



DEPARTMENT OF POLITICAL SCIENCE
CENTRE FOR EUROPEAN STUDIES (CES)

EU INITIATIVES TO FIGHT CORRUPTION

THE CASE OF ALBANIA AND CROATIA

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Bachelor thesis:	15 credits
Programme:	European Studies Programme
Level:	First Cycle
	Autumn 2022
Supervisor:	Adea Gafuri

Abstract

It has always been a significant goal for Western Balkan countries to obtain EU membership. The European Union admits new members when they achieve the democratic, economical, and political conditions and requirements. An important condition that must be met before an EU accession is possible is a reasonably active fight against corruption, something that Croatia has been successful with. This paper proposes that the EU's initiatives are important for the Western Balkan countries to combat corruption. To better assess whether the EU's initiatives are helping Western Balkan countries to fight corruption, the paper takes upon two case studies – Albania and Croatia. The study uses textual analysis to understand the EU's initiatives to combat corruption as well as an explorative approach to understand the reasons why the EU succeeded in one case but failed in the other. The paper aims to enhance the understanding of the importance of the EU's initiatives when fighting corruption and what it contributes to the countries.

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Keyword:	EU initiatives, Corruption, EU-membership, Albania, Croatia
Word count:	11000

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1. Introduction

The countries included in the Western Balkan (WB) region are Albania, Bosnia and Hercegovina, Croatia, Montenegro, Kosovo, North Macedonia, Serbia, and Slovenia. Slovenia (since 2004) and Croatia (since 2013) are EU member states, while the rest of the Western Balkan Six, namely Albania, Bosnia and Hercegovina, Montenegro, Kosovo, North Macedonia, and Serbia, all aspire to join the EU. The enlargement process with the WB6 countries has taken much longer than accession negotiations with previous EU candidates (European Council, 2022). The EU's aid to the Western Balkans consists of financial support and political dialogue, the financial support amounted to 700 million euros between 2014 and 2020. The Western Balkans receive funding from several sources, yet the EU is the region's largest donor (The European Portal, 2022). The EU's financial support is mainly carried through a so-called instrument for pre-accession entry. Following the bloodshed during the 1990s in the Balkan region, the European Union devoted and supplied considerably to stabilize and democratize the countries to develop them for an eventual EU accession (Gafuri & Muftuler-Bac, 2021:267). A successful case of EU involvement in halting corruption is the case of Croatia, but also other initiatives were present in other WB countries such as Albania, however, they were not successful. This leads to my research question "What initiatives have the EU taken to help the Western Balkan countries, specifically Albania and Croatia, to fight corruption? Why were some of the initiatives more successful in one country but not as much in the other?"

Regarding the EU's initiative concerning the fight against corruption in the Western Balkans, Transparency International's and the World Bank's corruption indicators show that corruption is still widespread, despite the EU's pressure for reform measures in the past decades (EAS, 2022). To understand the EU's efforts in halting corruption I draw upon two countries that are interesting to study - Croatia and Albania. Croatia is the latest country in the Western Balkans to successfully access the European Union whereas Albania is in the EU accession pipelines. As of lately Albania has had positive developments in many areas for instance in the rule of law, but lags behind when combating corruption, even though it has one of the finest anti-corruption reforms in the Balkan region. The focus of this study is the EU's initiatives and strategies to fight corruption in these two countries.

For more than two decades, the EU has supported six countries in the Western Balkans to implement rule of law reforms. Yet, all WB6 countries still have problems with the rule of law and fundamental rights, this is shown particularly by the European Court of Auditors. According to a recent report by EU auditors, the EU efforts had little impact in promoting rule of law reforms in the Western Balkans Six (ECA, 2022). While the EU's efforts have contributed to some reforms at the local level in the WB countries, such as improving the efficiency of the judiciary and the development of relevant legislation, however at the region as a whole EU's efforts have had little contribution. Overall, EU support has been insufficient to address persistent problems with, for instance, the independence of the judiciary, the concentration of power, political interference, and corruption. This affects public perception in the EU countries, and these perceptions influence internal decision-making regarding potential enlargement (Mišćević & Mrak, 2017:196). The modest progress of the past 20 years threatens the overall sustainability of the support the EU has provided in the framework of the accession process. This causes permanent reforms to lose credibility if they do not lead to concrete results (The European Portal, 2022). It is mainly about effecting the reform support for the Western Balkan countries, but also about managing the trust of the EU's citizens as well as the Western Balkan citizens.

The European Union admits new members when they achieve the democratic, economical, and political conditions and requirements. Any European country that meets the conditions for membership can apply to join the EU, these conditions are called the Copenhagen criteria. The applying country must be a stable democracy, follow the rule of law, have a functioning market economy, implement all EU rules and be prepared to introduce the euro (Council of Europe, 2022). Due to the huge amount of EU rules that the candidate countries must adopt as national laws, it takes a long time to finish the negotiations. The candidate countries receive financial, administrative, and technical support during the pre-accession period. A prerequisite that is central to joining is the fight against corruption. The European Report 2022 on the Western Balkan countries displayed some new insufficiencies and propositions when it comes to the fight against corruption. Every Western Balkan country is up against the same difficulty according to European Commission's reports – highly prominent corruption with the inadequacy of convictions being the main issues (European Western Balkans, 2022).

The fight against corruption emerged as one of the most significant issues during the 2004 enlargement of the EU and gained even more importance with the accession of Romania and Bulgaria in 2007 (Szarek-Mason, 2010:221). Corruption continues to be a challenge for society altogether and is a significant crime that can have a cross-border extent and dimension. Battling crime is mainly the expertise of councils and authorities in EU countries, which continue to ultimately be accountable for primary aspects related to the fight against corruption. Those primary aspects are law enforcement, judicial measures, and budgetary systems distributed to policing and the management of justice and authority (European Parliamentary, 2020). The experience gained during the 2004 enlargement led to a more robust anti-corruption stance from the EU for future members. One of the most important features of a functional rule of law system and a likelihood of an EU accession is the ability to control the power of the political and economic elite. In this regard, strengthening the rule of law is also closely linked to the fight against corruption, which is one of the biggest threats to Western Balkan countries. Much of the existing research focuses on the EU's major enlargement in 2004, specifically on Bulgaria and Romania. While the EU has led serious efforts in the Western Balkans to halt corruption, previous studies overlook the differences between Western Balkan countries regarding the EU's initiatives to combat corruption. That is precisely what my thesis is based on, by analyzing two countries such as Croatia and Albania where the initiatives have been successful in one country and not in the other and why that is.

1.2 Aim

The countries of the Western Balkans have significant potential, but large deficiencies such as high corruption prevent development in various aspects, for instance, an EU accession. An important condition that must be met before an EU accession is possible is a reasonably active fight against corruption, which Croatia has succeeded with. Albania is one of the Western Balkan countries where corruption is a prominent problem, despite them having one of the finest anti-corruption reforms in the Balkans. There are not many empirical studies on where possible links between accession countries' possible membership and the EU's initiative to combat corruption are unveiled. To better assess whether the EU helps Western Balkan countries combat corruption, and if so to what extent, the thesis focuses on two case studies – Albania and Croatia, for the reasons mentioned above. The study takes on an explorative

approach to understand the reasons why the EU succeeded in one case but failed in the other, and therefore to enhance the understanding of the importance of fighting corruption and what it contributes to the countries. The question that this essay intends to answer is the following: What initiatives have the EU taken to help the Western Balkan countries, specifically Albania and Croatia, to fight corruption? Why were some of the initiatives more successful in one country but not as much in the other?

2. Theory and previous research

The previous research in this chapter focuses on explaining the meaning and importance of corruption in connection with EU membership, specifically for Western Balkan countries as, several important years are covered through the EU's development and enlargement.

2.1 The concept and importance of corruption

There are various corruption definitions that are used explicitly or implicitly, this paper will look at grand corruption which is an elite-driven and institutionalized form of corruption. The abuse of high-level power that benefits the few at the expense of many, can challenge democratic party competition, fair market competition, and policymaking (Fazekas and King, 2019:407). The reason why "petty corruption", which is another form of common corruption, will not be focused on is that it concerns the everyday abuse of power by public officials in their interactions with ordinary citizens (Transparency International, 2022). However, the Commission's definition of corruption is also significant to the study. Studies show that the Commission polished the concept of corruption in 1997, by pointing out that corruption speaks to any abuse of power or wrongdoing in the executive process caused by some improper motive or favour. Next off in 2003, the Commission yet again refined the concept of corruption to an abuse of power for private gain. This definition and interpretation of corruption embrace both the public and private sectors (Szarek-Mason, 2010:6-7)

The EU definition of corruption does not conform to the World Bank and the leading non-governmental organization Transparency International, as they perceive corruption as the exploitation of one's public position for illicit private profit. Over time, Transparency International included the private sector in its definition, however, the World Bank's definition remained confined to the public sector (Szarek-Mason, 2010:7). Previous research shows that there is a perceived weakness of corruption control in EU Funds spending, however, there is little proof of this because EU Funds are spent in several different means, and the corruption controls are set up in different forms (Fazekas and King, 2019:406). Studies show that the EU's efforts to combat corruption have not been as successful as expected, either by the Commission, the Union, or the concerned countries. There are reports from the World Bank and the Council

of Europe that claim that Albania has one of the finest public administrations and anti-corruption reforms in the Balkans. While different corruption indicators tell that the level of corruption in Albania has not improved. As well as studies show that the concept of corruption has changed over time in Albania, as a result of it becoming the primary account of everything that failed and strayed in the country (Kajsiu, 2016:195-196).

The EU has for years continuously worked on its policy to integrate Western Balkan countries into the Union. Nonetheless, the Balkan nations have only been able and will be able to access the Union if they obey EU compliance measures and seek to combat corruption more efficiently (Teichmann & Falker, 2020:99). Analyses show that the Western Balkans persists as a problematic region, mostly because of interethnic conflict between nations, e.g., the conflict between Serbia and Albanians in Kosovo. These conflicts have contributed to increased corruption or rather that corruption blossomed more. Corruption in the Western Balkans flourished mainly in the judiciary, where courts and prosecutors are under the severe influence of the political elite (Teichmann & Falker, 2020:100). Regarding the Balkans, the EU wants to “promote peace, stability, and economic development in the Western Balkans and open up to the prospect of EU integration” (The European Parliament, 2022). The EU encouraged candidate countries to cooperate in different matters, e.g., border issues and fight against organized crimes, as these are requirements to obtain a membership because at the beginning of 2010s the Western Balkans had been portrayed and linked with corrupt politicians and organized crime (Teichmann & Falker, 2020:96). Hence the policy and encouragement from the Union, none of the WB6 have been admitted to the EU, which raises questions on the actual depth of the corruption within the Balkans. The EU is a tool of democratic assistance for the Western Balkan countries, in a sense of financial assistance, regional framework, bilateral agreements, and others. This is necessary for the study because every Western Balkan country has made progress toward EU membership on different levels, which indicates a positive relationship between the EU and the WB6. However, the progress has not led to EU membership for any of the WB6 countries.

2.2 Western Balkan and the EU membership

Several years after the fall of communism in central and eastern Europe, the EU was working through the challenges of enlarging eastward. Studies demonstrate that the enlargement had been a success and favorable outcome both for the EU and its new members, considering that ten previously communist states had acceded to the Union and experienced the economic and geopolitical advantages of the EU membership (Vachudova, 2009:42). The EU's requirements for membership forced candidate countries to reform the state and economy, while the *acquis* and the reform of the public administration were left for improvement. Previous studies show that for the older member states, enlargement brought economic and geopolitical benefits but also concerns about the inclusion of so many new members in the EU's institutions (Vachudova, 2009:43). Ultimately, by the year 2000, the EU had accepted enlargement as its most successful foreign policy tool and presented it as the way forward to stabilize and democratize Balkan states. Studies show that it was through building efficient and well-organized public administration and bracing the economy while also supporting bringing ethnic conciliation and reintegration to the post-conflict region, that the EU tried to improve the situation in the Balkans (Vachudova, 2009:44).

It is the EU leverage that has helped compel candidates to reform the states and the economy, bettering the quality of democracy as well as the competence and efficiency of state institutions in numerous ways. Previous studies suggest that the EU's initiatives are competent and efficient for the Western Balkans to improve their circumstances (Szarek-Mason, 2010:218-219). This is useful in the study to try and explain how EU initiatives to fight corruption in the Western Balkans benefit and have benefited, focusing on Albania and Croatia. The alleged big enlargement in 2004 (EU-10), was followed by the accession of Slovenia in 2004, Bulgaria and Romania in 2007, and finally Croatia in 2013. During this "golden period" of EU enlargement policy, the Stabilization and Associated Policy (SAP) was created in 1999 for the purpose of preparing Central and Eastern Europe (CEE) countries for EU membership (Mišćević & Mrak, 2017:186). The enlargement, followed by the accession of Bulgaria and Romania, created an opportunity for the EU to develop a more coherent policy against corruption (Szarek-Mason, 2010:220).

Previous studies demonstrate that the WB countries were under the control and rule of the *lite* (Vachudova, 2009:44-45). From 1990 to 2000 the ruling elites in Croatia, Serbia, and

Montenegro had astounding power due to the authoritarian rule, even as war and sanctions escalated organized crime in the economy. In Bosnia, the different parts of the state were under control by the same nationalist parties since 1990, and they kept controlling the country's economic activity for the benefit of the few at the expense of the many. In Macedonia and Albania on the other hand there had been higher political competition, albeit under conditions of immensely weak and fragile administrative capacity and little if any eagerness to take anti-corruption actions (Vachudova, 2009:46). In 2007 Bulgaria and Romania were two post-communist countries to join the EU, they struggled at first to achieve success as there have been several problems with corruption, judicial quality and state capacity (Spendzharova & Vachudova, 2011:39), and additionally Croatia in 2013. In post-communist countries previous studies show that the most prominent problem has always been corruption, hence the pattern of intensive rule and restricted economic reform was reiterated in various ways but for the most part with greater severity in the WB states (Spendzharova & Vachudova, 2011:45). The progress throughout the Balkan region has been very slow, consequently elites benefiting from relationships with organized crime and the already intact economical and institutional reforms. This is important to include in the study because it is beneficial when seeing how EU initiatives affect the process.

The Copenhagen criteria, also known as the accession criteria, were defined in 1993 at the European Council in Copenhagen and are the primal conditions all candidate countries ought to fulfill in order to become a member state in the Union. It is the first and fundamental background for EU membership. For the WB countries, there is yet another membership condition in order to join the Union, and that is the Stabilization and Association Process (SAP) (Hoti & Gërguri, 2017:1009). SAP focuses on creating good amicable relations and regional cooperation. Studies show that the additional condition for WB countries is due to the unrest the Balkan region has experienced (Hoti & Gërguri, 2017:1011). The Copenhagen conditions are political criteria, which claim stability of institutions guaranteeing democracy, the rule of law, human rights, and regard for and protection of minorities; economy criteria, which amount to a functioning market economy and the capacity to cope with competition and market forces; administrative and institutional ability to successfully implement the *acquis* and capacity to take on the obligations of membership. (Hoti & Gërguri, 2017:1019). Combating corruption was not mentioned in the Copenhagen criteria, however, it was distinctively acknowledged as a membership condition in 1997. Previous studies show that it was a fault not to incorporate the

requirement to tackle corruption as part of the accession criteria. This exclusion eventually harmed the success of the EU strategy against corruption within the candidate countries, because corruption came to be a prominent issue in many countries and it needed to be combated effectively and quickly (Szarek-Mason, 2010:138-139).

2.3 Combating corruption as a membership condition

Previous analyses demonstrate that when the EU creates credible assurance and commitments by offering a membership perspective, compliance with the EU's democratic reform is higher. Even if the WB does not have the bargaining power that the EU has, they have the leverage to adhere to the EU's demands because of the benefits a membership results to, for instance in the common market and financial assistance (Schimmelfenning & Sedelmeier, 2005). Studies show that instruments such as political conditionality are useful to fight corruption and incentivize countries to reform (Schimmelfenning & Winzen, 2020:31). The EU is a tool for democratic assistance for the WB countries, in a sense of financial assistance, regional framework, bilateral agreements, and others. Every WB country has made progress toward EU membership on different levels, mainly when it comes to delivering strong incentives for encouraging democratic reforms and greater compliance with the EU demands (Schimmelfenning & Winzen, 2020:32).

This indicates a positive relationship between the EU and the WB countries. Research also shows that the EU has been more successful in some countries than others, for instance in Croatia. When Bulgaria and Romania joined the Union in 2008, they were performing considerably greater than any other WB country when combating corruption, with the expectation of Croatia, yet they managed to receive a membership prior to Croatia (Spendzharova & Vachudova, 2011:17). In the lead into the 2004 enlargement, the EU was rather forcible in wanting candidate states to establish and carry through the regulatory framework. Studies show that although the combat against corruption is not a part of the regulatory framework, the process of joining the EU is an implicit means ((Spendzharova & Vachudova, 2011:20). The implicit means are liberalization of the economy, counting privatization and the encouragement of new corporations, diminishes the reach of state officials in the economy; reforms of state institutions, together with excessive transparency and

efficiency, may partially stifle the commending circumstances for corruption across different levels of government (Vachudova, 2009:44). This is useful in the study to analyze how the deficiency of a corruption-fighting acquis led to the European Commission taking longer time to advance the tools, in order to force candidate states to address their corruption issues.

Studies do show that since the Copenhagen criteria were established, various EU institutions and accession countries have reiterated and clarified their core principles (Dudley, 2020:527). Furthermore, studies show that failures to meet the Copenhagen criteria can be related to the deficiency of credible membership possibilities, due to extended bargaining and negotiation, and elevated apprehension toward further enlargements within the EU (Dudley, 2020:529). Further analyses demonstrate that irregular and inconsistent implementation of the Copenhagen criteria has meant a withholding of rewards by the EU, not even the threat of it. EU is to be questioned when it comes to demanding compliance with the accession criteria, as previous research shows that it is mostly the political accession criteria that are often failed by the EU to maintain consistency when requiring compliance when the other conditions are met or even partially met (Dudley, 2020:536-540). This challenges the notion that the accession criteria are truly real terms and conditions in order to attain EU membership. Other studies demonstrate that candidate countries trusted the EU fully, even if they did not understand some of the requirements, and the EU stated that the way to membership was through the fulfillment of the criteria (Veebel, 2011:19). The reason that Bulgaria and Romania were accepted into the Union 2008 and not Croatia, despite Croatia's actual progress in the Copenhagen criteria, was because various favorable assessments and reports were used to justify the political reality, even when it wasn't the case. Studies don't necessarily show that the Copenhagen criteria reduce corruption, but it helps candidate countries achieve EU membership faster (Veebel, 2011:21).

One of the leading motives for the Commission to become more insistent in its requirements regarding the Balkan-region, was the war in disintegrated Yugoslavia in the 1990s. Studies show that the war encouraged peaceful coexistence, which entailed direct engagement from the Union, for instance helping to rewrite Macedonia's constitutions to increase the rights of Albanian minorities (Vachudova, 2009:51). When Bulgaria and Romania joined the EU in 2008, they showed quite the potential, however, even after four years of joining the Union they still faltered behind as to combating corruption and improving the quality of the judiciary.

Nonetheless, studies show that they were performing considerably greater than the rest of the Western Balkan states, except for Croatia (Spendzharova & Vachudova, 2011:55). The corruption condition in Croatia was worsened by the war, for Croatia to receive EU membership they had to adopt a set of concrete adjustments countering the expanse of political corruption throughout their society (Grubiša, 2010:69). As previously mentioned, the Copenhagen criteria (1993) established precluded membership quality, the standards implying for instance that democratic institutions be functional, regard for the principles of the state of law and democratic elections. However, it showed that these criteria were not efficient when eliminating political corruption in the Western Balkans, and moreover not sufficient for the preparedness of candidate states for EU membership (Grubiša, 2010:73). This is interesting for the study to analyze how a country like Croatia who was greatly polluted from of a diverged condition and lack of political and social improvement, with the consequences of the war and the totalitarian post-communist, nationalist authorities, achieved EU membership and how EU initiatives contributed to that.

2.4 EU policies in the Western Balkans

What drives the EU's policy in the Western Balkans can be interpreted in two different ways: measures driven by expected consequences and actions driven by appropriateness and a sense of identity (Noutcheva, 2009:1066). These logics become complex when they are intertwined with real situations and actions. EU drives an alleged purely selfish foreign policy, the EU's conditionality approach, rooted in presenting incentives and disincentives to third parties for behavioral alteration whilst protecting the general well-being and comfort of European citizens (Noutcheva, 2009:1067). Studies demonstrate that this raised the question of what is legitimate from an international point of view – a foreign policy based on one's own standards and principles or a foreign policy resting on universal values and norms (Sjursen and Smith, 2004:128). EU has what is called a normative foreign policy based on universal standards rather than a restricted conception of the "normative" (Sjursen, 2006:2). For the EU to act in a normative way in conflict situations in the Balkans, it must abide by the universal values for withdrawal and state recognition, to the breadth that these are encoded in the international legal system. This signifies that if the EU's policy of state-building in the Western Balkans is to be viewed as normative, it must pass the universal legitimacy test.

The EU has huge inputs in the stability of the Balkan region and acts to ensure a peaceful and orderly environment beneficial to bettering the governance quality of the countries, aims that are viewed favorably to the citizens of both the EU and the Western Balkans. This does not necessarily indicate that the countries from the Balkan region recognize the EU's aims similarly (Noutcheva, 2009:1069). One of the very initial EU-supported state-building projects in the Western Balkans was a State Union of Serbia and Montenegro, which ended in a parting after three years of duration. Between 2001 and 2006, the EU's policy regarding Serbia and Montenegro without any doubt preferred the maintenance and preservation of a common state for the two republics. However, because of the EU's security dealings, they have been careful and aware not to disturb the fragile peace attained in the Balkans at the end of the 1990s (Noutcheva, 2009:1070).

What dominated the political thinking of EU policymakers shown by previous research was the security interest of the EU member states. With the establishment of SAP in 2000, the EU offered incentives to Western Balkan countries to strengthen the central level of government as a condition for integration with the EU (Noutcheva, 2009:1071). Two policies that were produced and introduced initially in Bosnia and Hercegovina, that can be analyzed and contribute as policies to the fight against corruption are: police reform and reform of the indirect taxation system. However, studies have shown that the EU has had difficulties legitimizing normatively its specific pre-accession conditions connected to changes in statehood structures and this has driven domestic aversion (Noutcheva, 2009:1074). The lack of strong and convincing arguments leads to the questioning of the EU's authority to impose requirements, for instance for EU membership. The Western Balkan countries can in that case become unwilling to follow the EU's conditions to contest and fight the EU's political position on normative grounds. One needs to analyze before praising the EU as a force for good.

Since Albania became a potential candidate country for EU accession and particularly being granted candidate status in 2014, they have taken steps in the right direction. One of the pre-conditions to initiate formal accession negotiations in 2016, was a major justice reform that resulted in a lot of changes in the country. The main component of the reform was the vetting process, which is the ability to re-evaluate judges and prosecutors (Bara & Bara, 2020:214).

However, studies show that Albanian authorities have taken the necessary steps to not only fight corruption in the justice system and enhance the public's trust in state institutions but also to remove political interference in the judicial system. Nonetheless, the positive and beneficial results of the vetting process are overshadowed by its overall impact on an individual's right to a fair trial within an acceptable and reasonable time (Bara & Bara, 2020:229).

3. Method and material

In this chapter, the selected material and the chosen method to answer the study's question will be presented and discussed.

3.1 Method

The study's question can be answered with the help of qualitative text analysis. What will be more precisely carried out is a systematic analysis to extract the most important from the texts. For instance, the structure of the Commission's view on the fight against corruption and the EU's initiatives. However, the selected material, which will be presented later on, is not only about the Commission's view on the EU's initiatives in the fight against corruption, which means that qualitative text analysis is to be preferred over a quantitative one (Ekengren & Hinnfors, 2012:71).

Qualitative text analysis is used when specific parts of a text need to be examined in order to answer the essay's question, and therefore the method is well suited to my purpose (Esaiasson, et.al, 2003:233). This is because if all parts of the texts were to be included, large parts of the analysis would become irrelevant to the answer to the essay's question. Still, a problem with the method is the interpretation of the results. Regardless of how the text is analyzed, it must be interpreted, and interpretation is a complex process. Complexity is dependent on the research problem one is working with, the nature of the text itself, and the analytical approach one chooses. In a content analysis, where the words are coded, there may not be any interpretation problems. In a discourse analysis, where both the explicit and implicit meaning is important, the problems of interpretation are likely to be more challenging (Boréus & Bergström, 2018:31). How and why, I interpret, for example, the EU's initiatives will be clearly presented throughout argumentation and discussion, for the reader to follow my thoughts in the essay and therefore the conclusions of the results. The units of the analyses must be uniform to some extent for the analysis to result in reasonable conclusions.

A qualitative text analysis method is meant to provide good reliability, and for it to do so it is important to carefully read the different parts of the text, the whole text, and the context in which it is included. A hastily done text analysis will presumably contribute to missing essential parts in the text which will therefore lead to a deficient result chapter (Boréus & Bergström,

2018:40). In my case I will use a systematic text analysis which is descriptive in its nature and aims to describe and reproduce the text. Important to point out that it is not a short summary of the text that will be done, but rather an interpretation of the text that forms the basis of my analysis to answer the research question, because the actual interpretation of the text depends on what one is looking for in the analysis. The structure of the analysis will be that the texts will be gone through systematically as the initiatives and policies will be highlighted. After the results of the texts have been stated, a comparison and or/application will be made for Albania and Croatia and, how the initiatives have been imposed.

3.2 Material

To answer the essay's question "What initiatives have the EU taken to help the Western Balkan countries, specifically Albania and Croatia, to fight corruption? Why were some of the initiatives more successful in one country but not as much in the other?". I analyze several documents that report on corruption efforts from the EU in Albania and Croatia. The documents included are White Papers published by the Commission, the Courts of Auditors' report for accession countries, the Transparency International Corruption Index, and lastly, I elaborate on two compliance reports.

Firstly, The European Commission's White Papers are documents that contain proposals for action by the European Union in a certain area, they are published on the Commission's web portal. In some cases, White Papers follow a Green Paper that is published to initiate a consultation process at the EU level. The Green Papers do not interest my research question, seeing as they are documents on which the Commission lists all the possible ways, they look to solve a problem and do not take a position of its own. The White Papers, on the other hand, specify the Commission's position on how problems should be solved and do not have people's opinions in mind when writing it. This is the reason why White Papers are a good choice of material for my study, as it is an executive institution within the European Union. The Commission's White papers have also had great significance for the design of the EU's political initiatives (Dreyfus & Patt, 2011:853). In order to answer the research question posed in this essay a textual analysis will be carried out on the White Papers from the Commission, dealing with their future aspect from different times to combat corruption. However, the material will

not only be focused on text that has a future aspect but also past perceptions to see various initiatives taken and if they managed to be successful. To better answer the research question, it is important to have analyzed texts that mention its view on what the EU wants to develop regarding corruption and how to do so. The White Paper that will be one of the main materials is about the EU's strategy to fight organized crime 2021-2025 (European Commission, Brussels 2021), which presents visions of the future either for the EU as a whole or for policy areas in the EU. However, the White Paper falls short when it comes to focusing on the WB countries as it instead presents comprehensive solutions. Therefore, another document that will be significant in the material is a report from the Court of Auditors' 2022, which represents the results of the EU's policies and programs in the WB6 (ECA, 2022).

Secondly, The Courts of Auditors' report describes and demonstrates the EU's support for the rule of law in the WB6, and how the fundamental problems persist despite efforts. The purpose of the audit was to assess whether the EU's support for the rule of law in the WB has been effective. It carries an independent assessment of the EU enlargement strategy and its resulting changes. The audit is limited to the provision of support to central government institutions and other key stakeholders, such as civic society organizations in the following areas: the judiciary, human rights, and lastly the measures against corruption. This material is somewhat written in a descriptive manner, yet it has future aspects, and because the essay wants to analyze the EU's initiatives, their development, and achievement, it is important to have both past and future aspects. The work in the ECA report includes an analysis of all documentation on EU enlargement, management reports, Council and Stabilisation and Association Committee conclusions, national strategy, and action plans. In order to complement the analysis, representatives of the Commission, the EEAS, and lead implementing partners in Albania, among other WB6 countries, were interviewed. Comparing and analyzing reports and documents about the development and combat of corruption in the Western Balkan countries in conjunction with the EU's initiatives, helps the study to understand which initiatives have been successful and where there is room for improvement. The material is suited to answering the essay's question seeing that it increases the opportunity for comparison between the EU's initiatives and stance on corruption over time.

Additionally, I use the Transparency International Corruption Index and the Global Corruption barometer, to analyze where the corruption level is worldwide, specifically in Albania and Croatia for the study. The Transparency International Corruption Index ranges from 0 (very corrupt) to 100 (very clean). The index is based on the perceived level of corruption in the public sector according to experts and business representatives. Albania scores 35/100 on the corruption perception index (CPI) and based on the 180 ranked countries Albania sits at 110; while Croatia scores 47/100 CPI and sits at 63. A country's score is the perceived level of public sector corruption on a scale of 0-100; a country's rank is its position relative to the other countries in the index. This means that ranks can change simply if the number of countries included in the index changes. A lack is hence that the rank is for this reason not as considerable or important as the score in terms of indicating the level of corruption in that country. Also, corruption in the private sector and other areas is neglected, and there is no consideration when it comes to money laundering or the protection of whistle-blowers in the private sector or in sports, resulting in a crucial restraint of the CPI.

Lastly, in addition to the mentioned material, two compliance reports from the Group of States against Corruption (GRECO) will also form an important part of the study. The reports are evaluations of reforms, development, and what remains in the fight against corruption. One report focuses on Croatia and the other on Albania. Having two reports that specifically focus on the countries that the study aims to analyze, is conducive to the clarity and answering of the research question. Albania's report is published in 2020 and Croatia's is published in 2021, making it more time relevant and useful.

To sum up, since the study intends to see how and if corruption has been successfully fought, this material from Transparency International is suitable to see how the development of corruption has looked over the years. Thereby the choice of analyzing the White Paper is the exact type of material this study intends to examine and, the addition of the ECA report complements each other well in the study because these are sources where the EU and other bodies and institutions within the EU, present their approaches to combating corruption. A slight problem with the chosen material is that the texts and data touch on different things, as the perfect material to answer the question would be if the Commission has presented the EU's ways to combat corruption in the Western Balkans in all the texts, but there is no access to that

form of text. Nevertheless, all the chosen material touches on the same areas to some extent, and it is possible to see how corruption has developed, affected, and limited.

4 Results

The question that the essay tends to answer is the following: What initiatives have the EU taken to help the Western Balkan countries, specifically Albania and Croatia, to fight corruption? Why were some of the initiatives more successful in one country but not as much in the other? In this part of the essay, the research question will be answered, and the results will be presented systematically. Firstly, the case of Albania will be presented, then the case of Croatia. Secondly, I analyze the White Paper, and lastly, I look into the ECA report and Transparency International Corruption Index.

4.1 Albania Compliance Report 2020

The main anti-corruption reforms in Albania refer to the prevention in respect of corrupt members of parliament, judges, and prosecutors. A vast judicial reform was initiated in 2014 in Albania that involved constitutional amendments and a few necessary changes within the judicial system to improve its function. The framework of this reform led to several institutions being established, such as the High Judicial Council. Furthermore, the most significant establishment was a large exercise of a vetting process of judges and prosecutors in the judiciary, regarding corruption prevention in respect of judges and prosecutors. Thereafter, the establishment of special courts in order to judge corruption and organized crime (Council of Europe, 2020:5). Concerning judges and prosecutors, a broad judicial reform is initiated as well as a vetting process, with the desire to cope with corruption in the judiciary. The Albanian authorities are encouraged to make sure an effectual execution of the judicial reform process is immediate to successfully amplify the fight against corruption (Council of Europe, 2020:11).

The recent EU support to Albania has been focused on mobilizing and delivering aid and support due to three prominent disturbances, the earthquake in 2019, the COVID-19 pandemic, and the effects of the aggressiveness against Ukraine. The EU continues to help Albania implement and supporting on key reforms, such as justice reform, the vetting process, and, encouraging arrangements against corruption and organized crime (European Commission, 2022:127). The vetting process of judiciary members is alone an administrative process however, it has brought positive outcomes in the fight against corruption. Overall, coping with corruption has made progress in Albania, but corruption continues to be a range of crucial

matters. Increasing the number of convictions of high-level officials persists as a big priority to further deal with a culture of impunity. The sectors that are the most exposed to corruption need intended risk assessment and purposeful actions (European Commission, 2022:23). The vetting process is not only crucial to cope with corruption, but also to restore the public’s trust in the judiciary and law enforcement bodies of the state.

Albania

Score changes 2012 - 2021

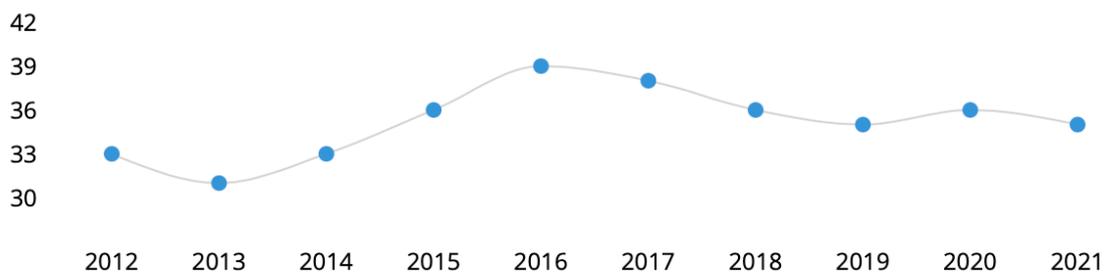


Figure 1. Corruption Perceptions Index. Source: Transparency International

Albania scores 35/100 on the Transparency International Index. The score has even decreased almost every year since 2016, except for 2020. Albania is a country very close to “very corrupt” and according to this scale, it is almost two-thirds away from being corrupt-free.

4.2 Croatia Compliance Report 2021

The report addresses the actions to prevent corruption, as well as the promotion of integrity in central government and law enforcement bureaus. The Corruption Prevention Strategy 2021 – 2030, which was embraced by the Parliament in 2021 aims to better the groundwork and instruments concerning conflicts of interest management. Many positive steps are made in this aspect, notably the reinforcement of the administrative and technical abilities and faculties of the Commission (Council of Europe, 2021:6). This strengthening of capacity must carry on about the Commission's lawful capabilities and scope of work. GRECO concludes that measures have been partly implemented. The goal of the measures is to also enhance the

cooperation with citizens, police officers, and civil servants when coping with corruption, for instance, the opportunity and will to report corruption anonymously, so-called whistle-blowers. One of the EU's initiatives is a revised code of ethics for the police should be a part of the police training, with the purpose of working as a comprehensive risk judgment of corruption-prone areas in police enforcement, however, this has yet to be adopted by Croatia. Croatia, on the other hand, has succeeded very well in the fight against corruption early in the adoption and use of EU measures to succeed in obtaining EU membership, even though it was a transition country that went through many difficulties for example with the war and post-communism. Croatia's experience with gaining EU membership was and is instructive to other WB countries, as it shows that the fight against corruption is a major priority for the EU before even considering opening negotiations.

Croatia's main problem has repeatedly been political corruption and hence the European Commission requested a full understanding of political corruption. They have taken the Commission's proposal and included and also limited the description of political corruption to its most visible forms, such as bribery and possibly fraud, in order to more easily deal with and solve corruption issues (Council of Europe, 2021:8). The EU proposes that Croatia take more necessary measures within anti-corruption activities. Firstly, the country needs to make progress with a series of anti-corruption and legal instruments to combat corruption in political parties. Secondly, protection for whistle-blowing needs to be developed. Thirdly, raise awareness of corruption, both among civilians and within institutions. To achieve this the European Commission appointed a systematic yet integral approach to political corruption (Council of Europe, 2021:10).

Croatia

Score changes 2012 - 2021

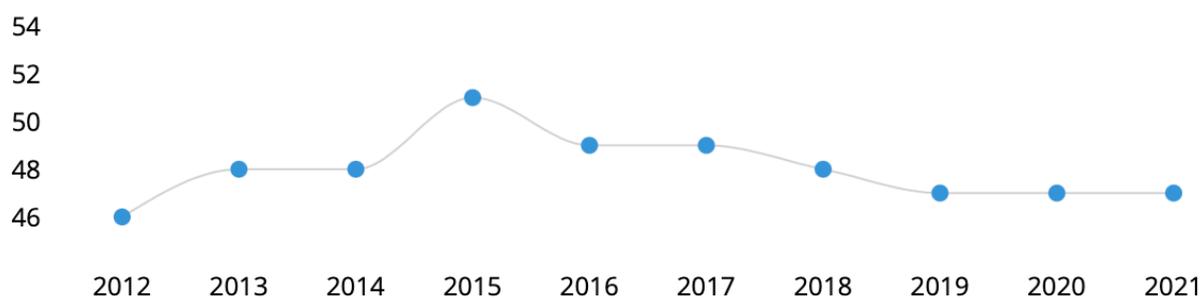


Figure 2. Corruption Perceptions Index. Source: Transparency International

In 2013, when Croatia became an EU member, the CPI score was 48/100 with a good increase from 2012 to be able to obtain membership. They managed to maintain the CPI score until 2014 and also a clear success of the assessment of corruption in 2015 but unfortunately failed to maintain it throughout the years. However, Croatia, unlike Albania, has managed to at least maintain a relatively stable score of its CPI since 2019.

4.3 The White Paper 2021

The White Paper is a message from the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions on the EU strategy to fight organized crime 2021-2025. The Commission opens the White Paper by emphasizing that organized crime is hidden from the public, due to the shadowy nature of its activities, and poses a significant threat to EU citizens, businesses, and government institutions, as well as to the economy itself. The organized criminal group, which are often linked with the elite, use their large illegal valuables, including corruption, to infiltrate the legal economy and public institutions, with the aim of weakening the rule of law and fundamental rights and destroying the trust in public authorities (The European Commission, 2021:2). The White Paper refers quite often to the European Parliament's 2016 plenary document on the actions regarding the fights against corruption, and thus how this unfolded and what remains.

Whistle-blowers play a central role in the fight against corruption because they can reveal cases of fraud that would otherwise be kept secret. One of the most effective ways to put an end to

irregularities and prevent this from happening is through whistle-blowing or exposing those that have already taken place (The European Parliament, 2016:7). The Union introduced a new whistle-blower protection legislation, requiring the establishment of safe channels for reporting corruption (The European Commission, 2021:21). The Parliament calls on the Commission to establish minimum standards for the determination of criminal elements and penalties. General definitions of “public officials”, the crime of fraud, and the crime of corruption, are to be applied on a comprehensive level. The fight against corruption requires close cooperation between the competent national authorities and between the national authorities and relevant EU bodies (The European Parliament, 2016:10). An overall system for e-procurement to be introduced throughout the EU in order to reduce the risk of corruption in procurements, as well as to initiate a legislative procedure to simplify the administrative bureaucracy and thereby improve transparency and combat corruption (The European Parliament, 2016:15).

The European Public Prosecutor’s Office is a central element in the fight against corruption in the EU. As well as the continuation of supporting the consolidation of public administration and the adoption of appropriate legislative frameworks to fight corruption in all countries, not least in countries where state institutions are weak. Supporting by strengthening regional and judicial networks, and the improvement of the legislation and enforcement. The Commission needs to make sure through constant monitoring that EU aid and support do not directly or indirectly contribute to corruption (The European Parliament, 2016:20). The EU’s initiatives tackle the issue of corruption directly through planning and country strategy documents, as well as linking budget support to obvious anti-corruption targets. A strategy to prevent aid money from contributing to corruption and to fully implement an anti-corruption strategy was drawn out in 2013, particularly for the use and implementation of EU aid in all its forms, including funds. The EU emphasizes that transparency should be the cornerstone of all anti-corruption strategies, for instance, countries need to give an account of their financial records for the EU to promote the fight against tax havens, bank secrecy, or money laundering (The European Parliament, 2016:24).

The White Paper makes it clear that the Member States must penalize both active and passive corruption of public bureaus, introduce fitting punishments and ensure that entrepreneurs whom corrupt officials are held criminally liable (The European Commission, 2021:21). However,

these implements, and tools do not cover certain corruption-related crimes, such as abuse of power, illicit enrichment or the withholding of property. To strengthen the efforts and initiatives, the Commission will evaluate the existing EU anti-corruption rules, which were adopted twenty years ago, to assess their suitability in view of new criminal methods and ensure that they cover all relevant corruption-related offenses. On top of that, the Commission intends to encourage cooperation and information exchange regarding the link between corruption and organized crime (The European Commission, 2021:23). Throughout the White Paper, the Commission underlines the importance of strengthening anti-corruption measures. The main one is SAP and the aid program CARDS, which was created to help WB countries to achieve the SAP goal.

4.4 ECA Report 2022 & Corruption Index

The ECA Report focuses only on WB6, which means that Croatia is not touched upon, and on the support for the rule of law in the Western Balkans and, how fundamental problems persist despite efforts. The report begins by claiming that one of the most important features of a functional rule of law system is the ability to control the power of the political and economic elite (ECA, 2022:7). Strengthening the rule of law is closely linked to the fight against corruption because corruption leads to arbitrariness and abuse of power, which undermines the trust in the institutions. The rule of law is also a key factor in economic growth, and the WB countries have significant economic potential, but deficiencies in the rule of law, corruption, and poorly functioning institutions as well as lack of trust, hinder economic development. Corruption remains a cause for concern in all WB6 countries. EU aid is structured around to intertwined lines of action: financial support (which amounted to around EUR 700 million between 2014 and 2020), and political dialogue. Transparency International reports that criminal justice systems often fail to effectively investigate, prosecute and punish high-level corruption. Even the Global Corruption Barometer and Transparency International claim that capitalizing on the EU whistle-blowing directive leads to appropriate reporting channels and corruption fighting (European Union, 2021:34-35). Transparency International reports that 72 % of Croatian citizens believe that the government is doing a bad job fighting corruption. Another measurement shows that 47% of the Croatian citizens believe that the corruption level has increased (European Union, 2021:43). Transparency International's key finding is that

corruption levels are not improving, and the EU needs to strengthen corporate anti-corruption standards (European Union, 2021:8)

Some initiative that the EU and the Western Balkans agreed upon in 2018 was to increase the support for judicial reform and efforts to combat corruption and organized crime and, introduce monitoring of trials that are related to serious corruption and organized crime. In an assessment of rule of law components of the WB6 by the Commission, it is reported that Albania has made good progress in combating corruption (ECA, 2022:34). What is and has been deriving in Albania, and has been criticized by the Council of Europe, is the use of online media to spread rumors about and attack public figures. The ECA reports that in Albania corruption in public procurement is extensive, with clear signs of state capture which signify the state's decision-making process to its own advantage. For the EU measures to have a meaningful effect, they must be coordinated and taken simultaneously in many policy areas linked to the rule of law (ECA, 2022:38). Despite years of EU reform effort, even Albania which has made the most progress in terms of judicial independence, Transparency International confirms that the state capture and widespread corruption has not been curbed to the needed extent. Regardless of some recent positive developments in Albania, fundamental problems in areas such as political interference and corruption, require further measures.

4.5 Comparing the case of Albania and Croatia

The results show that the EU has been provided with more credible commitments to combat corruption and pressure in Croatia to comply with reforms. Moreover, domestic forces in Croatia have been more willing and engaged to fulfill EU criteria. On the other hand, the EU has not maintained credible commitments to Albania's membership processes which have allowed Albania more room not to comply with democratic reforms and combating corruption.

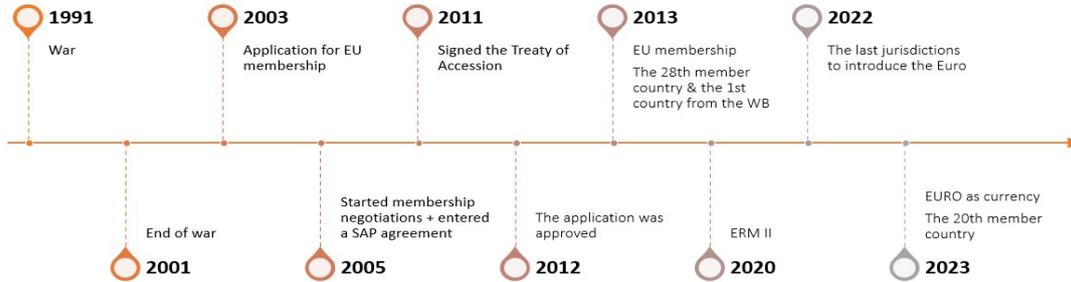
The White Paper mentions the SAP progress as the main initiative and when significant progress began to show. The SAP is the long-term plan to help the Balkan region fight corruption and other areas such as the rule of law, internal conflict and regional cooperation,

and poverty. The EU encourages countries to achieve the goals of the SAP process at their own pace, as there are essential requirements for the rule of law and democratic principles. All the reports show to some extent that the EU has mostly acted as a democracy promoter by highlighting areas, such as the judiciary, that need improvement in order to achieve EU standards. The EU has taken the approach to encourage democracy in various institutions and therefore manages the fight against corruption. The Croatia Compliance report shows that Croatia was the one country that met the criteria which lead to membership negotiations first, not because the EU initiatives were vastly different compared to Albania but because Croatia had more means to take the measure necessary and was as well very dedicated. In the report, Croatia is considered a role model for other countries in the Balkans, for instance, Albania, who are interested in EU membership. The Compliance Report for Albania mentions the importance of the country's own determination towards membership, and only the rely on EU's aim and influence.

Transparency International examined how a country's citizens experience corruption in the country, and the lack of trust was evident. The results indicate that corruption is difficult to measure and just as difficult to fight. Although it is impossible to ascertain how much corruption affects the countries, the Global Corruption barometer indicates that the country's population has no confidence or trust in the institutions of the state for a fair and functioning democracy. The EU's initiatives have not been very effective in the trust of the citizens, as the EU is mostly only a financial supporter in the democratization process. The results show that despite ongoing problems with corruption, democracy has developed and advanced. All material shows that the main means of fighting corruption is through whistle-blowers and vetting processes to combat corruption from the inside, especially grand corruption.

Below are two timelines of an overview of the eventful years of Croatia and Albania throughout its EU experience.

Timeline Croatia



Timeline Albania



5. Analysis and Conclusions

In this bachelor thesis, I attempted to answer the research question “What initiatives have the EU taken to help the Western Balkan countries, specifically Albania and Croatia, to fight corruption? Why were some of the initiatives more successful in one country but not as much in the other?” Below I outline some of the key conclusions from the analysis.

The EU’s initiatives and support in combating corruption surely play a decisive role in how well and quickly goals can be achieved in the accession countries. Having said that, it is equally up to the countries themselves to show ambition and desire for EU membership. Domestic actors’ willingness to fight corruption combined with credible EU commitment play a key role in accession countries. For instance, when Croatia approached peace after the Yugoslavian war ended and the country stabilized, it was mainly because of the country’s own drive toward membership that enabled the influence of the EU. The EU’s influence has been strong and consistent over the years, in order to be able to decide when the applicant countries achieve candidate status and when the countries can start and end membership negotiations. Nonetheless, without Croatia’s strong interest in membership, it is possible that the EU would not have had any significant impact, just like in the WB6. EU’s influence is conditional, which means that the desire for membership is crucial. Even Albania has shown a strong desire over the years, as the formal negotiations have taken an incredibly long time to even begin and have been paused in view of conflict in the Balkan region. Be that as it may, Albania has shown persistence in trying to meet the objectives of taking the necessary steps to negotiate formally. A step that shows that Albania has taken steps in the right direction and that has been noticed by the EU and perhaps even rewarded with the fact that for the first time the summit between the leaders of the EU and the leaders of the WB countries was held in Albania (European Council, 2022). The cooperation with the EU and the WB countries gives the EU a greater opportunity to influence the countries’ future development, and perhaps even influence it to be favorable to the Union.

The root of many problems in the WB region arose during the wars and remains a consequence of them. The continuous regional instability is one of the main and direct preventions to progression toward EU membership for the WB countries. The ECA report results showed that EU efforts have had little effect in promoting fundamental rule of law reforms in the WB.

However, some technical and operational reforms were implemented in the Balkan region but a lack of commitments in the WB has resulted in insufficient EU support for problems such as corruption. As mentioned in the result chapter, the main means against corruption is from the inside, with the vetting process and whistle-blowers. However, not enough is being done for the EU effects to have sustainable outcomes in the WB⁶, the actions are either too few or ineffective. Although progress in the fight against corruption is essential, Albania for example has made good progress in combating corruption and has acted with the vetting process but has yet to meet the goal to be able to obtain EU membership, which may be associated with the lack of positive results from EU initiatives.

The EU, through its support for the rule of law in the Western Balkan, has clearly failed to maintain or bring about a large-scale change. Croatia was the latest country to obtain EU membership in 2013, and the modest progress of the past 20 years threatens the overall sustainability of the support the EU has provided in the framework of the accession process for the WB countries. The constant reforms, without favorable contributions or concrete results, lose its credibility which then spills over to a lack of trust in the Union. To strengthen efforts at the EU level, the existing EU anti-corruption rules which were adopted many years ago need to be evaluated, to assess their suitability in view of new criminal methods and ensure that they cover all relevant corruption-related offenses. The lack of evaluation can be why many of the initiatives have not been as successful in Albania, the methods are too old, for example, criminal methods have evolved, and the initiatives do not cover the new crimes that are possible to commit at an institutional level.

There is a great amount of corruption in Albania, which is also understood by Albania's position 35 on Transparency International's CPI. Albania is almost two-thirds away from being corrupt-free. The EU has pointed out that Albania has a long way to go, but is on the right path, although corruption in Albania is still rated as the highest among the WB countries. Like the EU's initiatives in terms of the fight against corruption, Albania has made efforts on several levels but has not really succeeded in the implementation of all its strategies and is thus undergoing a slow development. The difficulty of implementing reforms could be related to the ruling elite and organized crime in the country, which limits the possibilities for the control and independence of institutions, thus creating a fear of interference in the process. The struggle of

fighting corruption does not lead to benefits, a widespread corruption limits political and economic development and makes it for example even more difficult to fight poverty, in other words difficulties for positive change.

The general scientific debate in this area is between the EU's initiatives and its success in the two countries. The results show that development with the EU's initiatives to fight corruption has not been very successful, and they have had more difficulty succeeding in some countries, much depending on how reciprocal the measures are met. A lack of political will and low commitment in the recipient countries is highlighted as a reason for the failure. Missing its targets and failure puts the EU's credibility at stake. However, this is only a small part of the major corruption issue, for instance the only two countries mentioned in depth are Albania and Croatia. The study can be developed and contribute more knowledge in many ways, for example, Slovenia and Croatia could have been examined to see if they adopted the initiatives in different ways, if the EU initiative was approached differently, or even if the EU's initiatives were different. Or even conflicts in the Balkan region where countries inhibit each other from succeeding or achieving, e.g., Serbia and Kosovo, or Bosnia and Hercegovina and Serbia.

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