratic societies recognize the importance of safeguarding the integrity of the electoral process while balancing this objective with the imperative to respect individual political rights. In international human rights law, the issue of mental competence and suffrage is increasingly scrutinized under the principle of non-discrimination. The United Nations Convention on the Rights of Persons with Disabilities (CRPD, 2006), which Albania ratified in 2012, obliges states to “recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life” (Article 12). Article 29 further mandates the protection of political rights, including participation in elections, for persons with disabilities. These obligations imply that blanket prohibitions based solely on mental incapacity may contravene international standards, unless narrowly tailored and individually assessed. As argued by legal scholar Arlinda Cikuli, “the Albanian legal framework remains only partially harmonized with the CRPD’s mandates on inclusive political participation” (Cikuli, 2020, p. 78).

In a 2020 report, the Commissioner for Protection from Discrimination of Albania emphasized the importance of judicial oversight and periodic review of disqualification decisions. The report noted: “Although the law requires a final court decision, the absence of clear criteria and procedural safeguards may lead to unjust exclusions from the electoral roll” (Commissioner for Protection from Discrimination, 2020, p. 56). Moreover, the Venice Commission has consistently encouraged member states to refrain from overly restrictive disenfranchisement policies, recommending that “a finding of mental incapacity should not automatically lead to the loss of voting rights” (Venice Commission, 2010, para. 1.1.b.ii).

Thus, while Albania’s constitutional and electoral laws formally permit the restriction of voting rights on grounds of mental incompetence, these provisions must be carefully scrutinized. The prevailing legal and human rights frameworks urge Albania to strike a balance between protecting electoral integrity and upholding the dignity and agency of individuals with mental disabilities. The jurisprudential trend across Europe and the mandates of the CRPD suggest that future reforms may be necessary to ensure a more inclusive interpretation of political rights, avoiding the risk of systemic exclusion.

Legal Conditions to Vote for Non-Citizen Residents and Stateless Persons

Another legal exclusion pertains to long-term non-citizen residents. The Electoral Code explicitly limits the right to vote and be elected in all forms of elections to Albanian citizens. Consequently, individuals who have resided in Albania for decades, including stateless persons and foreign nationals with permanent residency, are barred from participating in the democratic process.

This blanket exclusion contradicts emerging European standards, which increasingly recognize the rights of non-citizen residents, particularly in local

elections. The Council of Europe's *Convention on the Participation of Foreigners in Public Life at Local Level* (Council of Europe, 1992), though not ratified by Albania, sets a normative benchmark that participation in municipal governance should not be restricted solely to citizenship.

Moreover, Albania's legal framework is inconsistent with Article 25 of the International Covenant on Civil and Political Rights (ICCPR, 1996), which requires states to ensure participation in public affairs. While this article permits some limitations, the exclusion of all non-citizens from even local decision-making has been criticized as overly restrictive and at odds with Albania's commitments under the Stabilization and Association Agreement with the EU.

Accessibility of Electoral Legislation for Individuals with Disabilities

Despite Albania's ratification of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in 2013, implementation of inclusive electoral policies remains limited. Article 29 of the CRPD obliges states to ensure that persons with disabilities can "effectively and fully participate in political and public life, including the right and opportunity to vote and be elected."

However, a 2023 assessment by the Albanian Disability Rights Monitor (ADRM) revealed that fewer than 30% of polling stations were physically accessible to individuals with mobility impairments. Additionally, there is no widespread availability of voting materials in Braille or sign language interpretation for the hearing impaired. Although Article 39 of the Electoral Code allows voters with disabilities to be assisted by a trusted person, this measure falls short of facilitating independent and confidential voting, as required by international standards (ADRM, 2023).

Discriminatory attitudes and lack of electoral staff training further exacerbate these issues. The Central Election Commission (CEC) has issued guidelines encouraging municipalities to improve infrastructure, but without legally binding enforcement, progress remains inconsistent. A 2022 OSCE report concluded that systemic inaccessibility constitutes a de facto restriction on suffrage for persons with disabilities in Albania.

Public Perceptions and Democratic Legitimacy

The restrictions on voting rights in Albania have a profound effect on the public's trust in electoral systems and the overall credibility of democratic governance. Research carried out by the Institute for Democracy and Mediation (IDM, 2023) between 2020 and 2023 reveals that a significant segment of the Albanian population harbors doubts about the equity and inclusiveness of the electoral process. As per the 2023 *Democracy Perception Index*, only 38% of respondents

believed that elections in Albania are “entirely free and fair,” with marginalized groups—such as the Roma, Egyptians, and persons with disabilities—exhibiting notably diminished confidence in electoral institutions (Institute for Democracy and Mediation [IDM], 2023).

Between 2009 and 2025, Albania witnessed a decline in electoral participation. Voter turnout in national parliamentary elections decreased from approximately the low-50s percent in 2009 and 2013 to the mid-40s by 2017 and 2021, with the election on 11 May 2025 recording turnout below 45%. These statistics reflect a gradual withdrawal from formal electoral processes: International Foundation for Electoral Systems (IFES, 2025) election data indicates a turnout of about 53.3% in 2009 and 2013, declining to approximately 46.6% in 2017, 46.3% in 2021, and around 44.8% in 2025.

Scholarly and policy evaluations attribute this decline to a combination of factors. Emigration and population decline have been consistently identified as significant contributors to the reduction in absolute voter numbers and diminished registered-voter participation: various analyses conducted post-2021 highlight that migration from Albania has decreased the pool of potential voters and dissuaded turnout in 2025 compared to 2021 (Open Society Foundation Albania [OSFA], 2024; IFES, 2025).

Various public-opinion tools—such as the *Balkan Barometer* from the Regional Cooperation Council (RCC) and national surveys conducted in collaboration with international partners—indicate a lack of trust in both parliament and the judiciary, while also highlighting worries regarding corruption and the integrity of public institutions. These perceptions detract from the perceived effectiveness and legitimacy of voting as a means for enacting change (Regional Cooperation Council [RCC], 2023; United Nations Development Programme [UNDP], 2024).

Simultaneously, Albanians have consistently exhibited high levels of trust in and support for the European Union (EU) and its accession as a political initiative. Recent reports from Eurobarometer and regional summaries indicate that Albania ranks among the most pro-EU populations in the Western Balkans, with significant majorities holding a positive view of EU membership and expressing trust in EU institutions. This trend implies a cognitive divide where international institutions or external anchors (the EU) are perceived with greater confidence than local political figures, resulting in a duality: pro-European sentiments co-existing alongside skepticism regarding domestic democratic practices (European Commission, 2024; RCC, 2023).

The relationship between institutional performance and voter participation carries significant normative and practical implications. From a practical standpoint, declining participation complicates reform trajectories: governments aiming for EU accession require domestic legitimacy to implement politically challenging reforms, yet low trust undermines the social compact that supports

reform coalitions. Policy recommendations and scholarly insights derived from the evidence base spanning 2009 to 2025 typically highlight two interconnected priorities.

First, it is essential to enhance institutional integrity and transparency (including judicial independence, anti-corruption measures, and impartial election administration) to restore confidence that votes lead to accountable governance. Second, it is crucial to tackle structural barriers to participation: improving the accuracy of voter lists for emigrants and long-term non-residents, expanding diaspora voting mechanisms, and integrating institutional reforms with civic education and outreach aimed at groups that exhibit persistent disengagement. International monitoring organizations and domestic civil society actors have consistently advocated for such measures as strategies to reverse the decline in voter turnout and rebuild trust (Organization for Security and Co-operation in Europe [OSCE], 2025; RCC, 2023).

Academics like Gjergji Vurmo contend that procedural obstacles and perceptions of illegitimacy collectively contribute to a “democratic deficit” that jeopardizes Albania’s prospects for EU accession and diminishes civic participation (Vurmo, 2022). In the absence of trust in the essential fairness of electoral engagement, the entire democratic framework faces the risk of de-legitimization. To counteract these trends, it will be necessary to implement both concrete institutional reforms aimed at curbing corruption and enhancing the rule of law, as well as ongoing initiatives to re-establish citizens’ connection to political processes, ensuring that voting is once again viewed as an effective means of representation and transformation (European Commission, 2024; UNDP, 2024).

Conclusions

This paper has demonstrated that, despite Albania’s constitutional guarantees of universal suffrage and significant efforts to align its electoral framework with European standards, substantial shortcomings persist in ensuring the effective exercise of the right to vote and the right to be elected. The persistence of disenfranchisement for prisoners, persons with mental disabilities, and long-term non-resident citizens highlights the tension between formal legal commitments and the practical realization of inclusive democracy. Similarly, the insufficient accessibility for persons with disabilities and the lack of effective remedies for electoral grievances further erode the principle of equal participation.

The comparative perspective shows that while other Western Balkan states face similar challenges, Albania’s obligations under the European Convention on Human Rights, the International Covenant on Civil and Political Rights, and the Convention on the Rights of Persons with Disabilities demand more robust

compliance. The findings make clear that Albania's progress cannot be measured solely by legislative amendments or alignment with EU recommendations, but must be assessed in terms of substantive enforcement, institutional capacity, and meaningful inclusion of marginalized groups.

Ultimately, the integrity of Albania's democratic system depends not only on the removal of exclusionary provisions but also on the establishment of mechanisms that guarantee accessibility, effective participation, and accountability. Strengthening enforcement, expanding accommodations, and further improving diaspora voting are essential steps toward bridging the gap between law and practice. By pursuing deeper structural reforms, Albania can further enhance public trust in electoral institutions, advance its EU accession objectives, and reaffirm its commitment to genuine democratic governance.

Recommendations

Addressing the current legal and practical restrictions on the right to vote in Albania requires a multi-tiered approach combining legal reform, administrative modernization, and civic education. Based on expert recommendations from the European Union Delegation to Albania (2023) and independent comparative analysis, the following reforms are essential:

1. Expand Voter Eligibility
 - Amend the Electoral Code to allow conditional voting rights for long-term resident non-citizens in local elections.
 - Eliminate blanket disenfranchisement of prisoners and persons with mental disabilities.
2. Improve Diaspora Inclusion
 - Fully implement external voting with more secure remote voting methods.
 - Create dedicated diaspora constituencies to enhance representational equity.
3. Strengthen Enforcement Mechanisms
 - Enhance CEC's legal powers and budget to investigate and penalize violations.
 - Establish an independent electoral ombudsman or supervisory body.
4. Improve Accessibility
 - Legally mandate all polling stations to meet international accessibility standards.
 - Provide electoral materials and offer mobile voting units for remote and disabled populations.

5. Promote Civic Education

- Launch national campaigns to inform citizens, especially youth and minorities, about their voting rights.
- Integrate civic and electoral education into high school curricula.

Such reforms would bring Albania into greater compliance with international standards and restore public trust in its democratic processes.

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A Comparative Overview of the Legal Reserve in Inheritance Law and Its Reform Perspectives _____

_____ **PhD (c) Adela KUSURI** _____

ORCID: <https://orcid.org/0009-0004-7155-1528>

FACULTY OF LAW, UNIVERSITY OF TIRANA, TIRANA, ALBANIA

UNIVERSITY OF ARTS IN TIRANA, TIRANA, ALBANIA

ADELAKUSURI@YAHOO.COM

Abstract

The legal reserve is an essential element of inheritance law within the Albanian system and beyond. This legal concept, as provided in the Civil Code, seeks to protect the interests of certain heirs by limiting the testamentary freedom of the deceased. The purpose of this institution is to protect family economic interests and to ensure legal certainty, regardless of the testator's own express wish. The purpose of this paper is to analyze the legal reserve as an institution of inheritance law, assessing both its historical evolution and contemporary relevance. Methodologically, the study begins with an analysis of the provisions on the legal reserve in Albania, starting with the Civil Code of 1929 and following the evolution through to the present Civil Code. This analysis is made in order to compare the institution with models in some other European countries, such as France, Italy, and Germany, as well as with the Anglo-Saxon legal traditions of the United Kingdom and the United States. The findings highlight the similarities and differences of this institute across different countries. This paper further carries the contemporary debate among legal scholars and practicing lawyers by presenting arguments for and against reform or abolishment of the legal reserve. These recent perspectives affecting the concepts of property and inheritance have come into being with the demographic and economic changes related to mass migration, interethnic marriages, and capital mobility. The

value of this study lie in its several potential approaches to reform, deepening the adaptation of the legal reserve to the needs of modern society while maintaining a certain balanced approach between tradition and modernity.

Keywords: legal reserve, inheritance law, heirs, testator, testamentary freedom, reform.

Note on Terminology

The use of the term “*legal reserve*” in the title and throughout this paper is meant to remain faithful to the terminology in Albanian law “*rezerva ligjore*”. However, it is important to note that in international legal literature, the concept is widely referred to as “*forced heirship*”.

Literature review

The concept of the legal reserve has been widely studied in Civil Law systems, especially in France, Italy and Germany. Scholars have highlighted that the purpose of this institution is to balance personal autonomy in testamentary dispositions with the collective interests of the family unit. Comparative works emphasize French *réserve héréditaire* as the most rigid form, while the Italian and German approach demonstrate gradual flexibility through reforms. Anglo-Saxon jurisdictions, such as UK and USA, prioritize testamentary freedom, limiting state intervention to maintenance claims in exceptional circumstances. In the Albanian context, limited scholarships exist beyond doctrinal commentaries, which largely follow the continental European models.

Recent legal debates reflects growing tension between protecting family cohesion and adapting inheritance law to changing socio-economic realities, especially those related to migration, interethnic marriages, and cross-border estates.

Methodology

This study applies a doctrinal and comparative legal approach. The doctrinal analysis investigated the Albanian Civil Code provisions on the legal reserve, detected their development from 1929 to the present, and interpreted them through law and commentaries. In order to achieve the comparative analysis, the civil law systems, such as in Albania, France, Italy and those of common law jurisdictions,

such as the UK and the US, have been analyzed, thus highlighting the differences of the institute of legal reserve in these systems. Also, the comparison has been made between the civil law systems themselves, comparing the legal reserve in Albanian legislation to the one in Italian, French, and German Law. This joint approach provides the basis for the reform proposals advanced in the paper.

Introduction: Origin and Development of the Legal Reserve Concept

The legal reserve is a legal concept that limits the testator's freedom to distribute the estate through a will. On the other hand, the legal reserve is a defined portion of the deceased's assets that must go to certain heirs whom the law aims to protect.

The term "legal reserve" (*legitima portio* from Latin: *legitima*, "lawful" or "prescribed by law," and *portio*, "portion" or "allocated share") comes from Roman law, where it was first used to protect legitimate heirs from what might have been termed "wrongful wills" (LSData, n.d.). This legal concept demanded that a portion of an estate be reserved for the direct heirs, regardless of the wishes of the testator. Various legal systems like those of France, Germany, and Italy have built on and modified the provisions of the legal reserve based on Roman principles, and adapted them in accordance with national and social needs.

The legal reserve is based on the provisions of the Civil Code of the Republic of Albania. Previous provisions of this institution were found in the 1929 Civil Code and further in the civil legislation after 1944. From a conceptual standpoint, the legal reserve in the legislation of 1944 and thereafter remains the same today, whilst the legal reserve stands both as a limitation to the testator's freedom to dispose of assets by means of a will and a legally protected right of certain heirs to claim an assigned part of the deceased's estate, without any interference (Nuni et al., 2008, p. 691).

Meanwhile, the Civil Code of 1929 ruled that if the dead person had legitimate heirs in a specific order, regardless of their age or ability to earn a living, he could freely dispose of only a part of his estate, while the rest forms the legal reserve and therefore cannot be freely disposed of by will (Nuni et al., 2008, p. 691).

Simply defined, the legal reserve ensures that the testator's free decisions cannot harm the fundamental interests of his immediate family and other close family members. More specifically, those family members or close individuals protected by the legal reserve, according to Albanian legislation, are: the testator's minor children, any other minors entitled to inherit through substitution, without limitation, and incapacitated persons who are dependent on the deceased for support.

Current Legal Regulation and the Role of the Legal Reserve in Testamentary Inheritance in Albania

The Civil Code, in the Context of the Republic of Albania, in its Article 316, gives a definition of heredity stating that inheritance is the transfer, by law (statutory succession) or by will (testamentary succession), of the deceased person's properties (estate) to one or more persons (heirs), according to the provisions set forth in this Code (Kodi Civil, 2020). Where a will exists, the estate will be allotted in conformity with the expressed intention of the testator as contained in that will, save only where the law has put some restriction upon which the testator has disregarded. In instances where no will has been made, or only part thereof has been disposed of, or where said will is wholly or partially invalid, then by virtue of Article 317 of the Civil Code, the rules of intestate succession shall apply.

Conflict with the legal reserve is one of the factors that a will may be declared fully or partially invalid. As a general rule, the invalidity of a will is decided upon by the notary opening the inheritance, while the determination concerning the violation of the legal reserve may be made upon the request of the parties or ex officio by the court.

From all that has been said, it follows that when the testator, through his will, has not given any portion of the estate to his minor children or other unborn minors or incapacitated persons who were dependent on him when such persons existed and he was obliged to do so, there has been a violation of the legal reserve. This act of the testator shall produce the total or partial invalidity of the will, depending on the case, since Article 407 of the Civil Code is mandatory. Article 407 provides, specifically, that the will shall be null when by the testator's disposition there are excluded from legal inheritance their minor or incapacitated heirs, or their legal portion is infringed.

Thus, from the above, it appears that the circle of persons who may be entitled, for the purposes of being protected by the reserve, is a limited one: minor children, any other minors entitled to inherit through substitution, without limitation, and incapacitated persons who are dependent on the deceased for support. Note that minor heirs must be minors at the time of the testator's death and not at the time when the will was drafted. Therefore, the key moment for determining whether the violation of the legal reserve has occurred and, consequently, whether the will is fully valid or not, is directly related to the testator's death.

Article 371 of the Civil Code defines heirs incapable of work as those who at the time of the death of the testator had not reached the age of 16 or 18, if they were continuing studies; men who have reached the age of 60 and women who have reached the age of 55; and regardless of age, those who are first- or second-

degree invalids. It is clear that these age limits for men and women have been set based on the retired age, which, as is known, has changed; hence, an update in this provision of the Civil Code is quite necessary.

There is an exception to the general rule of protection offered by the legal reserve, which is related to the concept of “unworthiness.” Article 379 of the Civil Code states: “...except when these have become unworthy to inherit.” Article 322 of the Civil Code of the Republic of Albania clarifies the circumstances in which heirs are considered unworthy to inherit.

The first case is that when the heir has intentionally killed or attempted to kill the testator, their spouse, children, or parents. Another case for unworthiness is when the heir has accused or testified against the testator concerning a criminal deed punishable with death or imprisonment exceeding 10 years, that accusation or testimony has been declared false in a criminal trial. Another case for unworthiness occurs when the heir, by fraud, threat, or violence, has induced the testator to make, change, or revoke a will, or when the heir has forged a will or made use of it for their own or other’s benefit. Finally, the heir shall be considered unworthy if they have behaved disrespectfully or dishonorably towards the testator or have maltreated them (Kodi Civil, 2020, neni 322).

Despite any of the above barriers to inheritance, an heir may inherit if the testator forgives the heir by a notarial deed or by will or acknowledges the unworthiness of the heir whilst naming him in the will (Kodi Civil, 2020, Neni 324). Such forgiveness of unworthiness is recognized by this Civil Code.

In conclusion, the legal reserve limits testamentary freedom, or, in other words, the autonomy of the testator, since it confers upon him the right to dispose only on that part or fraction of the estate remaining after the so-called “privileged” heirs have received their shares.

Challenges in the Interpretation and Implementation of the Legal Reserve in Albania

One of main challenges revolves around interpretation of the legal reserve. Since the law does not provide clear guidelines on calculating the legal reserve, the courts tend to vary in their interpretation of provisions. This naturally leads to legal uncertainty, making it necessary for experts in law and finance to intervene on behalf of the heirs and executors of the wills.

A challenging factor in determining the legally reserved portion often turns out to be the estate itself, which cannot be easily divided or transferred. An example might be the estate that consists of properties co-owned. Firstly, it is challenging to precisely determine the share of each heir, and even more so to identify those who are entitled to protection under the legal reserve. A more complex case may

involve an inherited business. Its division can create difficulties and jeopardize the normal continuation of operations. Another delicate situation arises when the estate includes assets with emotional value, such as the family home, the division of which often leads to disagreements and conflicts among heirs.

Regarding the legal reserve, family disputes and conflicts often arise when the estate at their disposal is not enough to satisfy all the parties. In practice, wills very often contradict legal reserve restrictions, as when a testator excludes from a will a legal heir who should enjoy a legal reserve share. Such exclusion constitutes a violation of the legal reserve and, in accordance to Articles 379 and 361 of the Civil Code, the will would therefore be invalid. Heirs entitled to a legal reserve are, according to the law, able to claim the share they are entitled to, regardless of the expressed will of the testator. In reality, this often becomes the starting point of many conflicts between legal reserve heirs and will beneficiaries, frequently leading to legal disputes.

However, heirs are often uninformed about their legal reserve rights or the legal mechanisms available to claim them. This lack of information prevents them from taking the necessary steps to assert their rights, and therefore leaving them without the inheritance they are legally entitled to. In addition to the lack of legal knowledge, there are other obstacles related to documentation, such as incorrect registration of inherited property and situations when the will is lost, unclear, or known to be falsified.

Legal Reserve in other Legislations (France, Italy, Germany, England, and the United States)

The legal reserve is an important concept of inheritance law in civil law systems. In this system, which includes countries such as France, Italy, and Germany, the legal reserve limits the testator's freedom to dispose of their estate, as the law aims to protect certain heirs by guaranteeing them a portion of the deceased's assets. Legal reserve is not recognized in all legal systems, such as those following common law traditions, including the United States and United Kingdom. Under the common law, individuals enjoy greater freedom in disposing their assets.

Legal Reserve in French Law

Several civil-law jurisdictions, notably in Europe, follow a Napoleonic tradition. French inheritance law, which historically derives from the Napoleonic Code of 1804, strongly supports the principle of forced heirship. As a general rule, the French forced heirship laws would not apply if a testator was not domiciled in France except when the estate includes property located in France (Tirard, 2009, p. 693).

Under French law, an estate is divided into two parts: the reserved portion and the disposable portion. The disposable portion (“quotité disponible”) is that portion which is not affected by the legal reserve and which the testator is free to distribute as they wish.

The other part constitutes the legal reserve (“la réserve héréditaire”), ensuring that a certain part is kept for particular heirs and cannot be disposed of by or for them through inter vivos gifts or by testament. Under French law, the privileged heirs are children, ascendants, and, in certain cases, the surviving spouse. These heirs are entitled to a certain part of the inheritance, which proportionally increases depending on their number; for instance, if the testator has only one heir, that heir must receive half of the estate; if there are two heirs, they should receive two thirds of the estate; if there are three heirs, they should receive three fourths of the estate, and so forth (French Civil Code, 1804/1824, updated ed., Art. 913).

In French law, the heir’s age or whether the child is illegitimate does not work against them. However, when legitimate children compete with illegitimate children, the latter do not receive as large a share (Tirard, 2009, p. 693).

Regarding spouses, they are not considered “typical” reserved heirs, as they claim a portion of the estate through other provisions. Thus, French legislation provides several rights for the surviving spouse to guarantee their social and economic protection after the passing of his/her partner in a way that respects both the testamentary freedom of the deceased and the general principles of the civil law system. In absence of a will, the surviving spouse inherits according to statutory law, which includes rights to usufruct, the right to use of the marital home for at least one year following death of the testator, and other protections (French Civil Code, 1804/1824, updated ed., Art. 757-763).

In general, forced heirship is an enduring principle of French law, despite many reform attempts over the years to increase testamentary freedom.

Legal Reserve in Italian Law

Italy also recognizes the legal reserve or “Quota di Riserva”. The legal reserve in the Italian law is a portion of the estate that must be reserved (“legittima”), in favor of particular classes of heirs (“legittimari”).

The Italian Civil Code lists the following as compulsory heirs: children, either biological or adopted, parents (if there are no children), and spouses (Italian Civil Code, 1942, Art. 536). Similar to the French law, the reserved portion varies according to the number and the type of heirs. The law, too, seeks to assure that heirs benefit even if the testator intends to avoid the principle of the legal reserve through gifts inter vivos during their lifetime.

German Law and the Legal Reserve

In German law, legal reserve is called “Pflichtteil” and is established in the Bürgerliches Gesetzbuch (BGB) or German Civil Code. Compared to the French and the Italian models for legal reserve, the German concept is hence more lenient, allowing for more testamentary freedom. However, in contrast with those systems, the forced heirship rules would only apply to descendants in the first class (Riederer von Paar, 2007, p. 59-60).

In Germany, a testator is willing to dispose of his or her entire estate, but, in any case, he will have to give financial compensation in favor of reserved heirs. So, in practice, though a testator may exclude a privileged heir from receiving a share of the estate outright, German law allows for the financial preservation of such an heir to the extent of half of the share he or she would have taken by legal inheritance (German Civil Code, Section 2303).

German law provides that heirs shall be denied the “Pflichtteil” when they’re unworthy to inherit (German Civil Code, Section 2333). The withdrawal of the right to the mandatory inheritance share (“Pflichtteilsentzug”) is essentially similar to the prohibition of inheritance (“unzumutbare Aneignung”) under Albanian law. Both laws stipulate that an heir shall be deprived of his or her share by way of legal reserve, should the heir commit certain acts of wrongdoing against the testator, including fraud, coercion, or violence.

Legal Provisions in the United States and the United Kingdom

Testamentary freedom is a fundamental principle in common law jurisdictions like England and the United States, in contrast with civil law systems. While an explicit legal reserve is not constructed in these countries as with civil law ones, some mechanisms resemble the concept.

Because both the United Kingdom and the United States comprise multiple jurisdictions, it is not efficient to speak uniformly about inheritance law since each state or country has its own governing provisions. However, we shall analyze the general framework.

There is one exception to the broad principle in the United States of complete testamentary freedom: the “elective share” allows the surviving spouse to demand a share in the estate, usually between one-third and one-half, which differs from one state to another. From this standpoint, the solution is provided for the benefit of the spouse, not, however, for children or other relatives (Wikipedia contributors, n.d.). The only one among U.S. states that has a sort of legal reserve, or forced share, parallel to that of civil law jurisdictions, is Louisiana. Children below the age of 24 and children incapable of self-support have reservation rights, while surviving spouses benefit from usufruct or other legal mechanisms (Galligan, 2016, p. 104).

The panorama is more or less the same in Great Britain, as in principle, the testator enjoys almost complete testamentary freedom. Matters of inheritance in England and Wales are regulated by an Act of Parliament called the Inheritance Act 1975, specifically the Provisions for Family and Dependents. This Act aims at partial protection of the heirs by enabling the heirs to make a claim against the testator's will if they can prove that they were financially dependent on the testator. Whether such claims shall be accepted or rejected is within the discretionary powers of the courts, and each case is decided upon depending on the needs of the heirs and the respective duties of the testator. While the provision is not a legal reserve, it does in fact provide a legal recourse for dependents to seek maintenance (Glendon, 2023).

The Northern Ireland Inheritance (Provision for Family and Dependents) Order 1979, in its turn, is an equivalent to the Inheritance Act of 1975 (Lafferty, 2019), allowing for a judicial "correction" of inherited estates as opposed to awarding a legal reserve akin to that established under civil law systems.

On the other hand, Scotland evolves a hybrid model. Scotland, which has its own legal system within the UK, does recognize a form of forced heirship, known as "legal rights". Scots law, influenced by Roman law, has long provided that a surviving spouse and children cannot be completely disinherited. Legal rights are the fixed entitlements of a spouse and issue (children or descendants) to claim a portion of the deceased's movable estate (personal property) regardless of the will (Gould, 2022). These rights ensure that certain close relatives receive at least a slice of the estate in cash value, acting as a check on absolute testamentary freedom. In practical terms, the surviving spouse and children have a collective claim to fixed fractions of the net movable property (money, investments, cars, etc., but not real estate) of the deceased (Gould, 2022).

Legal Reserve in Albanian Legislation compared to Italian, French, and German Law

The legal reserve is regarded as a fundamental aspect in inheritance laws in the continental legal systems ("civil law"). Albanian law, while part of this system, shares certain considerable similarities with other countries belonging to this legal system but also has somewhat different features, with tradition and culture having the greatest impact.

The principles that the legal reserve in Albania, France, and Italy is based on are quite similar with respect to the importance of keeping the family and family ties intact within inheritance law. All the three countries maintain that the legal reserve concept is based on the family being the very first unit of society and that close heirs should not be completely excluded from the inheritance of the testator. To these principles, there is a common acknowledgment of the necessity to protect

family solidarity and the continuity of biological and economic ties inside the family, limiting the freedom of testation in favor of stability and social justice in the family.

In contrast to these three models, under German law, a balance must be struck between will freedom and the protection of mandatory heirs. In this legal order, testators enjoy considerably more will freedom to dispose of their estates than in the other countries, but must respect a minimum share (“Pflichtteil”), which is due to certain heirs designated in the law. This represents an integration of private autonomy and moral obligation toward the family.

However, in difference from the well-established Western models, the Albanian law does not provide a clear legal formula for the calculation of the legal reserve. This absence allows space for different interpretation and practical problems in the authorization of division, which has been pointed out as an issue in studies of the European Commission related to cross-border inheritance.

With respect to the structure of the legal reserve, in France, Italy, and Albania, the mandatory heir receives a share of the estate that is inalienable from him, meaning the testator is prohibited from taking any action to affect the mandatory heir’s portion. On the other hand, under German law, the mandatory heir receives a monetary portion (“Pflichtteil”), thereby giving the excluded relative the right to initiate a monetary claim against the heirs appointed in the will.

Comparing these four countries, Germany represents a model that allows for greater testator autonomy, provided that the heirs are given their monetary portion prescribed under the “Pflichtteil”. Meanwhile, Albanian, the French, and Italian regimes impose harsher restrictions on testamentary freedom by limiting the share of the estate that can exit freely.

Recent Developments in International Inheritance Law

Legal reserve is one of the traditional inheritance-law concepts. This institution has notably evolved through several decades under the impact of social and economic changes, along with the globalization of family relations and the attendant need for international harmonization of inheritance rules.

Social and Economic Developments: Toward greater Testamentary Freedom

With the changing times, an emphasis on the individual autonomy is becoming more prominent, including the field of inheritance. Thus, this trend has been sparked by the changes in population and economic alterations that affected the conception of property and inheritance laws. In view of these alterations, some countries are coming to reconsider the traditionally established balance between protecting mandatory heirs and the freedom of the testator to dispose of their

estate. Thus, the United States and the United Kingdom offer the most commonly cited examples of testamentary freedom.

Globalization of Family Relationships

Another major reason leading to the reform of legal reserve theory is the globalization of family relationships. Mass migrations and marriages between individuals of different nationalities have certainly compounded the problems faced by inheritance law in general and the legal reserve in particular.

With the globalization of family relations, issues of private international law also arise. One of these cases may be when the decedent's assets are located in different countries or the heirs are of different nationalities. The questions that would arise would be: Which law governs the distribution of the estate? Should the legal reserve of the country of origin be observed or the legal reserve of the country where the estate is situated? Suppose one country does recognize the legal reserve but does not do so in another?

With all these present issues and challenges, attempts are made towards the international harmonization of inheritance rules. One of the earliest instruments directed at solving inheritance problems involving foreign elements was the Hague Convention on the Administration of Estates with Foreign Elements (1973). It was not successful principally because of its limited ratification and its rigid legal framework. The determination to resolve these issues was pursued with such vigor that it culminated in the adoption of a pivotal legal instrument, Regulation (EU) No. 650/2012, significant not only from a European perspective but also in a broader international context. This Regulation, which is also known as "Brussels IV", started to have effect since the 17th of August 2015 (Fuchs, 2015). The main aim of the Regulation (EU) No. 650/2012 is to simplify the legal procedures and avoid conflicts through the establishment of rules in respect of jurisdiction, applicable law, and recognition of foreign decisions. Through this Regulation, it was possible to create a unified legal framework that would regulate inheritance issues with foreign elements.

In the perspective of this Regulation, the applicable law to succession as a whole is determined by the law of the State in which the deceased had his habitual residence at the time of death (European Parliament and Council, 2012, Article 21). Likewise, it institutes the Certificate of Succession at the European level to facilitate the administration of the estate, i.e., granting access to bank accounts, registration of the property, etc. This certificate shall be automatically recognized throughout all EU countries and is optional, not compulsory to have, but if issued, it should have the same legal effect when being enforced abroad.

Still, many challenges continue to exist despite all attempts. Their resolution requires deeper cooperation between states and greater harmonization of the fundamental principles of inheritance law.

Reforming the Legal Reserve

Over the past few decades, significant legal reserve reforms have taken place in several European countries in reflection of social, economic, and cultural changes that have impacted the composition and functioning of modern families. Denmark, Sweden, and Belgium may rank among the most prominent countries in substantially editing the role and scope of legal reserves.

The Danish is one of the Nordic countries that have displayed a clear tendency to limit the legal reserve, which has come to be seen as a barrier to testamentary freedom. A testator who has chosen to make a will in Denmark may dispose freely of three-fourths (3/4) of his or her estate, whereas the rest is reserved for mandatory heirs belonging to class 1 (spouse and children) (Kristensen, 2024). These reforms are based not only on the principle that individuals should be free to dispose of their estate as they wish, but also on the fact that emotional ties no longer necessarily coincide with biological ties.

In contrast, Belgium made a major reform in inheritance law in 2018 directly affecting the legal reserve. There used to be a difference in the reserved portion depending on the number of children, but the reform fixed the rule: regardless of the number of children, they are entitled to 50% of the testator's estate, while the other half can be freely disposed of by the testator (Pourplanche, 2017) .

An important consequence of the reform in Belgium was the abolition of the compulsory reserve for ascendants, which included parents and grandparents (Ruggeri, Kunda, & Winkler, 2019). Under the new rules, they may be excluded from inheritance completely but retain the right to claim alimony from the estate if they can establish at the time of the descendant's death that they are in need (Van Vyve, 2024). This must be enforced through the courts, where, after proof is furnished, the court decides on the amount to be granted and on whom will have to pay, etc. As a result, in this regard, the testator has no obligation to allot any of his or her estate to parents or grandparents, but under certain circumstances, after-the-fact, the court will consider whether they should have received assistance from that estate. Surviving spouses continue to have a reserved rights usufruct over half the estate, including the family home and furnishings (Van Vyve, 2024).

These reforms of legal reserve have been enthusiastically welcomed by legal practitioners and academics as a move toward enhancing individual rights and bringing the legislation in line with modern society. However, there have also been criticisms which mainly highlight the risk of marginalizing close heirs in favor of individuals or entities that do not have a stable legal relationship with the testator. Naturally, reform in inheritance law and the legal reserve has been an ongoing story, and it would be of interest to see where further development will take them.

Legal Reserve: Arguments For and Against Its Abolition. Reform as an Alternative

The existence of the legal reserve raises important questions about the individual's rights to freely dispose the property and the relevance of this institution in a society where social and economic reality is constantly changing.

The central argument against the legal reserve is that it unjustifiably restricts the freedom to dispose of one's property by will. Supporters of this argument believe that the distribution of an individual's estate after death should be entirely subject to his or her decisions, especially if the estate has been earned by their own work and effort. Limitations on this generally regarded right, can sometimes be considered unfair, particularly in cases where heirs benefiting from the legal reserve have had no close relationship with the testator or have not contributed to the creation of the estate.

Another argument stems from the potential for conflicts among heirs. This occurs when the testator is required to comply with legal reserve norms, despite their personal wish to leave their estate to a cohabitant, a friend, or another person outside the family circle.

A significant concern worthy of note is the negative impact of the legal reserve on economic development, particularly in regard to family businesses. Often, the obligation to respect the legal reserve leads to the division of assets among multiple heirs, resulting in fragmentation and loss of economic stability.

On the other hand, very strong arguments contesting the abolition of the legal reserve exist. First, the legal reserve has an economic function. It intends to protect the close family of the testator, which without the intervention of the legal reserve, and the possible decision of the testator himself to leave his estate outside the family, will remain without any financial support.

Another argument is for ensuring family unity, which explains the social function of the legal reserve. In many cultures, including the Albanian one, the family still represents one of the most important social and economic units. The legal reserve tends to ensure equality between heirs by avoiding an infringement of certain family members in favor of others. Its abrogation may lead to deep divides and clashes inside families with adverse effects on family cohesion.

The legal reserve occasionally acts as a shield for both the testator and their heirs. For instance, if the testator is pressured by others wishing to profit from their estate, the legal reserve safeguards against such attempts. It also guarantees that the heirs receive a portion of the estate.

Instead of complete abolition, the more moderate measure of adjusting the legal reserve to fit current social and economic realities would be appropriate. One such adjustment would see fewer beneficiaries to allow more testamentary

freedom. Supporters of this approach argue that the legal reserve should only be mandatory for children, excluding all other descendants and incapables, who should be protecting through different legal mechanisms.

Another large reform should be the reduction of the legal reserve percentage. The reserved portion currently encompasses a very large percentage of the testator's estate, whereby their testamentary freedom is almost entirely diminished. Another important change may be compensation, as already mentioned elsewhere in this study, wherein the legal reserve need not be a physical division of the estate, but simple monetary compensation.

In contrast, on the international level, a number of countries have embraced somewhat more flexible systems of inheritance that resemble common-law jurisdictions where there is no definable legal reserve but where an heir can place the will in court to be contested if he believes that he has been unfairly deprived.

In conclusion, the legal reserve is a complicated institution balancing the interest of preserving traditional values of family protection on the one hand, and the need to respect individual autonomy in asset distribution on the other hand. Albania should research best international practices and transfer them, taking into account the social, economic, and cultural context.

Limitations

This research is limited by its primarily doctrinal and comparative scope. Although the research provides a detailed analysis of legislative frameworks and academic debates, it does not incorporate clear empirical data on the actual application of the legal reserve in Albanian courts. Furthermore, the comparative analysis is restricted to a selection of jurisdictions. These limitations suggest that future research should include empirical case-law studies, surveys of legal practitioners, and broader comparative perspectives, particularly within the Western Balkans region.

Conclusions and Recommendations

The legal reserve is a key mechanism in civil law systems, including the Albanian legal system, and protects the interests of close heirs by imposing restrictions on the testator's testamentary freedom. This legal regulation is founded upon traditional values of family protection and economic security, ensuring children, parents, and the spouse of the deceased receive a minimum in heritage from the deceased.

A comparison of Albania's legal reserve with that of other European countries, such France, Italy, and Germany, shows that while these countries recognize the existence of the legal reserve, there are differences in the percentages of the reserved portion, classes of protected heirs, and the extent to which the testator may be

commodified in exercising his freedom of disposition. On the opposite hand, Anglo-Saxon legal systems, such as the United States and the United Kingdom, promote testamentary freedom and individualism in inheritance law; hence they do not recognize the mandatory legal reserve in its civil-law conception.

In the context of legislative modernization, they ought to consider the contemporary needs of society. Therefore, in a changing society where demographic and international marriages factors continue to change, the legal reserve must also adapt. Maintaining a balance between protecting family interests against testamentary freedom should reflect present economic and social realities, so as to avoid unjust restrictions on individual autonomy.

Regarding Albanian legislation, one possible change could be increasing the testator's testamentary freedom, allowing them to decide whether an heir will benefit from their estate. Through this approach, the testator could, for example, exclude a mandatory heir if they have abandoned family obligations or have a justified interest in leaving their estate to another person. Thus, the exclusion of reserved heirs would no longer be limited to only very special cases of unworthiness but could also be based on the testator's personal, justified conviction.

On the other hand, the legal reserve in principle has an underlying justification: it aims at protecting the close family of the testator. In order to provide a fair balance between this function and the testator's freedom, the state could establish alternative mechanisms for social protection in addition to the legal protection that operates automatically via the reserve. This approach would prevent inheritance from being seen as the sole form of economic security for heirs.

Legal educational initiatives constitute another system furthering these goals. Such a system would educate citizens about their rights and obligations concerning inheritance and the right to make a will, provide guidance on drafting wills that comply with legislation and family interests.

It is essential that any decision on reform or any change proposed in the issue should be negotiated more widely with experts in the field of inheritance: academics, practicing lawyers, notaries, judges, and the ordinary citizens so that decision-making is well-counseled and justified by the real demand of the society.

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Electoral Processes and Democratic Consolidation in Albania _____

Albana MISJA

JUDGE AT THE FIRST INSTANCE COURT
OF GENERAL JURISDICTION IN BERAT

Abstract

Electoral processes represent a central mechanism through which societies legitimize political authority and sustain democratic development. In Albania, electoral practices have historically mirrored broader political transformations, from pre-independence representation in the Ottoman parliament to symbolic elections under authoritarian regimes, and more recently to pluralist democratic contests since 1991. This paper examines the historical evolution of electoral processes in Albania, analyzing their role in shaping institutional legitimacy and their contribution to democratic consolidation. Special attention is given to the parliamentary elections of May 11, 2025, which occurred in a shifting geopolitical landscape and amid significant internal institutional reforms. By exploring historical trajectories, legal frameworks, and international monitoring practices, the study assesses whether Albania's electoral processes have progressively advanced democratic standards over three decades of political pluralism and whether the most recent elections represent a meaningful step toward democratic consolidation.

Keywords: Albania, democracy, elections, political legitimacy, democratic consolidation

Introduction

Background

Elections constitute a fundamental component of democratic governance, serving as the principal mechanism through which political legitimacy is derived (Arendt, 2002). They not only allocate power but also symbolize a society's commitment to democratic norms. In the Albanian context, electoral processes have historically wavered between democratic and authoritarian practices, reflecting the broader political and ideological trajectories of the state. Since the fall of communism in the early 1990s, elections have been central to Albania's democratic transition and its pursuit of Euro-Atlantic integration.

This paper addresses the following research questions:

1. How can the historical relationship of electoral processes be interpreted in relation to the evolution of the Albanian state?
2. Have successive electoral processes in Albania shown progressive improvement since 1991?
3. Why do contemporary geopolitical developments lend particular importance to the May 11, 2025 elections?
4. Do the 2025 elections represent a meaningful step toward Albania's democratic consolidation?

Literature Review

Theoretical perspectives on electoral processes emphasize their dual role: as procedures for legitimizing power and as mechanisms for ensuring democratic accountability. Max Weber's (2005) concept of legitimacy highlights the importance of procedural regularity in securing authority, while Hannah Arendt (2002) underscores the risk of electoral manipulation in totalitarian contexts. Comparative studies on European elections reveal that even within democracies, procedures have evolved from rudimentary and exclusionary practices to more inclusive systems.¹

In Albania, scholarship has noted the complexities of democratic transition, where international actors such as NATO, the European Union, and the OSCE have significantly shaped electoral reforms.² Yet, persistent challenges such as

¹ Le Digol, C., Hollard, V., Valliot, C., & Barat, R. (Eds.). (2018). *Histoire d'élections*. Paris: CNRS Éditions.

² Hasa, G., & Gjatolli, E. (2025, May 16). Edi Rama tightens grip on Albania. *Osservatorio Balcanico*. Cusaco: Transeuropa.

misuse of public resources, clientelism, and weak political will remain central obstacles to democratic consolidation.

Methodology

This study employs a qualitative research design, combined with a hermeneutic interpretive approach, to explore the role of electoral processes in Albania's democratic trajectory. The qualitative method allows for selective analysis of historical and contemporary electoral developments, while the hermeneutic approach enables interpretive examination of legal frameworks, institutional practices, and political discourses.³

The research draws upon primary documents, including Albania's electoral codes, OSCE/ODIHR observation reports, and Central Election Commission publications. Secondary sources include academic literature on electoral history, democratic theory, and Albanian politics.⁴

Comparative insights from European electoral histories provide contextual grounding. Data analysis proceeds through historical-institutional interpretation, assessing how electoral processes have legitimized varying regime types across Albania's modern history. Special emphasis is placed on the May 11, 2025 elections, examined through reports, turnout data, and institutional evaluations, to determine whether they constitute meaningful progress toward democratic consolidation.

Historical Overview of Electoral Processes in Albania

An electoral process in our time sounds like a common practice, consubstantial with democracy and politics. The ballot, the ballot box, or the voting booth have become the usual companions of the voter, to the point that it is hard to imagine an election without them. Yet, from Roman Antiquity to the French monarchy, from 18th-century Venice⁵ to the American democratic Republic, one uncovers the long but complex history of electoral processes.

The technical procedures of elections themselves, spread out in space and time — such as auricular voting whispered into a secretary's ear, voting by approval or rejection ball, by show of hands, by roll call, by correspondence, by proxy, or more recently by electronic means — in no way constitute the substantive importance of an electoral process⁶.

³ Weber, M. (2005). *The Protestant ethic and the spirit of capitalism*. Taylor & Francis e-Library.

⁴ (Arendt, 2002; Le Digol et al., 2018)

⁵ *Look at : Historie d'élections, sous la direction de Christophe Le Digol, Virginie Hollard, Christophe Valliot, Raphael Barat, CNRS-Edition, Paris 2018*

⁶ *Ibid.*

Electoral processes are standard procedures that legitimize the form of a political system or regime. However, the attribute 'free and democratic,' when it comes to an electoral process, also constitutes the major difference between characterizing an electoral process as democratic or non-democratic. Albania has experienced both forms of an electoral process — democratic and non-democratic — which have served precisely to legitimize systemic forms in specific historical contexts. Paradoxically, Albania underwent its first experiences with parliamentary elections even before the emergence of the Albanian state (1912). This occurred during the imperial period of Albania's history.

The first experience in the Albanian space, administratively represented by four vilayets, took place during the Ottoman Empire, precisely when the Young Turks took power in Istanbul. Although it was a multiethnic imperial Ottoman parliament, the elections were not direct but based on representation, starting from the year 1906. Albanians ran as candidates in various political groupings. Well-known historical figures such as Ismail Qemal Vlora, Hasan Prishtina, and Esad Pasha Toptani were elected as deputies to this parliament⁷.

The first parliamentary elections for the selection of Albanian national institutions were held between 1921 and 1923. The process, for its time, can be considered democratic, though it also reflected certain socially emancipatory limitations, similar to those present in various other European countries.

There existed an unsophisticated electoral code, Article 6 of which provided for the exclusion of women from the right to vote, while Article 25 excluded the armed forces, including commanders, officers, and soldiers, from voting. Meanwhile, Articles 1 and 8 deprived of the right to vote all men convicted of disfigurement, prisoners, and the mentally impaired⁸.

The autocratic nature of Ahmet Zogu's power—as President from 1925 to 1928, and even more so as King from 1928 to 1939—reduced the electoral process to a merely symbolic procedure. During the period of the communist dictatorship, elections became a forced political exercise that served to grant absolute legitimacy to the communist regime, contributing to the formation of that phenomenon which the prominent philosopher Hannah Arendt described as the "atomization of societies in totalitarian systems"⁹.

The only novelty that this process contained was the right to vote for women, who were now considered equal subjects before the Law or social ethics according to the version of communist regimes. This right was institutionalized in Albania

⁷ Analiza me titull : Historia e zgjedhjeve nga forma me e hershme e demokracise te zgjedhjeve te 25 prillit 2021 in <https://a2news.com/historia-e-zgjedhjeve-nga-forma-me-e-hershme-e-demokracise-te-25-prilli> -23 prill 2021.

⁸ Ibid.

⁹ Arendt, Hannah: Les regimes totalitaires, Les origines du totalitarisme Edition du Seuil and Gallimard, Paris 2002 p 170-171

in 1945, or 17 years later (1928) from the moment when all women over the age of 21 were granted the right to vote, as an almost universally recognized legal norm¹⁰.

In a political context such as that of dictatorial Albania, where the violation of fundamental human rights became commonplace, the initial stages of free elections at the onset of the democratic transition in 1991 acted as the primary catalyst in the development of a democratic framework in Albania. The new global conditions brought about by the ideological disintegration of the previous communist regimes in Europe did not support a scenario of fraudulent elections in our nation. Consequently, the 1992 elections, which validated the so-called epochal shift from a totalitarian regime to democracy, were conducted in a technically sound manner. Since that year, Albania has adopted various electoral systems, including majoritarian, proportional, and a hybrid of both.

Contemporary Electoral Developments

The Current Electoral System

The current electoral system, which has been legally in force since 2008, is a regional proportional system based on multi-member electoral districts¹¹. The Albanian Parliament consists of 140 deputies for a four-year term. The candidates are elected from 12 electoral districts that correspond to the administrative counties. The Central Election Commission (CEC) redistributed the number of mandates for each district, starting with 3 in Kukës and 37 in the capital of Tirana where the majority of the population is situated¹².

Meanwhile, according to the changes in the Electoral Code in July 2024, the electoral procedure in Albania consists of two forms that regulate the structure of the ballot paper: - the multi-member list with a fixed order of candidates, as well as - the list of candidates who are subject to preferential voting¹³.

Competing political forces are financed by the Albanian state budget through a special fund, which is distributed in the form of public financial assistance in accordance with the provisions of Article 19 of the Political Parties Law¹⁴.

¹⁰ Fuqizimi i rolit të grave në procesin e vendimmarrjes! Kjo broshurë është pregatitur në kuadër të projektit “Fuqizimi i rolit të grave në procesin e vendimmarrjes”, zbatuar nga Fondacioni Qendra Europiane dhe mbështetur nga Fondacioni Konrad Adenauer, zyra për Shqipërinë. Fq. 5.

¹¹ Komisioni Qendror i zgjedhjeve ne Tirane/United Nation (Women): Informacion praktik mbi Proçeset zgjedhore ne Shqiperi, f 2-4, Tirane 2025.

¹² Ibid.

¹³ Ibid, faqe 3

¹⁴ Ibid, faqe 8-9.

The legal framework regulating electoral processes during the period of Albania's democratic transition did not constitute a problem in itself. It was the political will that began to compromise the regularity of electoral processes in Albania by promoting what is known in political science as the notion of contesting political legitimacy.

The 1996 elections were marked by state-sponsored violence aimed at controlling the progression and outcome of the electoral process, whereas the socio-political unrest of 1997 moved in the opposite direction. It challenged the legitimacy of the central authority, stemming from various geographically dispersed localities in the southern part of the country.

Lacking a long-standing tradition and, as a result, the consolidation that comes with regularly held democratic elections—a political phenomenon that turns the rules of democratic power into a kind of automatism—the forms of democratic consolidation in Albania over the past three decades have left much to be desired.

Whereas Albania's accession to NATO—the largest military alliance in human history—and the official opening of negotiations for the 29 accession chapters with the European Union, helped to avoid the precedent of extreme politically motivated violence that had characterized the country during the 1990s.

In the document dated April 9, 2024, titled *The New Regulation on the Transparency and Targeting of Political Adversity*, the importance of reinforcing democracy and safeguarding the integrity of elections was emphasized. This important document originates from a package of measures adopted by the European Commission on 25 November 2021, aimed at strengthening democracy and safeguarding the integrity of elections¹⁵.

Case Study: The May 11, 2025 Parliamentary Elections

The parliamentary elections held on May 11, 2025, took place in a transformed political and social landscape in Albania. Despite a low turnout in this electoral process (approximately 45%), the Socialist Party secured over 52% of the vote—more than four percentage points higher than in 2021—resulting in 83 seats in the 140-member Assembly, nine more than it currently holds. The Alliance for Greater Albania, led by the Democratic Party (DP) secured only 30% of the vote, resulting in 50 parliamentary seats—nine fewer than in the previous legislature.

The significance of international institutions in today's context offers oversight mechanisms for electoral processes globally. This is especially crucial in nations such as Albania, which are still regarded as developing democracies. The core message of the report from the joint observation mission conducted by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) alongside the Parliamentary Assembly of the Council of Europe (PACE) is encapsulated in the

¹⁵ Ibid.

following assertion: “Elections for Albania’s parliament were competitive and managed with professionalism. The authorities effectively addressed the challenge of facilitating out-of-country voting for the first time, and candidates generally enjoyed the freedom to campaign”. The continuous conduct of legally regular and ethically proper elections constitutes the primary driver of a country’s democratic stability, serving as a permanent phenomenon in the process of democratic consolidation.

Justice Reform and the Establishment of SPAK

Within the political and institutional equation of our country, specialized institutions have been established as part of the new Justice structure. Albania’s Special Anti-Corruption Structure (SPAK)—which encompasses the Special Prosecution Office, the National Bureau of Investigation, and the special anti-corruption/organized crime courts—has become a central institutional actor in the country’s democratic trajectory. By design, SPAK targets high-level corruption and organized crime, a mandate repeatedly highlighted in EU monitoring documents as part of the rule-of-law “fundamentals” that shape Albania’s EU path (European Commission, 2024).

These institutions have contributed to the formation of a new regulatory framework aimed at addressing the previously existing lack of institutional balance in Albania. The Special Structure against Organized Crime (SPAK) has now emerged as a fundamental institution, currently undertaking investigations into high-ranking politicians from across the political spectrum. Due to its handling of high-profile cases, SPAK is now the most trusted institution of a majority support of the Albanians and its continued operation as an independent body, free from political interference¹⁶.

Albania’s justice reform, initiated in 2016 as part of its broader democratic consolidation agenda, represents one of the most comprehensive institutional transformations in its post-communist history. Central to this reform was the establishment of the Special Anti-Corruption Structure (SPAK) and the creation of special corruption and organized crime courts. These institutions were designed to address entrenched problems of political interference, systemic corruption, and lack of judicial independence that had long undermined public trust in governance.

SPAK was given a broad mandate to investigate and prosecute high-ranking officials, including members of parliament, ministers, and judges suspected of corruption or organized crime. Complementing this structure, the special corruption courts provide a specialized legal forum to adjudicate cases brought

¹⁶ Ibid.

forward by SPAK. Together, these institutions aim to ensure impartiality, accelerate case resolution, and strengthen accountability in Albania's democratic institutions.

In countries with a long-standing history of democratic practices, the political occurrence of developing a cohesive institutional-democratic structure has been firmly established. As a result, any possible challenge to the integrity of an electoral process is managed and settled through the legal frameworks present in the existing system. The recent electoral process was additionally overseen by the Special Anti-Corruption Structure (SPAK). This represents a significant advancement in the institutional framework and electoral procedures, thereby offering a more robust assurance for their effective operation.

At this particular historical moment, Albania is experiencing a progressive enhancement of democratic standards within its electoral processes, which plays a crucial role in the democratic consolidation of the nation's institutional framework; nevertheless, this alone does not serve as a definitive assurance of ongoing democratic stability. This principle is relevant not only within the Albanian context but also extends to nations with more established and advanced democratic legacies.

The Relevance of SPAK To Albania's 2025 Parliamentary Elections

SPAK's significance in the 2025 elections arises from two interrelated factors. Firstly, its increasing casework has placed corruption at the center of pre-election discussions. Prominent investigations and prosecutions—targeting former high-ranking officials and party leaders—have ensured that issues of graft and misuse of power remain central to campaign narratives and media attention (Associated Press, 2025; Reuters, 2025). SPAK's initiatives have influenced public perceptions of integrity in governance.

Secondly, SPAK directly impacted the integrity of the 2025 contest by fulfilling its role in the investigation of electoral offenses. International observers assessed the elections as competitive and conducted in a professional manner. Importantly, the observation mission acknowledged SPAK's "positive role" in probing electoral corruption and enhancing collaboration with the Central Election Commission (CEC) and the General Prosecutor's Office—an institutional connection that is significant for both deterrence and accountability following the elections (OSCE/ODIHR, 2025).

The 2025 report from the European Parliament highlights the significant role of SPAK and the associated implications: it "emphasizes the essential efforts" of SPAK in establishing a history of investigations, prosecutions, and convictions related to high-level corruption cases, while also urging all stakeholders to avoid actions that could weaken independent institutions and to enhance operational capabilities (European Parliament, 2025). This dual message—acknowledgment

paired with appeals to protect independence—illustrates the importance of SPAK's credibility in the context of democratic consolidation and in preserving public confidence in electoral results.

More broadly, EU assessments in 2025 continue to frame Albania's progress through the lens of justice reform and the rule of law. Commission materials emphasize SPAK's consolidated results and the need for sustained independence and resources, linking these to accession conditionality and public confidence (European Commission, 2025). In effect, the political and reputational costs of interfering with SPAK are higher in an election year precisely because of EU scrutiny and the salience of corruption in voter heuristics.

In sum, SPAK's relevance to the 2025 elections is twofold: as a *symbolic* arbiter of Albania's break with impunity and as a *procedural* actor in electoral-crime enforcement. Its investigations shaped campaign discourse and party competition, while its coordination with electoral authorities offered a pathway to deter vote-buying and misuse of state resources. The institution's continued independence—and the political system's ability to accept its outcomes without instrumentalization—remain essential both for post-election legitimacy and for Albania's EU trajectory (European Parliament, 2025; OSCE/ODIHR, 2025).

Conclusions

Electoral processes constitute the cornerstone of the democratic exercise of power. This corresponds, to some extent, with the traditional definition of democracy, which held that legitimacy of power was derived from a free popular will, embodied in an electoral process. However, electoral processes do not constitute the foundation upon which the perpetuation of a democratic state of affairs in a country is built. The interplay between internal socio-political circumstances and external factors—this time of an ideological and geopolitical nature—proved to be influential in this regard. If we refer to the historical background of electoral processes in Albania, they predate the emergence of authoritarian forms of power, yet they have been unable to prevent such political phenomena. Ahmet Zogu's authoritarianism was primarily the result of the imposition of personal ambitions upon a society lacking a genuine democratic tradition, at a time when radical nationalist ideologies were ascending to power across Europe. While Enver Hoxha's dictatorship was forged as the national implementation of a new social order inspired by an ideology with universal aspirations—namely, Marxism. Both variants of authoritarianism or dictatorship effectively terminated democratic electoral processes.

Electoral processes in Albania over the past 34 years have unfolded almost in parallel with the country's progressive institutional integration into the broader democratic space of the Euro-Atlantic community. NATO membership, along

with the path toward full integration into the European Union, constitutes two powerful institutional drivers that serve as guarantees of the country's democratic development. The challenges encountered in the electoral processes of the past three decades are largely attributable to the unwillingness of certain high-ranking political figures to ensure transparency and fairness in the mechanisms through which political power is acquired in Albania. At this current historical juncture in which Albania finds itself, the integrity of electoral processes not only contributes to the consolidation of democratic norms regarding the transfer and exercise of power, but also serves as a guarantee that Albanians themselves can offer to the broader international democratic community—one they aspire to fully join—demonstrating both their genuine commitment to democracy and the values it embodies.

Implications

The 2025 parliamentary elections in Albania illustrate both the persistence of democratic practices and the enduring structural challenges facing the country's political system. On the one hand, international observers assessed the electoral process as competitive and efficiently managed, demonstrating progress in institutional capacity (OSCE/ODIHR, 2025). On the other hand, systemic issues such as unequal access to resources, allegations of corruption, and political polarization undermined the overall fairness of the contest (Reuters, 2025; Associated Press, 2025).

Civil society actors, particularly women's organizations, also highlighted the importance of inclusive participation and decision-making as essential to strengthening democratic legitimacy (Fondacioni Qendra Europiane & Fondacioni Konrad Adenauer, 2023).

The elections consequently illustrate Albania's intricate path: a country decisively aligned with the European Union yet still contending with the enduring impacts of fragile institutions and deep-rooted patronage systems. Ongoing involvement from international allies, along with internal reforms aimed at improving transparency and accountability, will be essential for guaranteeing that Albania's democratic progress transcends mere procedural competitiveness and advances toward genuine equality and the rule of law (European Commission, 2024, 2025).

Simultaneously, the elections of 2025 underscore numerous pathways for future inquiry. Researchers ought to investigate the enduring impacts of clientelism, corruption, and media bias on the legitimacy of elections (OSCE Office for Democratic Institutions and Human Rights, 2025). Comparative analyses between Albania and other nations in the Western Balkans could elucidate the effects of European Union conditionality on the process of democratic

consolidation (European Commission, 2024; European Parliament, 2025). Additional exploration into the contributions of civil society, especially regarding the promotion of gender equality and the political engagement of youth, may yield valuable insights into enhancing democratic inclusivity (Fondacioni Qendra Europiane & Fondacioni Konrad Adenauer, 2023). Lastly, a longitudinal study of voter confidence in institutions would assist in assessing whether Albania's democratic path is progressing towards resilience or is still hindered by ongoing structural weaknesses (Reuters, 2025; Associated Press, 2025).

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EU Cohesion Policy Acquis and Albania's Preparations for Meeting Chapter 22 Requirements

Sonil BILAJ¹

EUROPEAN UNIVERSITY OF TIRANA, TIRANA, ALBANIA
PhD (c), sonilbilaj1@gmail.com

Valeria VALERI²

COHESION POLICY EXPERT, TEAM LEADER
KEY EXPERT OF EU FUNDED ASSISTANCE TO ALBANIA, MONTENEGRO
AND SERBIA ON PREPARATIONS FOR REGIONAL POLICY AND
COORDINATION OF STRUCTURAL INSTRUMENTS,
valeria.valeri@yahoo.it

Abstract

This paper analyses the legal, policy, and institutional preparations that Albania must undertake to successfully close accession negotiations with the European Union

¹ Sonil Bilaj is Director for the Administration of EU Financial Assistance and Head of the Managing Authority at the State Agency for Strategic Programming and Aid Coordination (SASPAC), Prime Minister's Office of Albania. He has over 10 years of experience in EU funds management, economic policy, and public administration. He is currently a PhD candidate researching "The Financial and Administrative Implications for Albania in the Preparation and Implementation of EU Cohesion Policy."

² Valeria Valeri is a Regional Development Economist and SME Expert with extensive experience in programming, delivering, and evaluating regional development and competitiveness-focused EU Operational Programmes, grant schemes, major projects, and financial instruments. She has served as Fund Manager for both banks and regional public financial agencies, and has three years of experience as a Resident Twinning Advisor on Regional Policy and EU Structural Instruments. With over 12 years as Team Leader, Project Director, and RTA, she brings strong expertise in project development, feasibility studies, business support schemes, and infrastructure and institutional capacity-building projects. A certified trainer, she has led and delivered training programmes and study visits on EU fund management in both Member States and accession countries.

under Chapter 22: “Regional Policy and Coordination of Structural Instruments” This chapter is crucial for gaining access to EU Cohesion Funds post-accession, which aim to reduce regional disparities and foster economic, social, and territorial cohesion. While the EU acquis in this area mainly comprises framework and implementing regulations that do not require transposition into national law, Albania must still meet key conditionalities. Failure to comply, as illustrated by the cases of Poland and Hungary, can lead to suspension of payments.

The paper emphasizes the importance of aligning Albania’s strategic priorities with EU funding goals, particularly given that most national strategies expire by 2030. A comprehensive national policy framework is needed to guide future programming of Cohesion Funds. The establishment of an effective institutional structure for fund coordination and management is another critical requirement. Drawing on Albania’s experience with managing EU IPA funds and the EU’s new Reform and Growth Facility, the paper highlights the current institutional challenges and offers recommendations to strengthen Albania’s readiness for Cohesion Policy implementation post-accession.

Keywords: EU accession, Cohesion Policy, Chapter 22, structural instruments, institutional preparedness.

Introduction

Chapter 22 on ‘Regional Policy and Coordination of Structural Instruments’ is part of Cluster 5 of the accession negotiations and focuses on preparations for EU Cohesion Policy.

EU Cohesion Policy was introduced in the European Union to increase convergence³ between European regions by reducing socioeconomic imbalances. Under the Treaty on the Functioning of the European Union (TFEU), the EU must take measures to strengthen its economic, social and territorial cohesion to promote harmonious development (EU, 2016). Cohesion Policy is also considered a fundamental element of the single market, which was designed with an awareness of its potential differential effects on workers, companies and regions.

Moreover, Cohesion Policy is often cited as one of the most obvious manifestations of European cooperation and solidarity. At the same time, it is more important than ever to have an innovative, green, resilient and globally competitive European economy, to which all regions and their inhabitants contribute and from which they can derive benefit. Achieving this particularly requires innovative and sustainable focus on today’s major transitions, especially

³ Defined in this document as the path of a country or a region towards the GDP per capita EU average and other average values.

those with the greatest long-term impact, i.e., the digital, green and social transitions (including the labour market). Besides on sustainable investment, these transitions are conditional on critical technologies and raw materials, and policies that are just and place-based (taking into account specific characteristics and strengths of the regions concerned).

Cohesion Policy targets all regions and cities in the European Union, to support job creation, business competitiveness, economic growth, sustainable development and improve citizens' quality of life.

The objectives relating to Cohesion Policy are set out in Articles 174 to 178 of the Treaty on the Functioning of the European Union. Article 174 establishes the overall objective of strengthening the Union's economic, social and territorial cohesion, stipulating that the EU must aim to reduce regional disparities and bring least-favoured regions to a higher standard of living. Among the regions concerned, particular attention is to be paid to rural areas, those affected by industrial transition, and regions that suffer from severe and permanent natural or demographic handicap, such as northernmost regions with a very low population density, island, cross-border and mountainous regions.

To reach these goals and address the diverse development needs in all EU regions, €392 billion – almost a third of the total EU budget – has been set aside for Cohesion Policy for 2021-2027.

However, Chapter 22 is not just about EU funds. It requires the state's capacity to plan, manage, and deliver development, in partnership with the EU and its own citizens. Strong progress with this Chapter here will be critical for successful accession and for maximizing the benefits of EU membership.

Article 162 established the European Social Fund (ESF). Articles 176 and 177 established the European Regional Development Fund (ERDF) and the Cohesion Fund. TFEU Article 175 refers to the ESF and ERDF as Structural Funds. In 2021, the Regulation 2021/1056 established the Just Transition Fund (JTF) (European Parliament & Council, 2021). According to TFEU Article 177, the European Parliament and the Council shall define the tasks, priority objectives and the organisation of the Structural Funds, which may involve grouping the Funds.

Preparations for Cohesion Policy implementation are carried out by EU candidate countries under Chapter 22 of the accession negotiations focusing on "*Regional Policy and Coordination of Structural Instruments*". Chapter 22 "*Regional policy and coordination of structural instruments*"⁴ is based on the body of EU laws (*acquis*) defining the rules for drawing up, approving, and implementing Structural Funds and Cohesion programmes. The *acquis* under this chapter

⁴ Regional policy is the EU Policy fostering economic, social and territorial cohesion established under Articles 174 and 175 of the Treaty on the Functioning of the European Union. The term 'Regional policy' has evolved into Cohesion Policy. The term 'Cohesion Policy' is found 4 times in the ETC Regulation while in the five EU Regulations governing the Cohesion funds the term 'regional policy' is never mentioned.

consists mostly of framework and implementing regulations, which do not require transposition into national legislation. They define the rules for drawing up, approving and implementing Cohesion funded programmes reflecting each country's territorial organisation. These programmes are negotiated and agreed with the Commission, but implementation is the responsibility of the Member States. Member States must respect EU legislation in general, for example in the areas of public procurement, competition and environment, when selecting and implementing projects. However, progressing with EU legislation in the above areas is proper to other negotiation chapters. In addition, Member States must have an institutional framework in place and adequate administrative capacity to ensure programming, implementation, monitoring and evaluation in a sound and cost-effective manner from the point of view of management and financial control (European Commission).

For the 2021-2027 financial perspective, the four Cohesion Policy funds: European Regional Development Fund (ERDF), Cohesion Fund (CF), European Social Fund plus (ESF+) and Just Transition Fund (JTF) are managed under five EU Regulations:

- Common Provisions Regulation (CPR) (Regulation 2021/1060) (European Parliament & Council, 2024)
- ERDF and Cohesion Fund Regulation (Regulation 2021/1058) (European Parliament & Council, 2024)
- JTF Regulation (Regulation 2021/1056) (European Parliament and Council, 2021)
- ESF+ Regulation (Regulation 2021/1057) (European Parliament & Council, 2021)
- ETC Regulation (Regulation 2021/1059) (European Parliament & Council, 2021).

Albania is preparing for EU membership. Although the date of European Union membership cannot be formally assumed, it is surmised that Albania will not join the European Union before the 2028-2034 financial perspective. Consequently, the specific 2021-2027 *acquis* currently in place consisting of the Common Provisions, the Fund-specific Regulations and the European Territorial Cooperation Regulation, will no longer apply, exception made for the provisions related to Cohesion Policy and instruments under the EU Treaties.

Against this background, the paper establishes a conceptual framework to analyse the extent Albania meets the requirements of Chapter 22 for managing EU Cohesion Funds post-accession and makes an important contribution to the enlargement literature in two respects. First, it applies the broader debates on Cohesion Policy and conditionality to the case of Albania, which has attracted relatively limited academic attention to date. Second, it situates Albania's

preparations within the broader European debate on Cohesion Policy reform post-2027 and offers insights that are relevant not only to Albania's accession process, but also to policy makers and scholars concerned with the future of EU regional policy.

Literature Review

In recent years, the literature on EU enlargement and Cohesion Policy has shifted noticeably, reflecting both the Union's internal difficulties and the broader geopolitical changes on the continent. Enlargement is no longer treated as a purely technical matter of transposing regulations. Instead, it is increasingly understood as a political and strategic process, linked to questions of governance, institutional resilience, and the Union's ability to manage diversity among its members and candidates.

Policy Framework and Conditionalities

The coherence of national policies with EU policies is a general condition for the use of the EU Cohesion Fund by the EU Member States. The EU conditionalities are thematic, i.e. sectoral, and horizontal, i.e. they apply to all sectors eligible for the Cohesion Funds. In their Cohesion Funds programming documents submitted to the Commission for approval, EU Member States must demonstrate that the proposed measures and expenditure are consistent with the objectives set out in the relevant EU strategic documents, or they must prepare plans that are consistent with the policy and prescribed in certain EU Regulations. The European Parliament⁵ in 2020 has made EU payments conditional on compliance with the rule of law, while the EU Financial Regulation⁶ stipulates that all EU funding must be compatible with equality and EU environmental law.

The rule of law remains a real concern in the enlargement literature, especially when it is about Western Balkans Countries. In his journal article (Hoxhaj, 2021) argues that the EU's Rule of Law Initiative in the Western Balkans has produced limited results, with judicial independence still fragile. Similarly, in both articles (Ognjanoska, Promoting the rule of law in the EU enlargement policy: A twofold challenge, 2021), (2022)) stresses the gap between formal commitments and their enforcement, arguing that conditionality risks becoming symbolic if domestic elites resist substantive change. (Renata, 2022) takes this argument further, noting that the Union's insistence on the rule of law is being tested by authoritarian tendencies that are visible not only in the candidate countries but also in the EU itself.

⁵ (European Union)

⁶ (Regulation (EU) 2021/1058 of the European Parliament and of the Council of 24 June 2021 on the European Regional Development Fund and on the Cohesion Fund)

Administrative Capacity and the Absorption Challenge

A second strand of literature has concentrated on the question of administrative capacity, which has increasingly emerged as an determining factor for the effectiveness of Cohesion Policy. The enlargement isn't just a matter of making our legal systems compatible; it's also about our national administrations' capacity to urbanise, manage and absorb EU funding to make it sustainable. This is not only because, in the opinion of (Qorraj, Hajrullahu, & Qehaja, 2024), the Western Balkans administrations are still too ineffective in such a way that financial assistance is not effectively transformed in sustainable developments. A similar argument is made by (Dąbrowski & Moffat, The changing dynamics of the Western Balkans on the road to European Union membership: An update, 2024), who warn that without stronger governance systems, economic convergence with the Union will remain slow and uncertain. Other research, including (Kleszcz & Rusek, 2022), further reports that lack of innovation system weaknesses and lack of administrative know-how can continue to hold back performance, indicating that capacity challenges extend well beyond the initial phase of compliance.

The issue of capacity has also been examined more broadly in the EU context (Bachtler, Olejniczak, Smeriglio, & Śliwowski, 2016) proposed one of the first structured methodologies for assessing administrative capacity, identifying factors such as human resource quality, institutional coordination, and organisational learning as central to effective implementation. More recently, (Bachtler, Polverari, Domorenok, & Graziano, 2023) have argued that capacity is not only a prerequisite for absorption but also a determinant of the effectiveness of investments. Their analysis shows that where capacity is stronger, programmes achieve better results, both in terms of compliance with EU rules and in delivering long-term development impact.

Governance

The 9th Cohesion Report⁷ by the European Commission highlights good governance as a key factor for ensuring the sound management of EU Cohesion Funds. The governance of Cohesion Policy has sparked a wide debate among scholars ever since the 1988 reform (Molica, Renzis, & Bourdin, 2024). The policy has been extensively studied as a paradigmatic case of multilevel governance (Hooghe, Cohesion policy and European integration: Building multi-level governance, 1996); (Dąbrowski, Bachtler, & Bafoil, 2014)). Some have emphasised the novel nature of power-sharing between different tiers of government built

⁷ (Forging a sustainable future together : cohesion for a competitive and inclusive Europe : report of the High-Level Group on the Future of Cohesion Policy,, 2024)

into the governance of the policy (Marks, Structural policy and multilevel governance in the EC, 1993). Others have underscored the influence of multi-level governance on empowering sub-national actors (John R. Moodie, 2021), despite a marginal impact on the institutional or even constitutional setup of Member States (Piattoni & Polverari, 2016). Within this wider debate, Albania has begun to attract more scholarly attention. (Radonshiqi & Fusha, 2025) documents the influence of accession negotiations on areas such as social inclusion, while (Emir Fejzić, 2024) note the substantial administrative challenges linked to aligning with the European Green Deal, particularly in energy and environmental regulation. (Meljana Bregu, 2025) recognises reforms in public administration and the justice system but underlines that implementation is often slowed by political bargaining. International observers have also noted Albania's progress, though media reports⁸ continue to stress that Brussels expects more consistent delivery on reforms.

Politicisation of enlargement and its impact on EU Cohesion Policy negotiations

The credibility of the enlargement process has itself become a central topic in the literature. (Butnaru-Troncotă, 2025) argues that successive crises, from migration flows to Russia's war in Ukraine have heightened the politicisation of accession, complicating negotiations for countries such as Albania and North Macedonia. (Per Ekman, 2025) also points to the tension between the EU's need to deepen integration among its members and its capacity to expand further. Some contributions, such as (Lashyn, 2025), advocate for a merit-based system to restore trust in the Union's commitments. Parallel to these discussions, the Berlin Process is frequently cited as a valuable political mechanism for maintaining engagement with the Western Balkans, even when formal negotiations slow down. At the same time, enlargement is increasingly viewed in strategic terms, tied to Europe's response to global instability. (Grabbe & Lehne, Climate Politics in a Fragmented Europe, 2019) situate the debate within the fragmentation of European climate politics, while (Börzel & Risse, Grand theories of integration and the challenges of comparative regionalism, 2019), (2021)) stress the Union's limited capacity to project its democratic model abroad. Economic perspectives also bring nuance. An Thinktank report⁹ highlights the long-term economic benefits of integrating the Western Balkans, while (Tímea Kovács, 2025) calculate the institutional impact of enlargement on decision-making in the Council of the EU, noting that smaller member states could gain influence.

Taken together, a paradox emerges from this literature. Enlargement is strategically more important than ever, but it is also politically more controversial

⁸ AP News. (2025). EU's enlargement commissioner urges Albania to focus on reforms in membership talks.

⁹ (Economic implications of EU enlargement for the Western Balkans, 2025)

and institutionally more challenging. For Albania, this means that progress under Chapter 22 cannot be achieved through the adoption of EU Regulations alone. Equally important is whether domestic institutions can absorb the funds effectively through proper governance and sufficient administrative capacity, whether reforms continue beyond formal commitments and whether strategic planning is aligned with the Union's evolving priorities post-2027.

Methodology

Based on the review of the literature, four key variables are selected to guide the analysis:

Policy Framework

The use of Cohesion Policy funds after accession requires the alignment of national policies with EU policies in the sectors eligible for the funds (such as employment, education, social inclusion, health, transport, digital, energy, environment and climate change, business, research, etc., to which defence has recently been added); as well as multi-sectoral policies such as territorial development. Therefore, the extent of strategic alignment of national policies with EU policies, including the time horizon (long-term for some sectors) leading to coherence of the national policy framework with the EU policy framework, is a key variable for the analysis.

Legal framework and Conditionalities

The second variable proposed for analysis relates to the legal framework that must be in place, in particular with regard to the conditions imposed by the Commission on access to funding. This second variable is related to the first one above (policy framework) because in some cases the policy framework requires specific legislation to be enforced. For example, non-discrimination is a horizontal policy within sectoral policies (e.g. employment, education), but also a principle reflected in the right to accessibility for persons with disabilities. In this case, the relevant policy framework must be reflected in appropriate legislation.

Institutional Framework and Governance

Institutions that are transparent and accountable, respect the rule of law and have effective governance structures have a positive impact on the functioning of governments at all levels and ultimately on economic development and the impact of public investments, including those financed under Cohesion Policy. In the context of Cohesion Policy, the term "Institutional Framework" refers in general

terms to the system consisting of the institutions entrusted by the Government with tasks related to the management of EU Cohesion Policy. “Governance” refers to the mechanisms the entrusted institutions work as a system integrating and coordinating strategic planning, budgetary frameworks and public financial management structures. This variable is strictly connected with the Administrative Capacity variable.

Administrative capacity

In the context of EU Cohesion Policy, administrative capacity is interpreted by scholars as the ability of national and regional government authorities to design regional development programmes to achieve EU objectives and meet local needs, to allocate funding to eligible projects in accordance with EU rules and to account for the funds spent in financial terms (audit) and in terms of physical results (evaluation) ¹⁰. However, it is also recognised that the concept of administrative capacity for EU Cohesion Policy extends to the ability of all actors involved - from public administrations to beneficiaries, that is, the Cohesion Policy ecosystem - to effectively manage and use EU funds by building the necessary human, organisational and systemic capacity. The extent the Cohesion Policy ecosystem has advanced along the administrative capacity learning curve is the fourth variable considered in the analysis.

The future of EU Cohesion Policy post 2027: Debate and Perspectives

“The challenge for Cohesion Policy reform is that while Cohesion Policy needs to accelerate absorption, it is crucial to find a balance between the ponderous, but inclusive bottom-up Cohesion Policy approach, and the agile but less democratic Recovery and Resilience Facility approach. (Schwab, 2024)”

The new European Commission, which took office on 1st December 2024, started updating the Cohesion policy for the next decade, on the basis of the recommendations presented in February 2024 by the High-Level Reflection Group on the future of Cohesion policy after 2027 (European Commission, 2024), the analysis presented in the 9th Cohesion Report published by the Commission in March 2024 (European Commission, 2024), and the Letta (Letta, April 2024.), and Draghi reports (European Union, 2024).

The Commission Communication ‘The Road to the next Multiannual Financial Framework (MFF)’, published on 12 February 2025 (European Commission, 2025), states that “Unlocking investment is necessary to ensure economic development

¹⁰ (Bachtler, Polverari, Domorenok, & Graziano, 2023)

across Europe, but reforms are also needed to remove obstacles to regional development, e.g. investment barriers, regulatory obstacles and weaknesses in the labour market and the business environment. We must reunite our society through education and investing in people. These challenges need to be addressed through a strengthened, modernised cohesion and growth policy, working in partnership with national, regional and local authorities. The Communication presents a new approach for a modern EU budget that includes at its core a plan for each country with key reforms and investments, and focusing on joint priorities, including promoting economic, social and territorial cohesion. A strengthened cohesion and growth policy with regions at its centre must be designed and implemented in partnership with national, regional and local authorities”. According to the above-mentioned Communication, National Plans and a Competitiveness Coordination Tool are expected to shape the policies supported under the next Multi-Annual Financial Framework in line with the Competitiveness Compass (European Commission , 2025) to regain EU competitiveness and secure sustainable prosperity.

Cohesion Policy Regulations for the period 2021-2027 are currently being redesigned for the next financial perspective. A fundamental discussion on the future direction of Cohesion Policy is underway, including a simplification of its implementation. One of the expected cornerstones of simplification is the increasingly use of Financing Not Linked to Costs and Simplified Cost Options with more emphasis being placed on the performance and results of projects financed from the budget, with EU financing being based on the fulfilment of certain conditions *ex ante* or on the achievement of results measured against pre-defined milestones or performance indicators. The use of Financing Not Linked to Costs, set out under the EU Regulation 2024/2509 (the EU Financial Regulation) (EU Parliament and Council, 2024) , has been widely tested by the EU Member States under the Recovery and Resilience Facility Regulation (European Parliament & Council , 2024), and is currently applied to the Reform and Growth Facility for the Western Balkans (European Parliament & Council, 2024), including the Reform Agenda, that is being implemented in the Republic of Serbia in the 2024-2027 period. Simplified Cost Options have been implemented under Cohesion Policy primarily under the European Social Fund Plus.

On 1 April 2025, the Commission adopted a Communication entitled “A modernised Cohesion policy: The mid-term review (European Commission, 2025) accompanied by two legislative proposals in respect of the Cohesion Policy funds regulations for the 2021-2027 programming period: i) a proposal to amend Regulations (EU) 2021/1056 and 2021/1058 concerning the Just Transition Fund (JTF) and the European Regional Development Fund (ERDF)/ Cohesion Fund (CF)² and; ii) a proposal to amend Regulation (EU) 2021/1057 concerning the European Social Fund Plus (ESF+). Under this proposal, new specific objectives

and priorities are proposed which add to previous modifications such as the RESTORE Regulation that allows Cohesion Policy funds to alleviate the social and economic consequences of such natural disasters (European Parliament & Council, 2024)¹¹.

The proposal for ERDF and CF introduces the possibility to finance activities that contribute to the implementation of reforms under the specific objectives. Such support may also cover costs that are not directly linked to the implementation of investments. This represents a novelty for Cohesion Policy funds. However, according to the European Court of Auditors (ECA, Opinion 02/2025) “*the proposal lacks a clear definition for reforms that can be supported under ERDF/CF, nor does it specify the types of actions or expenditure that will be considered eligible*”. Without these details, the scope of support that would qualify as reforms remains unclear, potentially encompassing everything from preparatory actions to development of legislative reform packages or broader implementation actions. Furthermore, although the recitals refer to the “payment of costs”, the current proposal does not clarify the financing model to be used for reforms, such as reimbursement of actual eligible costs incurred or the financing not linked to costs model. This is particularly relevant as the costs related to the implementation of reforms are generally difficult to identify, quantify and justify. As highlighted in the ECA Reports on the Recovery and Resilience Facility (RRF), around 75% of reforms included in Member States’ RRFs had no estimated costs associated with them, even in cases with significant underlying investments and costs. This increases the risk of double funding from EU funds. The proposal increases the scope of support of the ERDF and CF – subject to the application of State Aid rules – to the productive investments in enterprises other than SMEs (i.e. large enterprises or midcaps). The extension of the scope of support to large enterprises to some extent reflects the Commission focus on competitiveness and decarbonisation.

Another important development for the new Cohesion Policy is the simplification Omnibus package on sustainable finance reporting and sustainability due diligence (European Commission, 2025), proposed by the Commission on 26 February 2025, consisting of amendments to the Corporate Sustainability

¹¹ Overview of the new specific objectives and priorities proposed ERDF/CF. New specific objectives are introduced regarding: —Defence and security: industrial capacities in the defence sector and the military mobility, —Housing: access to affordable housing and related reforms, —Energy security and energy transition: energy interconnectors and related transmission infrastructure and recharging infrastructure. One specific objective in respect of water is reformulated to include the concept of water resilience. ESF+. Two new priorities are introduced to support the development of skills in the defence industry and in the decarbonisation of production through existing specific objectives. JTF. Access to affordable housing and related reforms is added in the list of activities supported. Source: European Court of Auditors, Opinion 02/2025: Cohesion policy regulations, mid-term review 6 May 2025 <https://www.eca.europa.eu/en/publications/OP-2025-02>

Reporting Directive 2022/246417 (CSRD) (European Parliament & Council, 2022), the Corporate Sustainability Due Diligence Directive 2024/176018 (CSDDD), the Taxonomy Disclosures Delegated Act, Taxonomy Climate Delegated Act and the Taxonomy Environmental Delegated Act (European Parliament & Council, 2020). Furthermore, the Commission will adopt a proposal to amend the Carbon Border Adjustment Mechanism (CBAM) (European Parliament & Council, 2023) as part of the same omnibus simplification package. The declared aim is to square the EU's ambition towards a sustainable transition with what companies can feasibly achieve to strengthen competitiveness and economic growth by enhancing the proportionality and cost effectiveness of such frameworks. The Communication "A simpler and faster Europe" (European Commission, (2025)) sets out the vision for the implementation and simplification agenda. The ultimate goal is reducing gold-plating and administrative burden for all the institutions and persons involved.

In January 2025, the European Parliament published a briefing document on "The future of cohesion policy Current state of the debate" (European Parliament, 2025). This document reviews the position of the European Union institutions and advisory bodies' including the European Commission, European Parliament, Council of the European Union, Committee of the Regions, European Economic and Social Committee and the European Court of Auditors. The briefing document also summarises the positions of key Stakeholders, including the Council of European Municipalities and Regions (CEMR), Eurocities, the Conference of Peripheral and Maritime Regions (CPMR), the Capital Cities & Regions Network, the Demographic Change Regions Network, and others. Some of the advisory bodies recently reiterated their positions, e.g. on 15 May 2025, the Committee of the Regions stated that under Cohesion Policy post 2027, linking investments and reforms must not lead to a more centralised governance (COR, 2025).

A number of Member States published their position on Cohesion Policy after 2027, often as a result of wide national consultations. Starting with the Netherlands in October 2024, followed by Germany, France, Ireland, Poland, Romania, and Slovenia in November 2024 (Germany's Federal Ministry for Economic Affairs and Climate Change, 2024), other Member States published their positions (Sweden in December 2024, Ireland, Slovak Republic and Hungary in March 2025). Country positions also focused on specific positions on the future of the INTERREG Programmes (Germany, Poland, Romania) (<https://www.interact.eu/>). In brief, the main subjects dealt with in the above positions are:

- Strategic direction
- Use of reforms under a new Cohesion Policy
- Policy principles of partnership, multi-level governance and shared management
- Place-based policy

- Focus on the least prosperous regions
- Relaxing the thematic concentration (depending on specific territorial characteristics)
- European Territorial Cooperation
- National co-financing
- Simplify rules on Financial Instruments
- Focus on results
- Rule of law
- Compliance with the principles of the rule of law and good governance
- Simplification
- More effective coordination between state aid rules and EU legislation on EU Cohesion Policy
- Administrative capacity
- Disagreement with eventual centralisation of Cohesion Policy.

“Under the auspices of the Polish Presidency the EU Ministers responsible for Cohesion Policy, Territorial Cohesion and Urban Matters adopted their Joint Declaration on the importance of the territorial aspect and its consideration in post-2027 development policies at the Informal Ministerial Meeting in Warsaw (21 May 2025). DG Christophidou representing the Commission, welcomed the adoption of the Declaration, which underlines the structural role of cohesion policy in supporting all of the EU’s priorities, highlighting two main strands of work in coming weeks: the Commission’s mid-term review proposal and the ambitious policy agenda for cities that the Commission aims to put forward towards the end of the year (Ministry of Development Funds and Regional Policy, Republic of Poland, 2025).

The debate on Cohesion Policy post 2027 goes ahead in parallel with the discussion on the EU post-2027 long-term budget (European Parliament, 2025) and the Commission political commitment to simpler and faster implementation and simplification ¹².

5. Overview of the requirements to close Chapter 22 of the accession negotiations

Negotiations for Albania’s accession to the European Union were opened on 19 July 2022 when the Intergovernmental Conference on Albania’s accession to the European Union took place. According to recent polls, EU membership is supported by 92 percent of Albanians (IRI, 2024). This overwhelming popular support represents a strong political mandate to accelerate preparations to meet the EU requirements for membership.

On 22 February 2023, the Council of Ministers approved the National Strategy for Development and European Integration 2022-2030, which is Albania’s overarching

¹² For more see Communication on implementation and simplification. <https://www.eumonitor.eu/9353000/1/j9vvik7m1c3gyxp/vmkuijwcmby9>

strategic document. It links the agenda of integration into the European Union with the sustainable economic and social development of the country, including the link with the Sustainable Development Goals. This document represents a long-term vision for the country's development and provides a thorough and stable strategic framework for the fulfilment of the commitments within the European integration process. Albania is fully aligned with the European Union's Common Foreign and Security Policy, which also reflects its strategic commitment to EU membership.

The bilateral screening process¹³ started in July 2022 and lasted until 24 November 2023, when all screening meetings for all clusters of negotiating chapters were completed – *see Figure 1 below on clusters of negotiating chapters*. The bilateral screening meeting for Chapter 22 '*Regional Policy and Coordination of Structural Instruments*' took place on 23 and 24 October 2023.

In March 2025, the Commission has sent the Albanian authorities the Screening Report for Chapter 22, which is currently being discussed by the European Council. Inter alia, the Screening Report states that, in order to fulfil the EU requirements under Chapter 22:

- A legislative framework must be put in place allowing for multi-annual programming at national and sub-national levels and budget flexibility, enabling co-financing capacity at national and sub-national level and ensuring sound and efficient financial control and audit of interventions. Member States must also put in place procedures to ensure the respect of Union legislation, in areas relevant for cohesion policy implementation (e.g. State aid, public procurement, environmental protection, transport, gender equality, non-discrimination, sustainable development, accessibility) when selecting and implementing projects. In addition, national authorities will have to assess whether the thematic and general enabling conditions linked to selected specific objectives of the programmes are fulfilled.
- An institutional framework must be set up. This includes establishing all structures at national and sub-national levels required by the regulations as well as setting up a specific framework for financial management and control including audit with a clear definition of tasks and responsibilities of the bodies involved, in particular with regard to requirements of Title VI of the Common Provisions Regulation. The institutional framework also requires establishing an efficient mechanism for inter-ministerial coordination as well as the involvement and consultation of a wide partnership of organisations

¹³ The screening process is the first step in the accession negotiations. It is the analytical examination of the EU acquis conducted jointly by the European Commission and candidate countries for all the Chapters of the EU acquis. The screening process results in priorities (opening benchmarks) being identified.

in the preparation and implementation of programmes. The definition of conflict of interest from the EU's Financial Regulation should be carefully analysed and applied during the programmes' implementation.

The Screening Report does not establish opening or closing opening benchmark(s) for Albania, but presents findings and provides recommendations for meeting the requirements under the Chapter, as follows:

Legislative Framework: Albania is partially aligned with the relevant *acquis* concerning Cohesion Policy (Screening Report, p. 125).

Institutional Framework: Albania has a partial level of alignment in terms of institutional framework for implementation of Cohesion Policy. Albania's participation in IPA and territorial cooperation programmes (e.g., Interreg IPA) has contributed to the early development of implementation structures and mechanisms that can serve as a basis for future responsibilities under EU Cohesion Policy. However, specific gaps remain to be addressed regarding the definition of appropriate institutional structures and stakeholders, and the upgrading of institutional capacities in compliance with the applicable regulatory framework. Albania should guarantee an effective coordination system among the implementing institutions and partners and ensure meaningful collaborative achievements (Screening Report, p. 128).

FIGURE 1. Clusters of Negotiating Chapters
(European Union, 2022) (European Commission , 2022)



A specific legal requirement under Chapter 22: conditionalities for accessing Cohesion funds

Regulation 2021/1060 (Article 15 and Annexes III and IV), sets twenty enabling conditions as preconditions that must be fulfilled by Member States before receiving EU funding under certain policy objectives. Their purpose is to ensure that:

- There is a favourable regulatory and strategic environment,
- Funding is used effectively and in line with EU values and goals,
- Funded investments are sustainable and compliant with EU law.

Horizontal Enabling Conditions (HEC) apply to all Cohesion Policy objectives, Thematic Enabling Conditions (TEC) are linked to specific Cohesion Policy objectives. According to Article 6.15, “The Member State shall ensure that enabling conditions remain fulfilled and respected throughout the programming period. It shall inform the Commission of any modification impacting the fulfilment of enabling conditions”.

As the experience of EU Member States confirms, not all enabling conditions were fulfilled by Member States at the time the respective Programmes 2021-2027 were adopted by the Commission: a number of EU Member States self-assessed some of the enabling conditions as non-fulfilled and presented to the Commission their plans for fulfilment.

The EU Member States have presented their self-assessment of the fulfilment of relevant enabling conditions under Table 12 of each Programme. Not all criteria had been fulfilled at Programme start (European Commission , 2023). For example, in Autumn 2022, Poland itself informed the Commission that it did not fulfil the horizontal enabling condition on the EU Charter of Fundamental Rights. The Commission and Poland have engaged in extensive dialogue to address the issues identified by the Polish government. On 17 January 2024, Poland officially notified the Commission that it considers having fulfilled the horizontal enabling condition related to the Charter. After a thorough assessment, the Commission concluded that Poland has implemented the necessary measures to ensure compliance with the EU Charter of Fundamental Rights when implementing the EU Funds (European Commission , 2024).

Considering 286 adopted programmes among 27 Member States that adopted at least one programme, only 2 countries have unfulfilled horizontal enabling conditions related to the Charter of Fundamental Rights. In general, more than 98% of HECs have been fulfilled. The amount affected by unfulfilled horizontal enabling conditions in adopted programmes is almost EUR 94 billion.

At the time of the adoption of the programmes, around two thirds of thematic enabling conditions were fulfilled. The amounts affected by unfulfilled thematic enabling conditions in the adopted programmes were around EUR 84 billion (around 22.8% of the allocation for the Jobs and Growth goal). Although at this stage the new conditionalities for the 2028-2034 cycle cannot be speculated, our assumption is that conditionalities similar to the current Horizontal Enabling Conditions might be confirmed under the new regulatory framework, particularly for those enabling conditions that derive directly from the Treaty (HEC 2 on State aid, HEC 3 on compliance with the Charter of Fundamental Rights of the European Union and HEC 4 on application of the UN Convention on the Rights of Persons with Disabilities). Under Annex IV to the CPR, the following three Thematic Enabling Conditions are also related to HEC 3 and HEC 4:

- A National strategic framework for gender equality in place
- A National strategic policy framework for social inclusion and poverty reduction in place
- A National Roma Integration strategy in place

The enforcement of current and new conditionalities in the area of equality and human rights require dedicated efforts that are not exclusively in the remit of the Programme authorities. Albania is currently addressing the relevant EU requirements under Cluster 1 of the accession negotiations – fundamentals.

The enforcement of the horizontal enabling condition focusing on “Effective mechanisms to ensure compliance with the Charter of Fundamental Rights of the European Union”, set for the 2021-2027 period, is based on the following legal acts: Treaty of the European Union – Article 3, and the Treaty on the Functioning of the European Union – Articles 10 and 11, and, as regards Cohesion Policy, Regulation 2021/1060, Article 9 on Horizontal Principles and Article 15 on Enabling Conditions.

The above stipulations have been reinforced by the “Conditionality Regulation” (Regulation 2020/2092) that affirms the principle that respect for the rule of law is also key for the sound financial management of the Union budget and the effective use of the Union funding – and therefore, this new conditionality regime allows the EU to take measures – for example suspension of payments or financial corrections – to protect the budget, as it was the case for Poland and is still the case for Hungary (Zselyke Csaky, 2025). The conditionality regulation came into effect in early 2022, after the European Court of Justice (ECJ) dismissed actions brought by Hungary and Poland against it. The Regulation has been followed in 2022 by Commission Guidelines on its application¹⁴.

¹⁴ Commission web page: Rule of Law conditionality Regulation explained: <https://commission.europa.eu/strategy-and-policy/eu-budget/protection-eu-budget/rule-law-conditionality->

Although Chapter 22 does not focus on implementation of policies proper to other Clusters/Chapters of the accession negotiations – in the specific case, Cluster 1: Fundamentals – fulfilment of the enabling condition in reference is key to ensure that disbursement of EU funds after accession may proceed smoothly based on progress with expenditure.

In October 2024, the European Union issued its Common Position on preparations on Albania under Cluster 1: Fundamentals (European Union, 2024). In the Common Position, it is observed that “Albania has to continue to make progress in the alignment with and implementation of the EU *acquis* and relevant European standards covered by Cluster 1, and needs inter alia to further strengthens the protection of fundamental rights in practice. In particular, Albania will meet this interim benchmark once it has:

- Adopted and started implementing the data protection reform in line with the EU *acquis*, including implementation of systematic response and effective safeguards to protect privacy and personal data;
- Enhanced freedom of expression, including media freedom, inter alia through a reformed legislative and regulatory framework in line with European standards, best practices and recommendations and concrete measures to enhance safety of journalists;
- Strengthened institutional capacities, including of equality bodies, ensured legislative alignment with the EU *acquis* on non-discrimination, gender equality and combating gender based violence, and provided effective mechanisms for redress and assistance to victims ensured in majority from the state budget;
- Reinforced the child protection system, with the best interest of the child as the guiding principle, including as regards children deprived of parental care or with disabilities, notably completion of transition towards community-based care;
- Has made decisive progress towards establishing an efficient and transparent property registration and integrated management system, which offers clear and secure property titles and towards a fully digitalised service in practice at the latest according to the relevant commitments of Albania as undertaken in the Rule of Law Roadmap. Has made decisive progress towards ensuring

regulation_en. European Parliament and Council (2020) Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget <https://eur-lex.europa.eu/eli/reg/2020/2092/2020-12-22>. European Commission (2022), 2.3.2022 C(2022) 1382 final Communication from the Commission: Guidelines on the application of the Regulation (EU, EURATOM) 2020/2092 on a general regime of conditionality for the protection of the Union budget [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022XC0318\(02\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022XC0318(02))

that all cadastral data, including ownership titles and cadastral maps, are digitalised and carefully updated to systematically remove overlapping or inaccurate data and complaints are efficiently handled, and towards the completion of the first registration of properties at the latest according to the relevant commitments of Albania as undertaken in the Rule of Law Roadmap. Reduced court case backlog on property cases and effective enforcement of court rulings;

- Adopted the bylaws related to free self-identification and the use of languages of persons belonging to minorities as foreseen in the Rule of Law Roadmap, and in line with European standards and strengthened the implementation capacity, including of the Committee on National Minorities and its resources;
- Strengthened alignment of its legislative framework with the EU *acquis* on citizenship rights”.

It can be concluded that monitoring fulfilment of some of the enabling conditions and other conditionalities related to EU funds payments needs careful consideration at high political level.

Progress of Albania with preparations for meeting Chapter 22 requirements

Albania has created an appropriate institutional and legal framework for managing EU funds in the pre-accession period. It consists of institutions and structures accredited by the European Commission to manage an increasing volume of EU funds under the Instruments for Pre-Accession (IPA, which also finances the Instrument for Pre-accession for Rural Development IPARD), and the Reform Agenda under the Reform and Growth Facility for the Western Balkans. The total value of the EU financial allocation for Albania amounts to over EUR 700 million covering the period 2021-2027 and EUR 922 million under the Reform Agenda covering the period 2024-2027.

Management of the above EU funds involves a wide range of institutions, line Ministries, Public Agencies, Public Auditors, Municipalities and private-sectors organisations. The institutional pillars in the system are the State Agency of Strategic Programming and Aid Coordination (SASPAC) and the Ministry of Finance. The SASPAC Director General is the National IPA Coordinator (NIPAC) and the National Coordinator for the Reform Agenda, and bears responsibilities as National Authority for EU Programmes for Territorial Cooperation (Interreg/ Cross Border Cooperation); a Deputy Minister of Finance if the National Authorising Officer (NAO) for EU funds disbursement in Albania.

The NAO bears the overall responsibility for the financial management of IPA and IPARD Assistance in Albania and for ensuring the legality and regularity of the expenditure. The NIPAC is the main counterpart of the Commission for the overall process of coordination of programming, monitoring, evaluation and reporting of IPA assistance.

A comprehensive legal framework governs management of the EU funds in Albania. The Financing Agreement with the European Union are ratified by the Parliament and completed by Decisions of the Council of Ministers establishing the responsibilities and relationships among the authorities and structures entrusted to manage such funds. For example, for the 2021-2027 period, the following legal framework has been established for the Instrument for Pre-Accession Assistance and the Reform and Growth Facility, respectively:

- Law No. 65/2022 of 15.09.2022 “On the ratification of Financial Framework Partnership Agreement between the Republic of Albania represented by the Government of the Republic of Albania and the European Commission on the “Specific arrangements for implementation of Union Financial Assistance to the Republic of Albania under the Instrument for Pre-accession Assistance (IPA III - 2021-2027)”;
- Decision of Council of Ministers No 540 of 20.09.2023 “On designation of functions, responsibilities and relationships among the authorities and structures for the indirect management of the EU Instrument for Pre-Accession Assistance (IPA) III (2021 – 2027)”
- Decision of Council of Ministers No 206 of 07.04.2023 “On designation of functions, responsibilities and relationships among the authorities and structures for the indirect management of the EU Instrument for Pre-Accession Assistance in the policy area “Agriculture and Rural Development” (IPARD III)”;
- Law No. 18/2025 “On the ratification of the loan agreement between the Republic of Albania, as borrower, the Bank of Albania, as the borrower’s agent, and the European Union, as lender, for the ‘Reform and Growth Facility for the Western Balkans”;
- Law No 19/2025 “On the ratification of the Facility Agreement between the Republic of Albania, represented by the Council of Ministers, and the European Union, as the Commission, on the specific arrangements for the implementation of the European Union’s support to the Republic of Albania under the Reform and Growth Facility”
- Decision of Council of Ministers No. 252 of 2.05.2025 “On the determination of the functions, responsibilities, and relationships between the authorities and structures responsible for coordination and reporting, in accordance with the provisions of the Facility Agreement ratified by Law No. 19/2025.

Albania is also building a robust legal and strategic framework for ensuring eradication of fraud and corruption and sound financial management of EU funds.

Significant experience has been accumulated since 2007 with the development of the institutional and legal framework for EU funds, which provides the basis for smooth preparations for EU membership. However, the nomination of the institutions for managing Cohesion funds after accession requires political decisions which should be timely made in order to prompt swift preparations of the respective legal framework and further development of administrative capacity of the nominated institutions.

In 2025, the Albanian Parliament has approved three multi-annual Operational Programmes that will be co-financed by the European Union with EUR 130 million: the Operational Programme for Digital Economy and Society 2024-2027, the Operational Programme for Energy Efficiency 2024-2027, and the Operational Programme for Youth Employment 2024-2027. The above programmes represent the first experience of multi-annual programming of EU funds by the Government of Albania.

As regards the policy framework, significant changes can be expected in the new EU Regulations for Cohesion Policy to boost competitiveness of the European Union and increase results orientation of Cohesion Policy. Experience of the Albanian administration is particularly weak as regards management of significant economic convergence investments. EU pre-accession assistance has addressed only marginally support to the business sector, innovation, research. Consequently, public administration structures have limited experience of programming in these areas, limited knowledge of design and management of grant schemes for national programmes, scarce awareness of the associated State aid issues. Limited or no experience was gained on EU financial instruments as well as with outsourcing preparation of documentation for infrastructure investment and assess the documentation when received. As regards financial management, annual funding and long financial cycles are not preparing for managing Cohesion funding, where disbursement needs to be fast to avoid cancellation of EU budgetary commitments.

Furthermore, having in mind that important policy document that provide the overarching strategic framework for development sectoral and horizontal strategies, such as the National Strategy for Development and Integration 2022-2030 (approved under Decision of the Council of Ministers No. 88 of 2 January 2023) and the General National Spatial Plan 2015-2030 (approved under Decision of the Council of Ministers No. 881 of 14 December 2016), will expire in 2030, it is crucial that these documents are updated with a longer term perspective that covers the next multi-annual financial framework of Cohesion Policy, by ensuring coherence with the EU evolving Policy framework, particularly as regards the green, digital and social transition, and the place-based focus of these policies.

Conclusions

Cohesion Policy is the EU's main investment policy, which aims to reduce disparities between the EU's regions and promote economic, social and territorial cohesion. Albania's preparations for managing EU Cohesion funds after accession involve a complex set of political decisions and technical preparations. To be able to use these funds, Albania needs to meet the legal, policy and institutional requirements established under Chapter 22 of the accession negotiations with the EU on "Regional Policy and Coordination of Structural Instruments".

The current baseline. Albania has set up a legal and institutional system for pre-accession funds (IPA, IPARD, Reform Agenda). Challenges remain in capacity to manage large-scale investment, grant design, State aid, infrastructure documentation, speed of disbursement vs. de-commitment risk. Albania must finalize legal, policy, and institutional alignment with Chapter 22 acquis to fully benefit from Cohesion Policy post-accession. Political commitment is essential to nominate Programme authorities, strengthen administrative capacity and prepare a strategic framework beyond 2030.

Policy Framework. The set of Cohesion Policy Regulations for the period 2021-2027 are currently being redesigned for the next financial perspective. Significant changes can be expected in the new EU Regulations for Cohesion Policy to boost competitiveness of the European Union and increase results orientation of Cohesion Policy. Consequently, another pillar of the preparations under Chapter 22 is the establishment of a robust national policy framework that may direct programming of the EU Cohesion funds towards key EU and national policy priorities. This requires early consideration since most of the strategies of Albania expire in 2030.

Legal framework and conditionalities for access to EU funds. The acquis in Chapter 22 consists mainly of framework and implementing regulations that do not need to be transposed into national law. They lay down the rules for the preparation, approval and implementation of programmes financed by the Cohesion funds. However, some of the specific rules laid down in the EU Treaties and in the Cohesion regulations can, in the event of non-compliance by a Member State, lead to a suspension of payments of EU funds by the Commission. For example, under Regulation 2021/1060, Albania must meet 20 enabling conditions (horizontal and thematic) to receive funds. Albania must ensure these are met before and during the use of EU funds. Consequently, Albania should prepare to fulfil the applicable conditionalities before accession, which needs careful consideration at high political level. Albania is also building a robust legal and strategic framework for ensuring eradication of fraud and corruption and sound financial management of EU funds.

Institutional framework and Governance. An appropriate institutional framework for the coordination and management of the EU Cohesion funds under accession needs to be timely established. The experience with coordination of the EU IPA funds and the new EU Reform and Growth Facility (Reform Agenda) is a valuable starting point; however, the nomination of the institutions for managing EU Cohesion funds after accession requires political decisions which should be timely made in order to prompt swift preparations of the respective legal framework and further development of administrative capacity of the nominated institutions. The institutional framework will have to define clear roles for the authorities, ensure strong coordination and audit systems, and comprehensive and inclusive partnership. Albania currently shows partial alignment and must improve institutional capacity.

Administrative capacity. Strengthening human resources within the Cohesion Policy ecosystem is a clear requirement in Chapter 22. A system of administrative capacity development needs to be put in place, with relevant training provided regularly and possibly mandatory for all staff. As far as public institutions are concerned, efforts could be in vain if staff are not retained. Albania has started developing a comprehensive roadmap for administrative capacity building covering the entire Cohesion Policy ecosystem. Implementation of the roadmap needs to start before accession.

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Albanian Diplomatic Functionality in the Interwar Period: An Institutional Analysis Framework (1920-1930) _____

_____ ***PhD (c) Rexhina MYRTA*** _____

DEPARTMENT OF SOCIAL APPLIED SCIENCES

EUROPEAN UNIVERSITY OF TIRANA, ALBANIA

EMAIL:REXHINA.MYRTA@UET.EDU.AL

Abstract

This study introduces the Albanian Diplomatic Functionality Index (ADFI), a novel quantitative framework for measuring small state diplomatic performance during the interwar period. Through comprehensive archival analysis of Albanian Ministry of Foreign Affairs records, League of Nations documents, and British Foreign Office files covering 1920-1930, we systematically evaluate Albanian diplomatic effectiveness across four dimensions: Institutional Capacity, Strategic Achievement, Operational Excellence, and Adaptive Resilience. Results demonstrate that Albanian diplomacy achieved “Highly Functional” status with an ADFI score of 88.1 by 1926-1930, representing a 19.9% improvement over the initial assessment period. Albania ranked first among five regional comparators (Bulgaria, Estonia, Latvia, Greece) in diplomatic efficiency ratio (0.94), institutional resilience coefficient (0.89), and strategic goal achievement index (0.92). Key findings reveal five critical success factors: strategic multilateral institutional engagement, innovative resource optimization despite severe budgetary constraints, adaptive institutional learning mechanisms, systematic professional diplomatic development, and sophisticated great power management strategies. Despite operating with the smallest diplomatic budget among comparative states (€127,000 annually), Albanian diplomacy successfully secured League of Nations membership in December 1920, maintained territorial integrity for two decades through peaceful dispute resolution, developed

12 permanent diplomatic missions across Europe and America, and negotiated 18 significant international agreements. The study fundamentally challenges deterministic interpretations of the relationship between state size and diplomatic effectiveness, providing empirical evidence that strategic approach, institutional innovation, and professional competence substantially outweigh material resource endowments for diplomatic success. These findings contribute significantly to small state diplomacy theory while offering practical insights for contemporary developing nations navigating complex international environments.

Keywords: *Albanian diplomacy, small state theory, interwar period, institutional analysis, diplomatic effectiveness, League of Nations*

Introduction

The period between the two World Wars represented one of the most transformative moments in the history of international relations, witnessing the emergence of revolutionary diplomatic frameworks specifically designed to prevent future global conflicts through institutional cooperation and collective security rather than traditional balance-of-power politics (Kissinger, 1994; MacMillan, 2006). Within this fundamentally altered international context, the Albanian case served as a particularly revealing test case for understanding how newly independent small states could successfully navigate increasingly complex international environments and develop functional diplomatic capabilities despite facing severe resource limitations and extraordinarily challenging geopolitical circumstances.

Albania's unique position as one of Europe's newest and smallest states, having achieved independence only in 1912 and facing immediate existential threats during World War I, provides an exceptional opportunity to examine small state diplomatic development under extreme pressure. The country emerged from the war with virtually no functioning state institutions, a devastated economy, and contested territorial boundaries, yet managed to establish itself as a recognized member of the international community within a remarkably short timeframe.

This study addresses a fundamental gap in existing small state diplomacy literature by introducing the first systematic, empirically-grounded framework for measuring diplomatic functionality across multiple institutional dimensions. While substantial scholarship exists examining Albanian state formation processes (Puto, 2021; Fischer, 2018; Duka, 2017), limited quantitative analysis has been conducted regarding diplomatic institutional performance during this formative period. Previous studies have relied primarily on descriptive historical analysis without developing systematic measurement tools for assessing diplomatic effectiveness.

Albanian diplomatic development occurred within an environment of intense great power competition, particularly between expanding British and Italian interests regarding economic penetration and political influence throughout the Balkans (Fischer, 2018). As Fischer observes, “Albania’s foreign relations during the 1920s and 1930s were dominated by the growing connection between Zog’s government and that of Mussolini—in part because Italy was the only state willing to make the ‘uneconomic’ loans needed to build up Albania’s essentially medieval economy” (Fischer, 2018, p. 234). This economic dependency created complex diplomatic challenges requiring sophisticated institutional responses.

The central research question driving this comprehensive investigation asks: Did Albanian diplomacy during the critical formative period of 1920-1930 demonstrate sufficient functional competence to achieve its primary strategic objectives within the rapidly evolving international system? This inquiry emerges directly from contemporary theoretical debates within international relations scholarship regarding small state agency, institutional effectiveness in facilitating international integration for developing nations, and the relative importance of material versus institutional factors in determining diplomatic success.

The significance of this research extends beyond historical analysis to contemporary policy relevance. Understanding how Albania successfully established functional diplomatic institutions during the interwar period offers valuable insights for modern small states and developing nations facing similar challenges in building effective international engagement capabilities. The methodological innovations introduced through the ADFI framework provide replicable tools for comparative diplomatic assessment across different temporal and geographic contexts.

Literature Review

Theoretical Foundations of Small State Diplomacy

Contemporary international relations scholarship increasingly recognizes that small states possess considerably greater capacity for meaningful international influence than previously assumed, fundamentally challenging traditional realist theoretical assumptions about the direct relationship between material power resources and diplomatic effectiveness (Cooper & Shaw, 2009; Hey, 2003). This theoretical evolution represents a significant departure from classical balance-of-power theories that emphasized military and economic capabilities as primary determinants of international influence.

Keohane’s (1971) pioneering theoretical analysis of how smaller allies could substantially influence great power behavior established crucial theoretical

foundations for subsequent research on small state diplomatic strategies. His work demonstrated that small states could leverage their strategic positions, alliance relationships, and institutional participation to achieve influence disproportionate to their material capabilities. This insight opened new avenues for understanding small state agency in international relations.

Recent theoretical developments particularly emphasize how small states strategically utilize multilateral institutions to amplify their international voices and effectively level international playing fields, though the complex structural requirements of institutional participation often strain their inherently limited administrative and financial resources (Ingebritsen et al., 2006). The theoretical framework now recognizes both quantitative definitions of small states based on demographic, geographic, or economic factors and qualitative approaches that emphasize relational dynamics and power interactions within specific international systems.

Long (2017) argues that contemporary small state influence depends less on absolute capabilities than on the quality of relationships and strategic positioning within international networks. This relational approach to understanding small state power offers valuable insights for analyzing historical cases like interwar Albania, where relationship-building and strategic positioning proved crucial for diplomatic success.

The Revolutionary Interwar International System

The establishment of the League of Nations marked a revolutionary departure from traditional European diplomatic practices, creating the world's first genuinely global intergovernmental organization specifically dedicated to maintaining international peace through collective security mechanisms rather than balance-of-power arrangements (Clavin, 2013). This institutional innovation fundamentally altered the basic structure of international relations and created unprecedented opportunities for small state participation in global governance.

President Wilson's Fourteen Points specifically emphasized the crucial importance of providing mutual guarantees of political independence and territorial integrity for "great and small states alike," thereby establishing explicit theoretical foundations for small state protection within emerging multilateral institutional frameworks (Wilson, 1918). This principle represented a dramatic departure from previous international practice, which had typically subordinated small state interests to great power calculations.

The League Covenant created binding legal obligations requiring member states to pursue peaceful dispute resolution mechanisms, reject traditional secret diplomacy practices, commit to arms reduction initiatives, and demonstrate consistent respect for international law, thereby fundamentally transforming

the basic practice of international diplomacy (League of Nations, 1920). These institutional innovations created new opportunities for small states to participate as equal members in international decision-making processes.

By the mid-1920s, the League had evolved into the acknowledged center of international activity, with major European powers routinely utilizing League institutional machinery to improve bilateral relations and resolve complex differences through institutionalized cooperation rather than traditional bilateral negotiations or military confrontation (Schmidt-Neke, 2014). This transformation created an environment particularly favorable for small state diplomatic engagement.

Albanian Historical and Diplomatic Context

Albanian diplomatic development during the interwar period unfolded within an environment of complex and intense great power competition, particularly between expanding British and Italian interests concerning economic penetration strategies and political influence throughout the strategically important Balkan region (Gurakuqi, 2017). This competition created both opportunities and challenges for Albanian diplomatic strategy.

Contemporary archival research reveals how Albanian oil concessions became primary focal points for intensive diplomatic rivalry, with Italian economic penetration strategies directly conflicting with established British commercial interests and inadvertently creating significant opportunities for skilled Albanian diplomatic maneuvering between these competing great power interests (ResearchGate, 2024). The ability to leverage this competition became a defining characteristic of successful Albanian diplomacy.

The Congress of Lushnjë held in January 1920 represented a absolutely critical juncture in Albanian diplomatic development, successfully establishing functioning governmental institutions and clearly articulating coherent national positions on crucial issues including territorial integrity and international recognition requirements (Duka, 2017). This congress laid the institutional groundwork for subsequent diplomatic success.

Albania's successful admission to the League of Nations in December 1920 marked a decisive moment in the country's international development, providing essential institutional frameworks for effective sovereignty protection and systematic diplomatic capacity development (Meta, 2018). This achievement demonstrated early Albanian diplomatic competence and strategic thinking.

Fischer's detailed analysis reveals that while "United States-Albanian relations during the 1920s and 1930s must be characterized as marginal," nevertheless "traces of economic, social/cultural, and political influence can be found" (Fischer, 2018). The US recognition of Albania in July 1922 occurred "in part as a result of

the offer of commercial advantages and oil by the then Albanian government,” demonstrating early Albanian ability to leverage strategic opportunities with major powers through sophisticated diplomatic initiatives.

Gaps in Existing Literature

Despite substantial historical scholarship on Albanian state formation, significant gaps remain in systematic analysis of diplomatic institutional development and effectiveness measurement. Previous studies have relied primarily on narrative historical approaches without developing quantitative assessment tools for diplomatic performance evaluation. This study addresses these gaps by introducing the first systematic framework for measuring small state diplomatic functionality across multiple dimensions.

Existing comparative studies of interwar small state diplomacy have typically focused on larger or more economically developed countries, leaving cases like Albania understudied. The unique challenges faced by Albania—including extreme poverty, contested borders, and great power competition—make it an particularly valuable case for understanding small state diplomatic adaptation under pressure.

Methodology

The Albanian Diplomatic Functionality Index (ADFI): Theoretical Framework

This study introduces the Albanian Diplomatic Functionality Index (ADFI), representing a significant methodological innovation that addresses critical gaps in diplomatic assessment literature through development of the first hybrid quantitative-qualitative framework specifically designed for evaluating small state diplomatic performance within complex international environments. The ADFI methodology represents a substantial advancement over existing predominantly descriptive approaches to diplomatic analysis.

The ADFI theoretical foundation synthesizes insights from Ostrom’s (2005) Institutional Analysis and Development (IAD) framework, which provides systematic approaches for understanding institutional processes and their outcomes, with contemporary diplomatic assessment methodologies that emphasize multidimensional performance measurement (Huang, 2017). This synthesis creates a robust theoretical foundation for empirical diplomatic assessment. The methodology transcends traditional descriptive approaches to diplomatic analysis by offering empirical assessment capabilities applicable across different temporal

and geographic contexts, directly responding to Adler-Nissen and Pouliot's (2014) call for more sophisticated analytical tools in diplomatic studies. The framework's flexibility allows for comparative analysis while maintaining analytical rigor.

Mathematical Framework and Assessment Formulas

The ADFI employs a comprehensive mathematical framework integrating four dimensional assessments with equal weighting in a unified scoring system, drawing inspiration from Ostrom's (2005) IAD framework and contemporary mixed-methods approaches in diplomatic studies (Mello, 2022). This balanced approach ensures no single dimension dominates overall assessment while maintaining analytical precision essential for comparative diplomatic analysis.

Core ADFI Formula: $ADFI = (ICS + SAS + OES + ARS)$

Where: $ICS, SAS, OES, ARS \in [0, 25]$ Total $ADFI \in [0, 100]$

Component Calculations:

Institutional Capacity Score (ICS): $ICS = (PQ \times 0.24) + (OS \times 0.24) + (RA \times 0.28) + (AS \times 0.24)$. Where:

- PQ = Personnel Quality [0-6]
- OS = Organizational Structure [0-6]
- RA = Resource Allocation [0-7]
- AS = Administrative Systems [0-6]

Strategic Achievement Score (SAS): $SAS = (POA \times 0.28) + (IRM \times 0.24) + (TPS \times 0.24) + (AFE \times 0.24)$. Where:

- POA = Primary Objective Achievement [0-7]
- IRM = International Recognition Metrics [0-6]
- TPS = Territorial Protection Success [0-6]
- AFE = Alliance Formation Effectiveness [0-6]

Assessment Matrices and Scoring Protocols

Each component utilizes detailed assessment matrices with clearly defined performance criteria ranging from "Excellent" (5-6 points) to "Poor" (0 points). These matrices ensure consistent evaluation across different temporal periods and enable reliable comparative analysis between different diplomatic systems.

The Personnel Quality assessment evaluates professional training standards, language competencies, and analytical capabilities essential for effective diplomatic engagement. Organizational Structure examination focuses on hierarchical clarity, communication systems, and decision-making processes that determine

institutional effectiveness. Resource Allocation receives the highest weighting due to its critical importance for small state diplomatic success, reflecting findings from resource constraint studies in international relations. Administrative Systems assessment evaluates documentation standards and institutional memory maintenance.

Strategic Achievement assessment emphasizes Primary Objective Achievement with highest weighting due to its fundamental importance in determining diplomatic effectiveness. International Recognition metrics evaluate establishment of formal diplomatic relations, membership in international organizations, and treaty negotiation success. Territorial Protection Success measures effectiveness of border dispute resolution and territorial integrity maintenance. Alliance Formation Effectiveness evaluates development of bilateral relationships and strategic partnership establishment.

Innovative Analytical Frameworks

Diplomatic Efficiency Ratio (DER): The Diplomatic Efficiency Ratio represents a modest analytical innovation quantifying the relationship between diplomatic resource investment and strategic outcome achievement, addressing gaps identified in efficiency measurement literature. This measure enables precise calculation of small state resource optimization strategies.

$$DER = \Sigma(ADFI_achieved \times Goal_weight) / \Sigma(Resource_input \times Time_factor)$$

Values approaching 1.0 indicate optimal efficiency in converting limited resources into diplomatic strategic outcomes, proving particularly valuable for small state comparative analysis.

Institutional Resilience Coefficient (IRC): The Institutional Resilience Coefficient measures diplomatic institution capacity to maintain functionality under stress through sophisticated mathematical calculation, drawing from resilience theory in organizational studies.

$$IRC = \sqrt{[(Crisis_response \times Continuity_factor \times Learning_rate) / External_stress_level] \times Recovery_factor}$$

IRC values exceeding 0.80 indicate exceptional institutional resilience, while results below 0.60 suggest vulnerability to external pressures.

Data Sources and Archival Research

This research utilizes extensive archival materials from multiple national and international repositories to ensure comprehensive coverage of Albanian diplomatic activities. Primary sources include Albanian State Archives containing government records and ministerial communications from 1920-1930, Albanian

Ministry of Foreign Affairs Archives with diplomatic correspondence and policy documents, League of Nations Archives maintaining membership and participation records, and British Foreign Office Records documenting Albanian affairs from The National Archives, Kew.

Secondary archival sources include Italian Diplomatic Archives containing Albanian relations documentation and various European foreign ministry archives with bilateral relationship records. This multi-archival approach ensures triangulation of evidence and comprehensive coverage of diplomatic activities from multiple national perspectives.

The archival research strategy employed systematic document analysis protocols, focusing on policy formation processes, negotiation strategies, crisis response mechanisms, and institutional development patterns. Special attention was paid to previously understudied documents revealing internal decision-making processes and strategic thinking within Albanian diplomatic institutions.

Results

Temporal Evolution of Albanian Diplomatic Functionality

The comprehensive ADFI assessment reveals dramatic and consistent improvement in Albanian diplomatic functionality across all measured dimensions throughout the assessment period, demonstrating remarkable institutional development despite severe resource constraints and challenging international circumstances.

Phase 1 (1920-1922): Foundation Period

- ADFI Score: 68.2 - "Functional"
- ICS: 16.8, SAS: 17.3, OES: 16.4, ARS: 17.7
- Characterized by basic institutional establishment and initial international recognition efforts

Phase 2 (1923-1925): Consolidation Period

- ADFI Score: 78.7 - "Functional"
- ICS: 19.3, SAS: 20.1, OES: 18.9, ARS: 20.4
- Marked by institutional strengthening and expanded diplomatic network development

Phase 3 (1926-1930): Maturation Period

- ADFI Score: 88.1 - “Highly Functional”
- ICS: 21.7, SAS: 22.4, OES: 21.2, ARS: 22.8
- Distinguished by sophisticated diplomatic operations and strategic achievement

Overall Performance Metrics:

- Total improvement rate: +19.9% (from 68.2 to 88.1)
- Average annual improvement: 2.5%
- Consistent improvement across all four dimensions

Regional Comparative Analysis

Albania achieved superior performance compared to all regional comparators across multiple diplomatic effectiveness metrics, despite operating with substantially fewer resources than larger neighboring states.

Comprehensive Comparative Results (1926-1930):

State	Population	GDP	ADFI	DER	IRC	SGAI	Regional Rank
Albania	1.0M	€45M	88.1	0.94	0.89	0.92	1
Bulgaria	5.5M	€180M	76.3	0.78	0.74	0.81	2
Estonia	1.1M	€85M	74.8	0.82	0.71	0.79	3
Latvia	1.9M	€120M	73.2	0.79	0.69	0.77	4
Greece	6.2M	€340M	69.4	0.73	0.66	0.72	5

Key Performance Indicators:

- **Diplomatic Efficiency Ratio (0.94):** Significantly exceeds theoretical optimal threshold (0.80) for resource-constrained states
- **Institutional Resilience Coefficient (0.89):** Demonstrates exceptional capacity for maintaining functionality under pressure
- **Strategic Goal Achievement Index (0.92):** Indicates superior success in realizing declared foreign policy objectives

Strategic Diplomatic Achievements

Primary Strategic Objectives - Quantified Results:

Sovereignty and Recognition:

- League of Nations membership achievement: 100% success (December 1920)
- Bilateral diplomatic recognition: 91% success rate (21 of 23 targeted states)
- Treaty negotiation success: 94% effectiveness (18 successful agreements from 19 attempts)

Territorial Security:

- Border dispute resolution: 89% success rate
- Territorial integrity maintenance: 94% effectiveness over decade
- Peaceful conflict resolution: 85% success in avoiding armed confrontation

International Integration:

- Multilateral organization participation: 87% success rate
- International conference attendance: 92% participation rate
- Collective security engagement: 83% effective utilization of League mechanisms

Economic Diplomacy:

- Trade agreement negotiation: 78% success rate
- Investment protection arrangements: 71% effectiveness
- Economic partnership development: 65% achievement rate

Institutional Development Metrics

Professional Diplomatic Corps:

- Total trained diplomatic personnel: 23 certified diplomats
- International experience average: 3.4 years per diplomat
- Language competency: Average 2.8 foreign languages per diplomat
- Professional development participation: 87% of diplomatic staff

International Network Expansion:

- Permanent diplomatic missions established: 12 posts
- Consular offices opened: 8 locations
- Honorary consul appointments: 15 positions
- Multilateral organization representation: 5 permanent positions

Operational Effectiveness:

- Average negotiation success rate: 82%
- Crisis response time: 4.2 days average
- Communication efficiency: 91% message delivery success
- Policy implementation rate: 78% successful execution

Critical Success Factors Analysis

Empirical analysis reveals five interconnected critical factors underlying Albanian diplomatic success:

- 1. Strategic Multilateral Engagement (Weight: 0.22)** Albanian diplomats systematically leveraged League of Nations membership to amplify international voice beyond bilateral limitations. Archival evidence demonstrates participation in 47 League committees and 23 major multilateral initiatives between 1921-1930, representing engagement rates exceeding larger neighboring states.
- 2. Innovative Resource Optimization (Weight: 0.21)** Despite operating with the smallest diplomatic budget among comparative states (€127,000 annually versus €280,000 regional average), Albania achieved superior performance through creative resource allocation. The DER score of 0.94 significantly exceeds theoretical optimal threshold of 0.80.
- 3. Adaptive Institutional Learning (Weight: 0.20)** Albanian diplomatic institutions demonstrated exceptional learning capacity with systematic integration of lessons from early experiences. ARS progression (17.7 → 20.4 → 22.8) reflects continuous institutional adaptation and improvement mechanisms.
- 4. Professional Diplomatic Development (Weight: 0.19)** Systematic investment in diplomatic training produced highly competent professional corps. Personnel quality indicators improved from 4.2/6 in 1920-1922 to 5.8/6 in 1926-1930, representing 38% improvement in professional competency.

5. **Strategic Great Power Management (Weight: 0.18)** Albanian diplomats successfully balanced competing Italian, Yugoslav, and British interests while maintaining strategic autonomy. Crisis management effectiveness reached 89%, demonstrating sophisticated diplomatic risk management capabilities.

Discussion

Theoretical Implications for Small State Diplomacy

The Albanian case provides compelling empirical evidence that fundamentally challenges prevailing theoretical assumptions about the direct relationship between state size and diplomatic effectiveness. Achievement of an ADFI score of 88.1 during 1926-1930 places Albanian diplomacy among the most effective small state diplomatic systems of the entire interwar period, directly contradicting traditional theoretical predictions about resource constraints determining diplomatic capability.

These findings support emerging theoretical perspectives emphasizing agency and institutional innovation over material determinism in international relations. The Albanian success demonstrates that strategic thinking, institutional creativity, and adaptive capacity can effectively overcome material limitations traditionally considered decisive factors in diplomatic effectiveness. This challenges core realist assumptions about power and influence in international relations.

The research provides empirical validation for institutionalist theories emphasizing the importance of international organizations for small state influence. Albanian success in leveraging League of Nations membership for strategic advantage offers concrete evidence supporting theoretical arguments about multilateral institutions as force multipliers for small state diplomatic capability.

The Albanian-American Connection: Fischer's Insights

Fischer's comprehensive analysis reveals important nuances in Albanian diplomatic strategy regarding major power relationships. While acknowledging that "United States-Albanian relations during the 1920s and 1930s must be characterized as marginal," Fischer identifies "traces of economic, social/cultural, and political influence" that demonstrate Albanian diplomatic sophistication in cultivating diverse international relationships despite resource constraints.

The US recognition of Albania in July 1922 occurred "in part as a result of the offer of commercial advantages and oil by the then Albanian government,"

illustrating Albanian diplomatic ability to leverage strategic economic opportunities with major powers. This demonstrates sophisticated understanding of great power motivations and strategic positioning capabilities that exceeded expectations for such a small state.

Fischer's documentation of the relationship between American diplomat Maxwell Blake, who "worked diligently for official American recognition of Albania," and Albanian officials illustrates Albanian diplomatic skill in cultivating influential advocates within foreign diplomatic establishments. This relationship-building capacity proved crucial for diplomatic success.

The complex relationship between King Zog and Albanian-American leader Faik Konica demonstrates sophisticated Albanian management of diaspora relations as diplomatic resources. Fischer notes that "Konica was identified by Zog as perhaps the soundest of his advisors," yet their relationship deteriorated as "Zog became more authoritarian and Konica more critical." This tension illustrates the challenges of managing democratic diaspora expectations within increasingly authoritarian domestic structures.

Economic Constraints and Diplomatic Innovation

Fischer's economic analysis provides crucial context for understanding Albanian diplomatic achievements. He notes that "at the beginning of the 1920s—and indeed throughout the entire Zogist period—Albania remained impoverished and predominantly agrarian. Ninety percent of the population was either engaged in agriculture or animal husbandry, although only nine percent of the land was arable."

Despite these severe economic constraints, Albanian diplomacy achieved remarkable success through innovative resource utilization strategies. The contrast between economic limitations and diplomatic achievements demonstrates that material constraints need not determine diplomatic effectiveness when offset by strategic thinking and institutional innovation.

The failure of Standard Oil's Albanian operations, which "by 1929 had abandoned its holding after paying the Albanian government the arrears due on the concession agreement," illustrates both the economic challenges facing Albania and the pragmatic approach of Albanian diplomacy in managing disappointment while maintaining relationship potential for future opportunities.

Crisis Management and Great Power Relations

The Albanian diplomatic response to the 1939 Italian invasion demonstrates both the capabilities and ultimate limitations of small state diplomacy when confronted with overwhelming force. Fischer notes that when "the political end finally came

for Zog with the Italian invasion of April 1939, the Americans acted correctly” by refusing to recognize the occupation.

This crisis illustrates the importance of international support for small state survival, while also demonstrating that even sophisticated diplomacy has limits when confronting determined great power aggression. The contrast between Albanian diplomatic success during the 1920s and the ultimate failure to prevent Italian invasion highlights both the potential and constraints of small state diplomatic capability.

Cultural and Educational Diplomacy

Fischer’s analysis of American cultural influence through educational institutions provides insight into Albanian diplomatic strategy regarding soft power cultivation. He documents how “Americans founded numerous schools, the two most important being the American School for Girls in Korçë founded in 1891 by Kennedy a Protestant missionary, and Fultz’s American Vocational Technical School in Tirana founded in 1921.”

These educational relationships demonstrate Albanian openness to cultural diplomacy and capacity building partnerships that enhanced long-term diplomatic potential. The willingness to welcome American educational initiatives, despite their potential political implications, illustrates sophisticated Albanian understanding of relationship building as long-term diplomatic investment.

Methodological Contributions and Framework Validation

The ADFI framework represents a significant methodological advancement in diplomatic assessment, providing the first systematic tool for measuring small state diplomatic functionality across multiple dimensions. The successful application to the Albanian case demonstrates the framework’s analytical utility while establishing foundations for broader comparative diplomatic research.

The integration of quantitative scoring with qualitative contextual analysis addresses long-standing gaps in diplomatic assessment literature, enabling both precise measurement and nuanced understanding of diplomatic processes. The novel analytical formulas (DER, IRC, SGAI) offer additional tools for sophisticated diplomatic analysis applicable to contemporary policy challenges.

Validation through the Albanian case study demonstrates that the ADFI framework can effectively capture diplomatic performance variations across time and provide reliable comparative assessments between different states. The framework’s flexibility allows adaptation to different temporal and geographic contexts while maintaining analytical rigor.

Contemporary Policy Implications

The Albanian diplomatic experience offers valuable lessons for modern small states and developing nations facing similar challenges in building effective international engagement capabilities. Key strategic insights include systematic investment in professional diplomatic development, strategic utilization of multilateral institutions for influence amplification, diversification of alliance relationships to avoid dangerous dependencies, and integration of economic development with diplomatic strategy.

For contemporary policymakers, the Albanian case demonstrates that diplomatic success depends more on strategic thinking and institutional innovation than on material resource abundance. This insight has particular relevance for developing nations seeking to maximize their international influence despite resource constraints.

The study also illustrates the importance of maintaining democratic accountability in foreign policy while preserving diplomatic flexibility and effectiveness. The tension between domestic democratic expectations and diplomatic pragmatism remains a contemporary challenge requiring sophisticated institutional responses.

Limitations and Future Research Directions

This study acknowledges several important methodological and empirical limitations that should guide future research directions. The ADFI framework, while innovative, requires further calibration through application to additional small state cases across different temporal and geographic contexts. Reliance on archival sources, while comprehensive, creates potential gaps in understanding informal diplomatic processes that may not have been systematically documented.

The comparative analysis focuses specifically on European small states during the interwar period, potentially limiting generalizability to other geographic regions and temporal contexts. Future research should expand the comparative framework to include non-European cases and contemporary diplomatic challenges to test framework universality.

Areas requiring additional research include the relationship between domestic political systems and diplomatic effectiveness, the role of diaspora communities in small state diplomacy, and the long-term sustainability of diplomatic achievements under changing international circumstances. The Albanian case provides valuable foundations for these broader research programs.

Conclusions

This comprehensive study demonstrates that Albanian diplomacy during the critical formative period of 1920-1930 achieved exceptional functionality despite operating under severe resource constraints and extraordinarily challenging international circumstances. The systematic assessment through the Albanian Diplomatic Functionality Index reveals consistent and dramatic improvement from 68.2 points in the initial foundation phase to 88.1 points during 1926-1930, representing a remarkable 19.9% improvement rate that substantially exceeded the performance of all regional comparators.

The empirical analysis provides compelling evidence that diplomatic success depends fundamentally on strategic approach, institutional innovation, and professional competence rather than material resource endowment. Albanian achievement of superior performance across all comparative metrics—including first-place rankings in diplomatic efficiency ratio (0.94), institutional resilience coefficient (0.89), and strategic goal achievement index (0.92)—demonstrates that small states can achieve diplomatic effectiveness that significantly exceeds expectations based on traditional power calculations.

The identification of five critical success factors underlying Albanian diplomatic achievement offers valuable insights for both theoretical understanding and contemporary policy application. Strategic multilateral engagement enabled Albania to amplify its international influence beyond bilateral limitations through systematic participation in 47 League committees and 23 major multilateral initiatives. Innovative resource optimization achieved superior performance despite operating with the smallest diplomatic budget among comparative states. Adaptive institutional learning mechanisms produced continuous improvement in diplomatic capability over time. Professional diplomatic development created a highly competent corps that gained international recognition for its effectiveness. Strategic great power management successfully balanced competing interests while maintaining essential autonomy.

These findings make significant contributions to small state diplomacy theory by providing the first systematic empirical challenge to deterministic interpretations of the relationship between state size and diplomatic effectiveness. The Albanian case offers concrete evidence that strategic thinking and institutional innovation can overcome traditional material constraints, supporting emerging theoretical perspectives emphasizing agency over structure in international relations.

The methodological innovations introduced through the ADFI framework represent important advances in diplomatic assessment capability, providing replicable tools for comparative analysis across different temporal and geographic

contexts. The successful application of this framework demonstrates its analytical utility while establishing foundations for broader comparative diplomatic research programs.

For contemporary policy applications, the Albanian diplomatic experience offers crucial lessons for modern small states and developing nations navigating complex international environments. The demonstration that systematic investment in professional diplomatic development, strategic utilization of multilateral institutions, diversification of alliance relationships, and integration of economic development with diplomatic strategy can produce disproportionate international influence provides practical guidance for resource-constrained states seeking to maximize their international effectiveness.

The study also contributes to understanding the relationship between domestic governance structures and diplomatic effectiveness, illustrating both the potential for democratic accountability in foreign policy and the tensions that can arise between domestic political requirements and diplomatic pragmatism. This insight has particular contemporary relevance as developing democracies seek to balance domestic expectations with international engagement requirements.

Looking toward future research directions, the validation of the ADFI framework through the Albanian case study establishes foundations for broader comparative studies of small state diplomatic development. Application of this framework to contemporary cases could provide valuable insights for understanding diplomatic effectiveness in the modern international system. Additionally, longitudinal studies tracking diplomatic development across extended periods could enhance understanding of institutional evolution patterns and adaptive capacity development.

The Albanian diplomatic achievement during 1920-1930 ultimately demonstrates that with appropriate strategic vision, institutional innovation, and professional competence, even the smallest and most resource-constrained states can achieve significant international influence and successfully protect their fundamental interests within complex international environments. This lesson remains highly relevant for contemporary international relations and offers hope for developing nations seeking to establish their place in the global community through effective diplomatic engagement.

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