



De-Europeanization, Stabilitocracy and State Capture in the WB. Rule of law reforms in Serbia, Albania and Kosovo between 2018-2022

Thesis Abstract

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The thesis explores the Europeanization of the Western Balkans (WB), a topic extensively studied by Romanian researchers over the past two decades. Building on existing academic work, this thesis investigates the interconnected phenomena of de-Europeanization, stabilitocracy, and state capture in Serbia, Albania, and Kosovo. The research aims to provide an explanatory framework for these challenges, offering insights that could inform policymaking to ensure a more sustainable European integration process. Furthermore, the findings and hypotheses developed in the thesis are not only relevant to the WB but could also be applied to other countries facing similar integration challenges, such as Ukraine and Moldova.

Context

The EU's enlargement is a political and geopolitical process that has been the foundation of European integration. It is crucial to understand it, especially in times of crisis and war. Europeanization provides the formal mechanisms and incentives for reform; de-Europeanization explains the selective resistance and reversal of these mechanisms; state capture operationalizes the resistance by reshaping institutions to serve elite interests; and stabilitocracy emerges as the policy analysis instrument used to explain the governing model that sustains regional stability in a post conflict setting (the states heavily affected by the violent dissolution of Yugoslavia) and those affected by the economic crises of the 1990s (as the case of Albania), at the expense of democratic consolidation. The Western Balkans illustrate that Europeanization, when detached from effective domestic accountability mechanisms and overly reliant on elite-driven conditionality, risks producing outcomes antithetical to its foundational aims. Rather than facilitating democratic deepening, it may contribute to the



reproduction of hybrid regimes characterized by formal compliance and substantive autocratic resilience.

The thesis is grounded in a series of key assumptions that shape its research focus. First, it acknowledges that Europeanization is an evolving and contested concept, particularly within Critical European Studies, and that both Europeanization and de-Europeanization have been widely studied in candidate and EU member states. The second assumption recognizes the unique characteristics of Serbia, Albania, and Kosovo in their efforts to comply with EU conditionality over a five-year period, with the rule of law serving as the primary benchmark for analysis.

The third assumption posits that de-Europeanization results from state capture and stabilitocracy—central themes in this research. These concepts have been extensively explored by academics and policy researchers, with ongoing contributions from institutions such as the UK Foreign, Commonwealth & Development Office and the University of Nottingham's Centre for the Study of Corruption. Notably, recent work by Professor David-Barrett (2023) has furthered the understanding of state capture and grand corruption, highlighting its emergence even in stable democracies.

The thesis fills a critical research gap by applying rational choice institutionalism to examine the interplay between de-Europeanization, state capture, and stabilitocracy. It also underscores the European Commission's Annual Progress Reports (APRs) as a crucial institutional mechanism in the enlargement process. Using the metaphor of a 'connecting rod'—a key component that transmits motion in a machine—the thesis argues that APRs play an underexplored but central role in mediating EU conditionality and candidate country compliance. Ultimately, this research has significant policy relevance, offering insights that extend beyond theoretical debates to practical implications for European integration strategies.

Research objectives

The research question guiding this thesis is: **"How and why did various forms of stagnation and de-Europeanization manifest and impact rule of law and anti-corruption reforms in the Western Balkans (WB) and in relation to current candidate countries (with an emphasis on Serbia, Kosovo, and Albania) between 2018-2022?"** This inquiry is based on the assumption that rule of law is the core norm in the EU enlargement process. Using a comparative case study approach, the research contributes to the literature on Europeanization and de-Europeanization by examining compliance with EU conditionality.

The research is influenced by Marko Kmezić's work, which argues that despite the democratic façade, political elites in the WB undermine democracy through informal structures, clientelism, and media control. His earlier work also informs the thesis's exploration of EU accession requirements and the institutional reforms implemented (or neglected) within the five-year timeframe. Key theoretical frameworks include enlargement fatigue, de-Europeanization, stabilitocracy, and state capture. The thesis assesses how conditionality has evolved in terms of independence, responsibility, and efficiency over the period analyzed.

Although a five-year period might seem limited for capturing long-term trends, the research includes observations on earlier developments and future implications, particularly in light of post-war Ukraine and the evolving EU under the von der Leyen Commission. The thesis adopts a **qualitative research approach**, despite rational choice institutionalism (RCI) traditionally favoring quantitative methods. It argues that economic rationality alone does not fully explain institutional choices and that qualitative research is crucial for understanding complex institutional behaviors.

Beyond methodological considerations, the thesis examines **democratization through conditionality within the EU enlargement framework**, drawing from scholars such as Schimmelfennig et al. (2015) and Smith (2003). It also considers how democratic crises within the EU (Kriesi, 2024) have influenced enlargement strategies and the Union's normative power. The thesis integrates insights from Bermeo (2016), Tomini (2017), Bakke & Sitter (2019), and Bieber (2018) on the interplay between democracy promotion and authoritarianism.

The comparative analysis of Serbia, Albania, and Kosovo seeks to identify differences in their progress (or stagnation) under EU conditionality. By testing whether different national conditions produce distinct manifestations of de-Europeanization, the research aims to develop a replicable model that could apply to other candidate states such as Moldova and Ukraine, thereby contributing to future studies on European integration.

Methodological aspects

This thesis aims to engage with a high degree of empirical complexity while striving to generate theoretical, rather than statistical, generalizations based on qualitative research. It seeks to critically assess and challenge fundamental assumptions regarding the functioning of Europeanization within the framework of Rational Choice Institutionalism (RCI), conceptualizing it as an interplay between interests, information, and institutions. Specifically,



it examines how both formal and informal rules shape the decision-making processes of the key actors involved—the EU and the candidate states—in the context of EU enlargement and conditionality. The methodological approach is profoundly based on qualitative research, an approach less used within the Rational Choice Institutionalism theoretical framework.

Considering the above argument, this thesis uses as research methods Qualitative document analysis (QDA), Qualitative content analysis (QCA), longitudinal content analysis and semi-structured interviews. The first research method deployed was the longitudinal assessment of rule of law reforms in Serbia, Albania and Kosovo based on the European Commission's Annual Progress Reports between 2018-2022. The second research method was a qualitative assessment of the preparedness for integration, respectively through Qualitative document analysis (QDA) and Qualitative content analysis (QCA), focusing on the chapter "Judiciary and Fundamental Rights", the unit of analysis being the chapters and deconstructing the APR around each of them. The third research method was a comparative approach to three cases of developing and adopting whistleblowing legislation within a principal-agent theoretical framework. The fourth and final research method involved the use of semi-structured expert interviews conducted with stakeholders for cross-referencing the findings from desk research with interview data.

Thesis roadmap

The thesis follows a structured, sequential narrative that builds on existing literature to test assumptions, address gaps, and provide an explanatory framework for the observed phenomena. It begins with a **literature review (Chapter 1)** on Europeanization, EU enlargement, and the specific trajectories of Serbia, Albania, and Kosovo, including the role of the "Fundamentals First" approach and the Revised Enlargement Methodology (REM). It also compares Europeanization theories and justifies the choice of **Rational Choice Institutionalism (RCI)** as the guiding framework.

Chapter 2 expands on de-Europeanization, democratic backsliding, and corruption as central to state capture and stabilitocracy. The theoretical foundation is influenced by scholars like Richter and Wunsch, whose work informs the thesis's approach.

Chapter 3 narrows the focus to the rule of law as the EU's core norm for accession, differentiating between **norm adoption and norm implementation**. It further elaborates on the conditionality-versus-socialization debate and conceptualizes state capture as an institutionalized phenomenon.

Chapter 4 examines how compliance with the rule of law is measured, emphasizing the European Commission's **Annual Progress Reports (APRs)** as a key monitoring tool. It also contrasts these with the EU's Annual Rule of Law Reports for member states.

The **methodological chapter (Chapter 5)** outlines four research methods used to **triangulate findings**, including longitudinal content analysis of APRs (2018-2022), an RCI-based assessment of whistleblower legislation, qualitative content analysis (QCA) of judiciary-related APR sections, and interviews with EU and WB stakeholders.

The **analysis chapter (Chapter 6)** synthesizes the comparative findings, integrating empirical insights with theoretical contributions. It seeks to identify patterns and refine the understanding of de-Europeanization, stabilitocracy, and state capture.

Finally, **Chapter 7** presents the thesis's contributions, acknowledges limitations, and suggests future research directions. It serves as a reflective conclusion while paving the way for further scholarly work in European integration and institutional transformation.

Findings and conclusions

Through the use of the first research method, it was noticeable that the judicial and anti-corruption reforms in Serbia, Albania, and Kosovo have been constrained by a combination of structural, political, and institutional challenges. Serbia's phased approach, although focused on technical improvements, faced setbacks due to governance inefficiencies, political pressures, and inadequate judicial autonomy. Albania demonstrated greater resilience through international oversight and coordination mechanisms but remained dependent on external funding and struggled with institutional ownership. Kosovo's reform trajectory, while showing progress in judicial integrity and European alignment, was hindered by political interference, financial constraints, and weak enforcement mechanisms.

Across all three countries, common obstacles included resource shortages, understaffing, inadequate technological infrastructure, and poor inter-institutional coordination. While legislative measures were introduced, their practical implementation remained weak due to insufficient monitoring and resistance from political actors. The experiences of these transitional democracies underscore the necessity of cohesive strategic planning, sustained political will, adequate resource allocation, and comprehensive oversight mechanisms to ensure meaningful and lasting judicial reform.

The second research method deployed, through the analysis of 15 European Commission (EC) APRs on rule of law reforms in Serbia, Albania, and Kosovo revealed

patterns of stagnation, inconsistencies in evaluation, and a lack of transparency in the reporting process. The reports primarily reflect institutional dialogue with national authorities, while the technical dialogue between the EC and local institutions remains unaccounted for. Moreover, statistical data, stakeholder input, and expert opinions are largely absent, limiting the methodological clarity of the assessment process.

A key observation concerns the relationship between stagnation and the EC's overall progress ratings. In Albania, despite significant stagnation between 2018 and 2020, the EC still categorized the country's overall progress as "good." This suggests that once key measures have been initiated or partially completed, residual stagnation does not substantially impact the final assessment. In contrast, Serbia's stagnation and regression in 2020 led to a downgrade in its rating to "very limited progress," indicating a stricter approach in its case. However, despite evidence of backsliding, explicit mentions of regression in the EC's reports remain limited. Kosovo follows a similar trajectory, with stagnation present but overall assessments remaining "some progress" until 2021, when stagnation and regression resulted in a downgrade to "limited progress."

The thesis highlights that the EC's evaluation framework tends to emphasize tasks completed over sustained institutional effectiveness. The discrepancies in how stagnation influences ratings raise questions about the weighting mechanisms used in EC assessments and the transparency of their coding schemes. A more systematic approach to data aggregation and clearer methodological guidance would enhance the credibility and comparability of progress evaluations across candidate countries.

Using the third research method, the author of this thesis examined the European Union's (EU) inconsistent support for whistleblower protection legislation in Serbia, Albania, and Kosovo. While EU accession serves as a key anti-corruption tool, leveraging political, economic, and normative pressures, its approach to whistleblower protection has lacked uniformity and long-term effectiveness.

Drawing on Europeanization theories, particularly rational choice institutionalism, the thesis argues that political actors in these countries respond to EU incentives based on cost-benefit analyses. While the EU's conditionality mechanism influences legal adoption, its transformative impact remains inconsistent due to the lack of standardized whistleblower protection frameworks and weak enforcement mechanisms.

Despite the tangible effects of EU influence—evident in the formal adoption of legislation—long-term sustainability remains a challenge. The EU's strategy often adapts to

national interlocutors but fails to address the deeper issue of state capture. This suggests that material incentives alone are insufficient for lasting reforms, necessitating a more comprehensive approach that integrates institutional resilience and public accountability.

The fourth research method tested the previous findings based on the first-hand experiences of experts and stakeholders involved in the Europeanization process in their various roles. This additional method of research confirmed the previous findings that the 2020 Revised Enlargement Methodology (REM) reflects a combination of political ambition and bureaucratic challenges. While it introduced structured assessments and political steering, its implementation has been weakened by insufficient political authority and a lack of meaningful enforcement. For Serbia, Albania, and Kosovo, its impact has been inconsistent, constrained by both domestic obstacles and EU-level challenges. To restore credibility to the EU's enlargement agenda, the methodology requires substantial recalibration.

The institutional dialogue underpinning the EU accession process presents both strengths and weaknesses. While DG NEAR has streamlined priorities, systemic challenges in candidate countries and inconsistencies in EU engagement hinder reform progress. Strengthening local expertise, public administration, and rigorous, unbiased assessments is essential for bridging the gap between EU institutions, candidate countries, and member states, thereby enhancing the credibility of the accession process.

The Annual Progress Reports (APRs) remain central to accession monitoring in Serbia, Albania, and Kosovo. However, their perceived lack of transparency, excessive technicality, and vulnerability to political influence undermine their effectiveness. A shift toward greater transparency, inclusivity, and accountability is necessary to ensure the reports provide actionable insights and accurately reflect reform realities.

Shadow reports, offering independent evaluations of reforms, have seen their influence diminish. Despite this, they remain crucial for civil society engagement and accountability. The European Commission must address structural and political barriers limiting their integration into the assessment process to enhance reporting credibility and effectiveness.

Finally, stabilitocracy remains a defining feature of EU engagement with the Western Balkans, prioritizing regional security over democratic development. While this approach has ensured short-term stability, it has also entrenched autocratic governance and eroded trust in the EU's commitment to democratic values. A strategic shift toward fostering institutional resilience and genuine democratic reform is necessary to align stability with democratization rather than allowing one to come at the expense of the other.