
THE EU MUST PROTECT, NOT DISCARD, ALBANIA'S REFORMS

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Barely noticed amid the EU's political debates over Brexit, migration and the fight against terrorism, a well thought-out reform agenda has been followed in the Republic of Albania, showing that it is possible to seed and grow confidence in the rule of law in a formerly totalitarian state. Sadly, despite the key role of Dutch experts including my organisation in developing these reforms, the Dutch parliament has just ordered the government to block further progress in formal EU accession talks with the country. I understand the Dutch political pressures behind this decision, but I can only regret the international implications and the likely repercussions in Albania itself. The EU's recent western Balkans summit in Sophia described Albania's reforms as courageous, and rightly so. It is difficult for outsiders to understand the inertial scale of the obstacles to this kind of reform programme. But as an EU progress report on Albania recently concluded: Good progress was made through continued implementation of the justice reform. The process of re-evaluating all judges and prosecutors has started and is delivering the first tangible results. Following the establishment of the vetting institutions, the first set of priority cases is being reviewed. At both the macro and micro level, Albania's justice system is being thoroughly revamped. At the macro level, there have been sweeping justice reforms and the adoption of full legal packages. At the micro level, poorly qualified or corrupt judges and prosecutors are being weeded out. We believe the Albania Model, as it is becoming known, is working and will be successful. Step by step, by combining far-reaching structural changes with operational collaboration on fighting organised crime and cleansing of the judiciary, confidence in the rule of law is being built. Where once citizens might have paid any price to avoid going to court, soon they will be able to expect impartial adjudication and justice. But the forthcoming Dutch veto at the European Council meeting on June 28-29 could slow or halt this progress. Without the EU's agreement to begin the next step in Albania's path to integration, the reformers currently in power may not be able to withstand the vested interests and revanchist forces working against the changes. In a nation where 80 per cent of the public, according to polls, has supported EU accession, frustration may set in. And the fight against corruption, against transnational crime – indeed, against all the things Dutch parliamentarians say they fear – could stall. The formal negotiation process supplies the tools needed for the candidate country, under the right leadership, to pursue these goals and for the EU to assist and monitor at every stage. To stop now could be disastrous. A further disappointment is that the EU itself had begun holding up the

Albania Model as a potential template for the entire Western Balkan region. Albania is one of six Western Balkan nations seeking EU membership. All six, including the five that were constituent parts of the former Yugoslavia, have inherited systems of justice with many of the problems inherent in the other former communist countries that are now members of the EU. The model used by Albania should eventually be applied in each of the countries in the region. To do so would ensure that the reforms are much better embedded in the judiciary and society.

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The European Commission appears to agree. It draws on the Albania Model elsewhere in the region, currently for instance in Kosovo. This is an important step. It is in the EU's vital interest that the rule of law applies across the continent, among members and neighbours alike. But, rebuffed by the Council, will the commission feel it still has a mandate for this? There are implications for existing EU members, too. Seldom mentioned but clearly on the minds of many of the Dutch parliamentarians opposing the Albanian talks are the perceived failures of judicial reform in Romania and Bulgaria when they were voted into the EU in 2007. The current street demonstrations in Bucharest are testament that Romanian citizens feel the rule of law is wanting in their country, too. The influence of a precarious state of law in countries around Europe has become visible in recent years. The refugee crisis is an example. The lack of investment in a common asylum policy and judicial co-operation in Europe has become painfully obvious. It takes effort and external pressure to help domestic reformers resist vested interests. But it can be done, as the Albania Model is proving. But reform is always fragile, and vulnerable to attack at every stage. Another postponement of accession talks could be what derails Albania's progress.

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