

ISSUES ON POLITICAL TRANSITION IN ALBANIA

Adelina NEXHIPI*

Abstract

Like every other Central and Eastern European country, Albania overthrew the communist dictatorship in 1990 and went on building a democratic country. The Albanian transition period towards democracy was multiple: political transition – from a party - state to political pluralism; economic transition – from centralized to market economy; social transition – from a closed and controlled to a free society; national safety transition – from isolated to a country working towards the European integration. It came out to be a long, difficult process with many ups and downs. Despite deep changes and obvious achievements in every aspect of life, there is still work to be done.

This study aims to describe and analyze the democratic processes in Albania and its accompanying issues, determining as main objectives: the analysis of the establishment of the rule of law in Albania, political polarization, election issues and political debate.

The study relies upon archive sources of Albanian and European institutions such as: The European Commission, Organization for Security and Cooperation in Europe, Venice Commission, the Albanian Parliament, the press, scientific surveys and monographs of Albanian and foreign researchers.

The methodology of the study is concentrated on descriptive, analyzing and comparative method of democratic processes in Albania as compared to those in the Balkans and Central and Eastern Europe.

The expected results of this paper are the identification of difficulties hindering the democratic processes in Albania.

Keywords: Albania, transition, democratic processes, political polarization, legitimacy.

1. Introduction

Albania as well as other Eastern and Central Europe countries suffered the harsh communist dictatorships for almost half a century. The pattern they followed was similar, but unlike other eastern countries, no liberalization element was allowed in Albania; it remained faithful to Marxist-Leninist ideology; no capitalist elements was allowed and after the 1970s the country was totally isolated without being part of any blocs. Liberalizing movements in 1950 – 1960s in the Eastern Europe were forbidden to happen in Albania by the Albanian Party of Labor, whereas the “wind of changes” in the end of 1980s could not be absent in Albania.

In 1989, people from Eastern Europe perceived that the Soviet Union which was almost collapsing socially and economically was unable to brutally suppress the rebellions in the satellite countries. Communist parties that were in power could not oppress the desire for freedom of their people without the support from Moscow. Hence, by domino effect one state at a time, all communist dictatorships collapsed in Central and Eastern Europe. These countries started their transition periods in difficult economic conditions, poor institutions, and lack of confidence. These countries had a lot to do to build democracy and capitalism. Radical and multi-dimensional reforms

were undertaken: political, constitutional, institutional, economic and integrating reforms.

Economic reforms were liberalizing, stabilizing and structural and aimed to overcome the crisis and build a capitalist system. “Shock therapy” policy was applied, which aimed deep and fast reforms. Poor public institutions found it difficult to financially control the private sector; therefore fiscal evasion and informality were developed. Economic reforms were followed by high inflation and budget deficit.¹

Constitutional reform was an important step which would prepare the way for all the other democratic reforms. In East and Central European countries, after the fall of communist governments, old constitutions were amended or new ones were designed that ratified the democratic principles and defined the governance. Institutional reforms differed from one country to another in nature as well as the pace they were applied.

EU integration was the axis of politics in all Central and East European countries. EU membership was considered a return to Europe. As Kadare stated: “*The Balkan people are in a queue to enter the doors of Europe*”² in order to have the cooperation agreements signed.

Albania and Central and East European countries are today co-travelers towards democratization. In such path that was started almost in the same time, they have made their own steps, but through the same trails nonetheless. If we compare the paces of such path, Albania is left behind by its counterparts. If we were to

* Lecturer, PhD, Department of History and Geography, Faculty of Education and Filology, University “Fan S. Noli”, Korçë, Albania. Email: adelinanexhipi@yahoo.com

¹ Adrian Cívici, *Transformimi i madh. Nga plani drejt tregut* (Tiranë: UETPress, 2014), 255

² Ismail Kadare, *Identiteti evropian i shqiptarëve*, (Tiranë: Onufri, 2006), 60

analyze only one aspect of such process i.e EU integration (which indirectly the democratic consolidation), the majority of former communist countries of Central and Eastern Europe became EU members in 2004; Romania and Bulgaria became members in 2008; Albania (11 – 15 years later) has not initiated the EU membership negotiations yet.

This paper's purpose is to analyze the barriers faced by democratization processes in Albania, the mistakes and their effects. This is an important topic for reflecting and analyzing as well as understanding why Albania is behind from the other Central and East European countries, when they started it more or less the same way and almost in the same conditions. This is important to the Albanian society and the political elite. By describing it in details and analyzing the Albanian transition in depth from a social, political and legal viewpoint, we will try to present a clear and full setting of obstacles that Albania faced towards the democratization process. A series of studies and analyses have been conducted by Albanian and foreign researchers on political, social, legal and economic developments in Albania namely: Shinasi Rama, Elez Biberaj, Fred Abrahams, Miranda Vickers, James Pettifer, etc. Reports have been written and published by Albanian, European and other international institutions such as: the European Commission, US Department of State, OSCE, International Monetary Fund, World Bank, Venice Commission, International Transparency etc. Studies on the Albanian transition process are various and numerous, but unlike some others, this study aims to reveal only the repeated problems and issues of the Albanian politics and delays they caused along democratic developments in Albania.

2. Issues of the Albanian political transition

Transition towards democracy in Albania started in difficult conditions: non-functional economy, total loss of confidence, traumatized society, and extreme poverty. As lawyer Hekuran Hysa states: *“the Albanian people came out from communist dictatorship being poor, exhausted, numb, stunned, disoriented, infuriating”*.³ Whereas Fred Abrahams describes Albania of the 90s as *“grey and shabby ... the poorest country in Eastern Europe..... it was as entering a forgotten world, a frozen space, isolated from “imperialist West” and “revisionist East” and forgotten by all”*.⁴ Foreigners visiting Albania in those years saw *“Dickensian rusty ugliness, robbed and senseless – giant memorials of crooked Hoxha's vision,”*⁵ as described by Misha Glenny.

The Albanian transition process needed to heal grave economic, political and social injuries. The process in itself involved a series of important transformations. Democracy building process was associated with devastation too. Hating the communism and everything it left behind, Albanians destroyed everything they had built themselves with so many sacrifices. This is how English anthropologist Clarissa De Waal describes the phenomenon: *“To start from zero” was the enthusiastic motto ... It was devastation craziness, very understandable though, which pulled down trees and vineyards, destroyed cooperatives and machineries, thousands of greenhouses and irrigation systems, broke the glasses of factories and households. ... In keeping up with the destroying process and closing of factories and mines when there were no job opportunities, it is not clear what form of genesis or income generation they had in mind ...*⁶.

*“A tortured path, defined by lost opportunities and deep wounds”*⁷ - determined Comelli (an Italian researcher) the Albanian transition process. Apart from inherited wounds, the Albanian transition created some new ones such as: nepotism, illegal demographic and migratory movements, fiscal evasion, informality, high unemployment, corruption, trafficking narcotic substances and human beings, organized crime, lack of efficiency and stability of democratic institutions; non constructive and conflicting political dialogue, issues on low application, politicized public administration, over politicized election processes, lack of independence, transparency and accountability on judicial system, neglect from administration and judicial system on human rights, discrimination of marginalized groups. *“These acrid phenomena, more than products of the new democracy, were direct outcomes of the communism that was dying away”*.⁸ – were the words of former Prime Minister Meksi in 1992. These phenomena unfortunately, do not belong only to the first transition period, are not sporadic and by being related to one another have created repeated and extended issues in Albania. These phenomena will be treated with details below in this paper.

2.1. Demographic issues

Economic and political reforms after 1991 brought about major social transformations in Albania. Economic changes had different effects of different regions of the country. It deepened further the regional inequalities. Coast, central and southern regions of the country took more advantages than mountainous and northern regions. By closing the mines and metallurgic factories, the crisis in mountainous areas intensified. One of the reasons for the crisis was the fact that the

³ Hekuran Hysa, *Një tranzicion i rrezikshëm*, 54

⁴ Fred C. Abrahams, *Shqipëria e re* (Tiranë: Dudaj, 2015), 17

⁵ Misha Glenny, *Histori e Ballkanit 1804 – 1999* (Tiranë: Toena, 2007), 569

⁶ Clarissa de Waal, *Shqipëria pas rënies së komunizmit* (Tiranë: AHS, 2009), 13

⁷ Michele Comelli, *Le relazioni tra l'UE e l'Albania*, in *L'Albania verso l'Unione europea: il ruolo dell'Italia*, IAI0912 (2012), 8

⁸ “Programi i qeverisë së pare demokratike,” *Rilindja Demokratike*, 118, 22 prill 1992, 4

land for developing the agriculture was poor. In such regions were investments and private companies were missing, employment was limited. This brought about the fact that the population in the beginning of the 90s, settled massively in urban areas. Such uncontrolled flow created problems in accommodation, health services, transport, urban infrastructure, etc. the flow caused an almost depopulation of remote mountain areas and a great difference in the development of different regions. Shinasi Rama describes the situation in grey colors. According to him, the country suffered “*incredible demographic pressures, migration of population within the country, a lot of problems with ownership, massive escapes, unequal economic development between people and regions, high criminalization dhe non-legitimization of state, worsening of public services, permanent political crisis ...*”⁹

Economic changes such as: private properties, free initiative, privatizations, immigration brought about social and economic distinctions and not only; there was a huge gap between the rich people (enriching themselves quickly) and poor people (becoming poorer). Such rich class was created by those categories that took advantages by privatization, those were the first who ventured small private businesses or those immigrants who were quickly integrated into societies they entered. According to Sh. Rama’s opinion, “*the majority of people became rich by entering the politics, by being related to politics or by being part of governing clans*”.¹⁰

Immigration also was expanded largely all over Albanian regions; almost each household had one immigrant member. Immigration was individual or family, seasonal or permanent, political and economic. Albanian people immigrated mainly to Greece, Italy, Germany, France, USA, etc. The biggest immigration wave was in July 1990 when Albanians entered inside the Western countries’ embassies in Tirana; in 1991 when hundreds of Albanians hijacked the ships in order to sail to Italy. These events happened again in 1997 during the economic, social and political crisis. Throughout this period, illegal immigration was ongoing, through Greek mountains or Ion and Adriatic seas towards Italy. Unemployment, lack of incomes, political instability, lack of perspective and hope made hundred thousands Albanian people leave the country toward the “blessed land”.

The Albanian households lost their important role. The Albanian traditional family fit in the new social, economic and political conditions. The Albanian stable and safe household was facing aggressiveness. Crime within families increased and violence was growing fast. Divorce has increased substantially through the years. In communist society in Albania, marriage was considered something sacred; divorce or legal annulment of marriage was rarely allowed under

special circumstances. Communist politics encouraged the increase of population, whereas after the 90s, number of births declined. Poverty, increase of living costs, willingness of women for building a carrier or being publicly active, lack of institutional support for children wellbeing, brought about the decline of the number of births. In our society before the 90s abortion and contraception methods were prohibited, whereas after the 90s family planning was encouraged and voluntary abortion was allowed. These facts affected not only the decline of births but the average age of population as well.

Political and economic changes brought about a middle class that encouraged the establishment of organizations and intermediate civic groups which related to structure, organization and operation of society. There were no independent activities or groups in communist Albania to play as mediator between the state and society. There was a lack of civic tradition and independent social movements even before the communist regime. Such lack of tradition prevented the creation of a free and active civil society in Albania. Apart from that, in the post-communist society a large number of professional organizations, joint groups, women’s organizations, businessmen’s groups, environmentalists, etc were created. They stated their objective as civic activity for the common good by putting pressure on public institutions and affecting the political processes, encouraging political participation, demanding transparency and honesty from the government. The issue with these organizations was the lack of real autonomy from state or political parties. In a study conducted from the Albanian Foundation of Civil Society, a series of problems and concerns are presented as related to Civil Society described briefly as follows:

- Non-governmental sector is still disperse; it is not coherent and cooperative compared to that of EU member countries
- NGOs are lacking cooperation, facilities, networks, information channels and especially the expertise and knowledge how to apply for projects, manage and distribute outputs, lobby and make dialogue with the government.
- NGOs still lack professionalism, transparency of their activities and staff policies.
- NGOs lack membership, social accountability and networking.
- NGOs lack strategic planning, managing structures and use of modern technologies.
- Board members are not prepared for their role to play and NGO financing is depending on donors, i.e, it is insufficient for a sustainable development of this sector.¹¹

⁹ Shinasi Rama, *Përrallat e tranzicionit shqiptar* (Tiranë: Princi, 2012), 167

¹⁰ Shinasi Rama, *Përrallat e tranzicionit shqiptar* (Tiranë: Princi, 2012), 26

¹¹ Fondacioni Shqiptar i Shoqërisë Civile, *Plan Strategjik Tre-Vjeçar* (September 2005), 3

2.2. Establishment of the rule of law

Rule of law is a basic value of democracy. Rule of law implies the system where the state especially the executive and administrative powers are limited within their own judicial norms (constitution and law), the way how basic human rights are guaranteed. Main principles of the rule of law are: principle of constitutionality and legitimacy, equality under the law and non discrimination, freedom and rights of citizens and minorities, division and limitations of powers, depolitization of public services, independent judicial system, Civil Society, etc.

In Albania ... *a lot is lacking, mainly in the rule of law. Fight against corruption and organized crime are important challenges... Albania should continue with the reforms in public administration in order to increase professionalism and depolitization; pursue an inclusive reform in the judicial system;... intensify its efforts against corruption and take further steps against organized crime ... It is essential that the reform process is followed by a constructive and sustainable political dialogue between the government and the opposition The Government should ensure that the opposition is able to fully perform its functions of democratic control.*¹²

Albania has not established the balance between levels of powers yet. In this aspect, the European Commission as continuously attracted attention. In the progress report of 2010, it was stated that the High Council of Justice had no competences on the Supreme Court, which was politically appointed and had an extraordinary position within the judicial system. Exclusion of higher level courthouse from applicable rules for lower level courts weakened the independence of judicial power as a whole. The fact that the Parliament voted to appoint judges for the Supreme and Constitutional courts brought with it the risk of politization and as a result affect the democracy and independence of institutions. Prosecution system was too centralized and hierarchic. The autonomy of prosecutors was guaranteed in the trial stage, but it was limited in investigation stage which affected the efficiency of investigations. Independence and accountability of prosecution system was especially weakened from the fact that appointing of General Prosecutor was made by simple majority vote in the Parliament.¹³

Independence and striking power of judicial system had been poor as result of the lack of good evaluation systems for judges and lack of appointing and transfers by merits, *“there is a lack of transparency in appointing, promotion, transfer and evaluation of judges and there are considerable weaknesses in*

*inspecting system of judicial system”.*¹⁴ Problems are increased from the fact that too often trials were too long, courts decisions are not applied, enforcement of decisions was poor mostly when the accused party was a public institution. *“Cases when decisions of the Constitutional Court were not applied from the government in the course of the last years and politization of voting for appointing the heads of the Constitutional Court and Supreme Court are disturbing because they challenge the basic principles such as judicial independence and application of the rule of law.”*¹⁵ The judicial system has suffered the issues of transparency, accountability, responsibility and efficiency. Human and financial resources were insufficient, infrastructure was inappropriate. Moreover, what made the situation worse is that in the judicial system and all its links was corruption. As a result, indicators of public perception have marked a very low level of confidence in judicial system.

Unfortunately, corruption was not the only problem in the judicial system; it is an endemic issue in all structures of the country. Progress report of 2010 stated that although the legal and institutional framework had improved, corruption was still in high levels in many sectors and institutions, especially in judicial system, health sector and properties issues, public procurement and financing of political parties ... immunity given to a large group of public officials (parliamentarians, ministers and judges) has shown that it is a serious obstacle in investigating corruption. It only increases the risks of this phenomenon... Institutional structure has gaps related to the fight against corruption. Capacities in such fight remain limited.¹⁶

“Corruption is not a separate entity nor an independent substance; it is the consequence of state dysfunction”- claims Arben Xhaferi in one of his interviews. *“If the state works automatically on law bases, corruption is eliminated”.*¹⁷ The Albanian politics has not shown proper willingness to change the situation. If we refer to indicators in the course of years published by Transparency International, Albania is considered a high corruption risk country in international reports. Data from this institution show that the Albanian Government, politics and administration have not done enough in the fight against corruption. Albania was ranked as one of the most corrupted countries in Europe in Corruption Perception Index performing worse than the average of other countries of the Balkan Region (table 1).

It is a constant concern the issue of trafficking the human beings, narcotic substances, weapons, stolen vehicles and money laundering during the transition

¹² European Commission, Staff Working Paper, *Albania 2014 Progress Report* (Brussels: 8. 10. 2014), COM (2014) 700 final

¹³ European Commission, Staff Working Paper, *Albania 2010 Progress Report* (Bruksel: 9 nëntor 2010), COM (2010) 680 final, 19 - 23

¹⁴ European Commission, *Commission Opinion on Albania's application for membership of the European Union* (Brussels, 9.11. 2010), COM (2010) 680 final, 6

¹⁵ Po aty

¹⁶ European Commission, Staff Working Paper, *Albania 2010 Progress Report* (Bruksel: 9 nëntor 2010), COM (2010) 680 final, 24

¹⁷ Rudina Xhunga, *12 porositë e Arbën Xhaferit* (Tiranë: Dudaj, 2012), 189

period. ... Albania is still one of the main destinations of trafficking narcotic substances in the Balkans.¹⁸

Table 1. Corruption Perception Index – Albania

Year	Ranking*	Index*
2002	81	2.5
2003	92	2.5
2004	108	2.5
2005	126	2.4
2006	111	2.6
2007	105	2.9
2008	85	3.4
2009	95	3.2
2010	87	3.3
2011	95	3.1
2012	115	3.3
2013	116	3.1
2014	110	3.3
2015	88	3.6
2016	83	3.9
2017	94	3.8

Source: Transparency International, 2002 – 2012

By considering the issue a constant concern, during his visit in Albania in February 2006, Barroso stated: *“Albania should make serious efforts in fighting the organized crime and corruption. To do this, Albania should combine strong measures for those who break the law with establishment of a powerful and independent judicial system. This is something that requires the integrity of judges for ensuring law for all.”*¹⁹

Although some steps in improving the efficiency of judicial system have been taken, it has operated poorly because of the lack of independence, transparency and results. Legislation planned for addressing these issues was delayed and has been noticed that political willingness is missing for terminating a real reform in this area. *“Failure in judicial reforms could be attributed to the executive power as well as the judicial itself. The executive power has obstructed the establishment of an independent judicial system so that it may use it for political purposes. Whereas the judicial power has been unable to reform itself because of high corruption levels supported by political immunity given by the executive power.”*²⁰

Worth mentioning is the fact that Albanian has put the Criminal Code in line with the Council of Europe’s Convention on criminal law. Also, a specific legislation has been approved on bribery; national strategies on corruption and organized crime have been

approved. Although the Albanian Government has undertaken a more strategic approach, still corruption is prevailing and makes up for a serious risk *“... prevailing corruption, organized crime and insufficient economic development are the main challenges for a sustainable democratic stability and Albania’s European integration,”*²¹ stated by Stern and Wohlfeld.

On July 22nd, 2016, the Parliament passed the constitutional amendments that aimed to reform the judicial system, among other dispositions for evaluating judges and prosecutors in Albania. Later on, law on “Re-evaluation of judges and prosecutors in the republic of Albania” passed along more than 20 other necessary laws in applying the judicial reform based on constitutional amendments. Currently, a deep reform in the judicial system is being applied which aims to make it more independent, impartial and efficient.

2.3. Lack of legitimacy

Elections present the convertibility process of the political willingness of citizens in political power. In a democratic country, the Government’s authority comes from the consent of the governed ones, whereas the main device to transform the consent into state authority is developing free and fair elections. The universal character of elections comes from their own ability for articulation, political pluralism and democracy as an appropriate form of governance. There is no democratic system without free, general, democratic and fair elections. Sovereignty of people in a democratic system is fulfilled by participating in political decision-making, and the right of electing democratic institutions for running the country. Elections are the essence of democracy or the mechanism it operates with.

“Elections; a lost chance for Albania”, was the statement of the Head of the Election Observation Mission of OSCE/ODIHR in Tirana, immediately after the conclusion of local elections in 2007 in Albania. When citing this quote, all reports of OSBE / ODIHR occur to mind, which always qualify for “progress” made after each election process, but this “progress” is never enough to be qualified “successful”. In other words, elections are considered the “Achilles heel” for the Albanian democracy.

In order to have free and democratic elections based on European standards, efforts have been made to ensure complete and democratic legal basis. The Election Code was one of the most debated and revised laws in Albania. The code was amended several times in order to ensure free popular willpower and this willpower could be read the right way possible.

¹⁸ European Commission, Staff Working Paper, *Albania 2010 Progress Report* (Bruksel: November 9 2010), COM (2010) 680 final, 116

* Ranking incudes 178 countries, 1 – less corrupted country, to 178 – most corrupted country

* Index is made up of a scale from 1 – 10, 10 less corrupted country, 0.1 – 1 very corrupted country

¹⁹ Barroso’s addressing word in the Parliament of Albania (February 2006) [online] available in: <http://www.parlament.al>, retrieve on 15. 08. 2010

²⁰ Najada Tafili, *Consolidation of Democracy: Albania*, [online] available in:

<http://www.jpinyu.com/wp-content/uploads/2015/01/consolidation-of-democracy-albania...najada-tafili1.pdf>, retrieve on 11. 03. 2018

²¹ Ulrike Stern, Sarah Wohlfeld, “Albania’s Long Road into the European Union,” *DGAPAnalyse 11*, (Shtator 2012), 13

On May 8th, 2000, Parliament of Albania passed the Election Code. Based on the Election Code, the Central Election Commission (CEC) was a constitutional institution. It was the highest institution for organizing, managing and supervising the election processes in Albania. CEC established and supervised the local administration bodies of election. The chairman was proposed by the largest party in power, whereas vice chairman was proposed by the largest opposition party. CEC decisions were considered valid when they were signed by both chairman and vice chairman. The composition of CEC has always been the reason for political debate among political parties. According to the Code, Albania would vote based on a mixed election system, majority - proportional. 100 parliamentarians for 140 Parliament seats would be elected by majority voting from the single member areas, whereas 40 seats would be complemented by national multi-member lists of political parties so that to achieve a proportional approach among votes on national level and parliamentarians representing a political party in the Parliament. In order to win a proportional seat, political parties should pass the election threshold of 2.5%, whereas coalitions 4%.²²

Based on OSBE-ODIHR recommendations and problems or legal shortcomings that were noticed in the parliamentary elections of 2001, it was agreed to revise the Election Code. Its revision was conducted by a parliamentary commission *ad hoc* by multi-party representation and assisted legally by OSCE and Venice Commission during June 2002 - April 2003. Based on this agreement: the candidate running in the single member list was a winner by simple majority of votes unlike before when absolute majority was required; number of parties that would have representatives in all election administration levels would be 4; voting in these commissions would be made by majority, 5 votes from 7 members and all decisions having legal value should be signed by the chairman and vice chairman who were appointed by the Socialist Party (SP) and the Democratic Party (DP).

After the local elections of 2004, OSBE/ODIHR called for attention to improve some aspects in the Election Code such as: the dominating roles of SP and DP in election commissions; appointment of CEC members from SP and DP, as opposed to the law; uncertainties related to four parties that were proposing members to CEC; update of voters' lists; deadlines set during the complaint process; transparency in financing the political parties during the election campaign; rules on validity or invalidity of the ballot paper; procedures in counting the votes.²³ In improving these problems, the Code was revised again for the period January – April 2005, by a bipartisan commission, SP and DP. As a result of this agreement, a law on determining new boundaries of election areas passed in March 2005.

Other changes consisted on the counting process; election management; division of election areas; complaint and appeal process. The agreement defined again the dominating roles of SP and DP in managing the election process. Small parties were limited in their rights to give their election announcements (their timing on TV was limited, half a time set for the two large parties). Also, small parties that were not represented in election administration commissions had no rights to get copies of official tables of the election results from election regional commissions.

By OSCE initiative, an agreement was signed on January 2007. This agreement consisted on some amendments on the Election Code. Based on the agreement, the mandate of local government authorities was extended from 3 to 4 years. The election would be held by a single voting round based on “who ranks first” principle, whereas mandates for local councils would be made by proportional system. The next amendment occurred in CEC, where the number of members increased from 7 to 9.

In December 2008, by consensus of two largest parties, new Election Code was approved. Based on this new code, the majority proportional system transformed into regional proportional system. Parliamentarians were elected by closed lists in election areas coinciding with the administrative division of the country: the region. In order to win seats in the Parliament, parties should pass the threshold of 3% of the votes, coalitions 5% of the votes on regional level, whereas independent candidates should pass the natural threshold (the number of valid votes divided by the number of mandates). Regional proportional system was contradicted forcefully by small parties because it favored two large parties. The new code made improvements on voters' records, vote counting and complaint process. Although there were improvements, the code was maintaining the dominance of two large parties in the election administration; their unlimited right to change the members of election commissions without a reason; criteria on determining a ballot paper invalid were still unclear; there were uncertainties related to the threshold for being represented in local councils, the campaign financing, deadline of final lists, etc. There were issues related to some dispositions, such as:

- The right of party chairmen to run in as many areas they wish, which conflicts the equality principle.
- The right of SP and DP to dismiss elected judges who deal with election appeals. Such article violated the principle of judicial system independence.
- A limited opportunity for repeating the election in a certain area after election devaluation in one of more election areas.²⁴

Having made these amendments in the Election Code, the rate of 30% of female representation in

²² Election Code of the Republic of Albania, Law Nr.8609, dated 08.05.2000, Official Bulletin, May-June, Tiranë, 2000

²³ OSCE-ODIHR, *Local Elections, 12 October 2003 and 25 January 2004* [online] available in: <http://www.osce.org.albania.election>, retrieve on 11. 04. 2014

²⁴ OSCE-ODIHR Parliamentary election, 28 June 2009 [online] available in: <http://www.osce.org.albania.election>, retrieve on 11. 04. 2014

Parliament was ratified. Item 6 of Article 67 of the Election Code provided that *“for each election areas, at least 30% of the multi-member list and one out of three first names of the multi-member list should belong to each gender”*

Amendments on the Election Code were made in July 2012. Improvements were made in the selection process of commission members; compiling voters' lists; process of candidates' registration was simplified; equal access to media and public funds for campaign financing was made available. Last amendments in the Election Code made considerable improvements, but still the parliamentary elections of 2013 revealed that the Code had gaps, ambiguities that left room for misinterpretation. Two large parties were still dominating the administration of election process. The document *“Joint opinion on the Electoral Law and the electoral practice of Albania”* of 2011, OSCE called for attention on *“depolitization of all levels of election administration, in order to avoid polarization in commissions of all levels which often causes lack of collegiality in decision making. It affected the election process. The actual method of establishing election commissions not only polarizes the process of election administration, but it puts parties' interests before the voters' interests.”*²⁵

The supervision of election processes by political parties is reflected on the CEC's activity too. Although CEC is an independent institution *de jure*, the determining role of political parties in appointing members of this institution and the fact that they affect the functions of these appointees, affects the independence of this institution. On the other hand, members of CEC often act like party members and reflect encounters and political polarization in CEC activity by creating numerous and frequent problems in the institution and election processes in Albania. Because of frequent repetition of these phenomena, OSCE stated in its report on parliamentary elections of June 23rd, 2013 that *“Independence of CEC should be ensured. For this reason, the interested parties should act according to the role they play in CEC activities and election workers should not base their actions and decisions being under the effect of political factors”*.

Despite frequent changes on legal framework, in order to ensure free and independent elections according to OSCE/ODIHR reports monitoring the election processes in Albania since 1991, elections in Albania have never been fully democratic based on European standards. Progress has been made from one process to another, but they are not sufficient to be qualified as free and democratic. The most frequent and repeated problems encountered during the election processes according to OSCE/ODIHR are:

Election campaigns are characterized by an extremely political polarization. It is difficult to distinguish state activities from election activities during the campaigns, or party from the state.

Reciprocal accusations among rival parties blur political programs.

There are frequently repeated problems during the election process varying from procedure problems to technical, logistic and administrative. They vary from family voting, multiple voting, secrecy, pressure, buy of votes, problems with the voters' lists, presence of police at voting centers, non application of legal terms and time, arbitrary decision making, slow counting, lack of transparency, manipulation of results, political pressure on election administrators causing even fatal incidents near the voting centers.

Manipulation of the election results is a phenomenon which is being sophisticating from one party to another. Reports of OSCE/ODIHR on Albanian elections mention numerous examples of records containing different results for the same voting center, or inconsistencies of the number of voters and ballot papers, use of different criteria often illegal, in determining the validity of voting.

Political pressure on election administration coming especially from two large parties in country is a phenomenon which has remained unsolved and often creates conflicts during the voting and counting processes. This phenomenon comes as result of appointing party activists in commissions.

The process of counting the votes is the most problematic during the whole election process. The election history in Albania has been characterized from narrow victories. The difference of votes between the winning party (or coalition) and the largest opposition party (or coalition) is small. Such phenomenon has been noticed especially in the elections of after 2000s. Being aware of this fact, the political parties are trying to *“gather as many votes”*. For this reason the counting process is delayed in order to find ways to get more votes during the process and reduce the opponent's votes. To achieve this, different methods have been used such as: claiming the ballot boxes are irregular for safety or procedural reasons (denying the right of vote to citizens who have already cast the vote in these ballot boxes), use of different criteria in determining the invalidity of a ballot paper, boycott of the counting process from representatives of a certain political party, disagreements between commission members who count the votes and in many cases do not sign the reports for the election results, proclaiming them invalid, counting and recounting the votes even the way how ballot boxes that are recounted are kept which often is doubtful and easy to manipulate.

After the certification of the election results, the political dialogue becomes even more difficult. The losing party begins a series of accusations to the other party for manipulating the elections, buying the votes, falsify the results, etc.

There are numerous remarks for each election process in the reports from OSBE/ODIHR on elections

²⁵ OSCE / ODIHR, *“Joint opinion on the Electoral Law and the electoral practice of Albania”* (Strasbourg: 19 December 2011) [online] available in: <http://www.aceproject.org/ero-en/regions/europe/AL/albania-joint>, retrieve on 11. 04. 2014

in Albania. If we have a quick look at the evaluation reports for each election process, it results that:

- “The conclusions of observation mission are that in many cases the application of Election Law failed. More specifically, in pre-election period and election day 32 out of 79 articles of the law were broken.”(Report on parliamentary elections of 1996).

- “The election process was too long, conflicted, uncertain and fragmented” (Report on parliamentary elections of 2001)

- “Local elections were a lost chance for a significant progress towards OSCE commitments and other international standards for democratic elections.”(Report on local elections, October 2003)

- “There was competition and voters were given election opportunities among political parties. Although, the process is still too long and often uncertain.” (Report on parliamentary elections, July 3, 2005)

- “Elections only met partly OSCE commitments and other international standards for democratic elections ... it is concerning the fact that main political parties in Albania once again put the party short-term interests before the stability and credibility of the election process”. (Report of local elections, October 2007).

- “Although most of OSCE commitments were met, these elections did not fully achieve the Albania’s potential for fulfilling the highest standards for democratic elections.” (Report on parliamentary elections, June 28, 2009)

- “Although elections were transparent and competitive, they were too polarized; with disbelief between the political party in power and the opposition ... two largest parties did not perform responsibly their electoral duties, affecting negatively the election administration.” (Report of local elections, 8 May, 2011).

- “Elections were competitive, with an active participation of citizens for the whole campaign duration respecting the basic rights. Although, the disbelief between the two main powers affected the election environment and hindered the whole administration of the election process.” (Report on parliamentary elections, June 23, 2013).²⁶

These election processes and their irregularities are used as arguments from parties that if they lose the elections, they do not acknowledge the results. No election result in Albania was undisputed from the party / parties that are left in opposition. This is a common practice for political parties in Albania:

- The Socialist Party boycotted the Parliament elected in May 26, 1996 because it claimed elections were manipulated and did not acknowledge the results.

- The Democratic Party did not consider as legitimate the parliament elected in early elections in June 29 1997, because of the conditions they were

taking place. As DP called it “Kalashnikov Parliament” was a necessary solution, not popular election.

- DP boycotted the second round of local elections in 2000, because it made accusations for manipulations in their first round.

- After the parliamentary elections in June 2001, the right hand opposition boycotted the Parliament because, according to them, there were irregularities (boycott continued until January 2002).

- DP boycotted the parliament in the end of 2003 as a sign of protest against the Government’s attitude and the results of local elections in October 2003.

- Partial parliamentary elections in 2007 were boycotted by the opposition (SP) because of ongoing political debates.

- The socialist opposition boycotted the Parliament after the elections in June 2009, disputing them and not acknowledging the results. Opposition ended the boycott in June 2010.

- After the local elections in 2011 and problems created during the counting process in Tirana, the SP boycotted the Parliament. The boycott continued until September that same year.

Because of not acknowledging the results of elections from all parties, although it is certified by respective institutions, the institutions that are created lack full legitimacy.

2.4. Politization of the public administration

Based on the analysis conducted by Fatos Tarifa, and considering Linz and Stepan, “a consolidated democracy is supposed to fulfill 5 conditions, interdependent and collaborative with one another, such as: **Civil Society, political society, rule of law, public bureaucracy** that supports the democratic process and **economic society**.”²⁷ If we analyzed the Albanian public bureaucracy during the transition period, we would face a series of issues: they vary from recruiting the administration clerks on nepotism basis, clientelist policy, arbitrariness of employee transfers and discharges, lack of job practices and necessary logistics to insufficient training, poor job performed by monitoring employee structures in administration, low wages and lack of general motivation for civilians. After every political rotation in Albania, old clerks in the public administration are replaced by new ones. It occurs in high level clerks as well as low level ones.

Nowadays, political studies identify three methods through which political parties in Europe and beyond ensure votes:

- “Vote of belonging” – based on social and class belonging of the individuals and parties’ relations with stakeholders.

- “Vote of opinion” – based on preferences of voters about political parties and solutions they offer on economic and social problems, etc.

- “Vote of exchange” – based on different benefits the voters hope to get when parties they voted for come

²⁶ For more, check OSCE / ODIHR reports on elections in Albania, [online] available in: <http://www.osce.org.albania.election>

²⁷ F. Tarifa, K. Krisafi, E. Tarifa, *Paradigma e tranzicionit demokratik*, (Tiranë: Ombra GVG, 2009), 57

to power.²⁸

If we analyzed the ways how political parties get their votes and attract the voters in Albania, we would undoubtedly state that support to political parties is ensured through “vote of exchange” method. Votes are given in exchange of material benefits the parties offer such as: jobs, wages, housing, credits, tax facilities, economic or political favors, power positions, etc. Many people dedicate their lives to politics and regard it as a source of incomes. The only interests of politics are function and power. Many Albanians consider an official function simply as a reward for party services. Functions are not given to those who meet professional demands, but those who helped during elections. This practice regards more important the fact of being loyal to the party than the professionalism, qualifications and willingness to perform tasks. This fact is found to be true by several researchers of the transitions period in Albania. U. Stern and S. Wohlfeld, in their study argue: “*Taking over the power is a goal in itself and serves for increasing the personal benefits of those who are in the power. Rarely leaders separate assignments or duties based on objective criteria; they do it by relying on clan and clientelist relations. Those who are involved in a political party, hope to get advantages from possible election winning. During governing changes, the personnel of public authority is subject of many replacements, not only in higher levels.*”²⁹ Also, K. Gërxfhani and A. Schram write that: “*important clerks of the public administration are replaced by the winner’s protégés. The winner of elections in Albania practically controls unanimously all public policies.*”³⁰ BTI (Bertelsmann Stiftung’s Transformation Index) estimates the transformations towards the democracy, market economy and the quality of political management in 129 countries. In a report of 2014 on Albania it would argue that: “*After taking over the power, each party adopts “the winner takes it all” approach which for the Albanian context means “invasion” of state from the governing elite*”.³¹ As for the above, recruiting civilians in the public administration has become the most un-democratic and un-European practice which is based on partial, friend or clan preferences.

Disrespecting the legal rules in public administration appointments has brought about some results according to the Civil Service Commission (CSC): *first*, hiring employees without considering the equality principle or abilities to perform tasks; *second*, this has inevitably brought about the loss of faith in free

labor power that people are not hired based on preferences or patronage of institutions’ directors.³²

Same issue has been identified in the reports from Public Administration Department. It estimates the decline of public faith on procedure for applying for a job in the public administration: “*Contracted employment and job competition of contracted employees for jobs they already have causes the concerned people to not apply for those vacancies, foregoing the whole job competition procedure.*”³³

Through supervisions CSC has conducted in central and local institutions, has been identified that although job competitions for vacancies have been held in the public administration, it is disturbing the fact that the participation of job candidates in all job applications is as lower as possible. It results that job competitions are generally organized with 4-5 applicants, reducing thus considerably the quality of the candidate to be selected because of the short list of applicants.

Need for reforms in public administration has been demanded continuously by the European Commission, asking for: compilation of a full and democratic legal basis, establishment of a transparent, accountable and efficient public administration; greater focus on civic and businesses needs; adequate management of human resources, better policy planning, coordination and development; sound administrative procedures and improvement of public financial management as essential aspects for operating and implementing necessary reforms towards EU integration.³⁴ As the EU asks for a professional, responsible, effective, depolitized administration that takes care of the citizens and businesses’ needs, which applies laws and state policies, lack of permanency in administration, lack of training, frequent restructuring affect the increase of civil service in higher professional levels. Annual reports of the European Commission reflect a problematic situation in the public administration:

– “There are still needed considerable efforts for reducing the political appointments in higher levels, improvement of salaries, carrier structures and presentation of a performance management in order to increase the efficiency in public administration”³⁵

– “... frequent replacements of civil clerks are affecting the independence of civil service and are increasing corruption among public officials... Appointments pass through political party lines as opposing to the Law on Civil Service...”³⁶

²⁸ Llambro Filo, *Sistemi politik bashkekohor -Evropa*, (Tirane: Ideart, 2003), 129

²⁹ U. Stern, S. Wohlfeld, “Albania’s long road into the European Union”, *DGAPanalyse*, No. 11 (2011), 8

³⁰ K. Gërxfhani, A. Schram, *Clan-based polarized voting: empirical evidence*, 3, [online] available in: <http://www.1.feb.uva.nl>, retrieve on 22. 02. 2014

³¹ BTI, *Albania Country Report* (2014), 15, [online] available in: <http://www.bti-project.org>

³² Komisioni i Shërbimit Civil, *Raporti vjetor* (2011), 39, [online] available in: http://www.kshc.gov.al/siti/sito_website.1089_alb/, retrieve on: 15. 03. 2014

³³ *Ibid*, f 5

³⁴ European Commission, *Enlargement Strategy and Main Challenges 2014-15* (Brussels: 8.10.2014), COM(2014) 700 final, 4

³⁵ European Commission, Staff Working Paper, *Albania 2005 Progress Report* (Bruksel: 9 nëntor 2005), COM (2005) 561 final, 16

³⁶ European Commission, Staff Working Paper, *Albania 2008 Progress Report* (Brussels: 5.11.2008), COM (2008) 674 final, 17

– Civil service is suffering important shortcomings, mainly those related to the principle of meritocracy during the recruiting process, employment by temporary contracts, rules of promotion, transfers and discharges of clerks. Operation of civil service continues to suffer the politization, especially related to appointments.³⁷

– “Further progress is needed for establishing an independent civil and professional service based on merits, free from political influence”³⁸ demanding repeatedly an improvement of the situation.

This problematic ongoing situation of the Albanian transition affected the fact that state bureaucracy has not always been able to support the democratic processes in country. Because of non-permanency, it often does not possess the experience and skills to respond to democratic demands, integrating processes, needs and rights of the population. By citing Prof. Tarifa, we would admit: “*In a time when certain legislation could be compiled within a relatively short time, creation of an effective bureaucracy and transformation of citizens’ attitude and activity of institutions into a routine in accordance to the principles of the rule of law require a relatively long time.*”³⁹

2.5. Political parties – Lack of democracy in internal setting

Democratic processes are comprehensive; the society should be involved in them, although reforms that should be undertaken, policies that should be followed, the way how they should be implemented are competence of policymaking institutions. All researchers agree that political parties as organizations that represent people in the legislative institution through their elected persons, play a key role in democratic processes, their progress and successes. Democratic principles in political parties settings are not related only to the party, but they go beyond “*in describing the standards of party and governing systems, of a functional democracy and constitutional principle of citizens’ sovereignty*”.⁴⁰

Tens of political parties have been created in Albania since 1990, although the Albanian political setting was dominated by two large parties: Democratic Party and Socialist Party. These two parties have exchanged powers since 1992 to today. Table 2 shows the votes won by these parties in parliamentary elections from 1992 to 2017.

Table 2. Votes won by SP and DP in parliamentary elections in Albania

Date of parliamentary elections	Democratic Party		Socialist Party	
	% of votes	Parliament seats	% of votes	Parliament seats
22 March 1992	62.08	92	25.70	38
26 May 1996	55.50	122	20.40	10
29 June 1997	25.82	24	52.71	101
24 June 2001	-	31	-	74
3 July 2005	-	56	-	42
28 June 2009	40.18	68	40.85	65
23 June 2013	30.63	50	41.36	65
25 June 2017	48.34	74	28.85	43

Source: CEC, 1992 – 2013

Political parties in Albania were characterized by lack of internal democracy, low level of political culture, mentality of leading with an iron fist, weakness in operating the political structures, ambitions of leading individuals in personalization and identification of themselves with the political party.

Political parties are identified by the names of their chairmen, and political leaders do nothing to avoid it. According to Freedom House report in 2002, “*changes within parties, other than program and ideological*

³⁷ European Commission, Staff Working Paper, *Albania 2011 Progress Report* (Bruksel: 12.10.2011), COM (2011) 666 final, 12

³⁸ European Commission, Staff Working Paper, *Albania 2012 Progress Report* (Bruksel: 10.10.2012), COM (2012) 600 final, 19

³⁹ F. Tarifa, K. Krisafi, E. Tarifa, *Paradigma e tranzicionit demokratik* (Tiranë: Ombra GVG, 2009), 66

⁴⁰ Afrim Krasniqi, Adrian Hackaj, *Albanians and the European social model. Internal democracy in albanian political parties* (Tiranë: Friedrich-Ebert-Stiftung, 2015), 23

changes, have to do with changes in the personality of their leaders.”¹

In Albania, as well as in other transition countries, political parties have been transformed from popular traditional parties to media parties. The headship of a party communicates with the members, fans and voters through media, leaving aside the internal traditional structures. Each politician’s image and their every word is considered politics, and the most unimportant details and monotonous political activities make the headlines on media and main topics for political debate. These types of political parties increase the power of the chairmen and reduce the control over them. Political parties arranged in an oligarchic manner² do not allow alternative thinking, which opposes the majority’s opinion. According to Krasniqi and Hackaj, “*expulsions, getaways from election lists and slandering of critical individuals are present in every party. Counter thinking is equal to a hostile political attitude*”.³

Growth of personal power of a political leader damaging the elected party structures makes the decision making process uncontrollable and deeply personal. Albanian political parties displayed many signs of their control from a narrow group of individuals, often not voted and not elected by the party’s structures. “*Because of the way of parties are structured, the political power is concentrated on the hands of group of leaders from the winning party. When a party wins the elections, its leader becomes the president or the prime minister of the country ...*”⁴ This lack of democratic culture in managing the political parties is reflected in the whole political life of the country and the relations of parties with one another.

The role and control of the leader are major and practiced on the party’s representative in the parliament, on their selection and political attitude. According to the old majority system, among others, a major role on the voter’s vote played their assessment of the candidates themselves. Party leaders (or its structures – by law) were prone to elect a candidate who was popular and could ensure victory. Changes in Election Code affected the parliamentarian’s status too. By the regional proportional election system, parliamentarians in Albania enjoy totally party mandate. They have been elected by the electorate from closed lists of parties. The political party supports them, affords the expenses for the campaign, often they won votes because of the electorate’s support to the party

although they do not prefer the candidate him/herself. For all these reasons, the elected representative owes the party his/her victory; therefore the parliamentarian is object of party’s discipline and acts according to party’s instructions. Otherwise, he/she is risking his/her political carrier. Because of this mandate model, during the process of voting and decision making in the Parliament, the parliamentarians of a certain party vote unanimously. Although their personal opinions or interests of their voters might not agree with party’s attitude, they should remain loyal to the party. Parliamentarians elected this way, are considered by Servet Pëllumbi, as “*soldiers*” of the parties, because they are not elected based on their personal qualities or skills; the mandate they receive is called “popular” which in fact is and “is administered” by the parties.⁵

2.6. Political polarization

Political life in Albania during the transition period is characterized by an increasing conflict that polarized and irrationalized the politics. Political parties in Albania have developed a harsh political fight by creating a polarized pluralist system. Great political upheavals are followed by a harsh political fight for solving critical issues, whose accumulation leads towards qualitative changes, but, according to Prof. Mezini “*nowhere has political fight been so sharp and fluctuated in such violent forms as in Albania*”.⁶ According to Janusz Bugajski, Albania suffers six continuous irregularities that have produced numerous problems: “*bipolar politics, limited political competition, non-ideological conflicts, political clientelism, total lack of political culture, political revenge factor*”.⁷

Political situation in Albania has been troublesome with high party polarization. Confronting rhetoric and lack of dialogue and consensus keep on keeping the political pressure high. This picture is mostly noticed in election campaigns periods when the pressure is higher and debate is harsher. Speeches during campaigns are filled with endless accusations against the adversary party instead of displaying their political programs. In his book, “Albania in transition”, Elez Biberaj describes the pressure during election periods as follows: “*These two parties considered elections as a race where the winner takes it all and the loser loses it all, often ignoring the democratic norms, manipulating the election procedures, intimidating the justice system and the press and contradicting every unfavorable result*”.⁸

¹ Freedom House, Report Albania (2002), [online] available in:

<http://www.freedomhouse.org/report/freedom-world/2002/albania>, retrieve on 13. 04. 2014

² Najada Tafili, Consolidation of Democracy: Albania, [online] available in: <http://www.jpinyu.com/wp-content/uploads/2015/01/consolidation-of-democracy-albania...najada-tafili1.pdf>, retrieve on 11. 03. 2018

³ Afrim Krasniqi, Adrian Hackaj, Albanians and the European social model. Internal democracy in albanian political parties (Tiranë: Friedrich-Ebert-Stiftung, 2015), 44

⁴ K. Gërzhani, A. Seham, *Clan-based polarized voting: empirical evidence*, 3, [online] available in: <http://www.1.feb.uva.nl>

⁵ Servet Pëllumbi, “Në kërkim të zgjedhjeve të lira,” në *Filozofia e aktualitetit* (Tiranë: Dudaj, 2010), 74 - 75

⁶ Adem Mezini, “Përmbajtja dhe specifikat e tranzicionit posttotalitar në Shqipëri”, në *Refleksione për kohët moderne*, II edition (Tiranë: Panteon, 2002), 50

⁷ Janusz Bugajski, *Albania challenges* [online] available in: <http://www.csis.org>, retrieve on 14. 06. 2014

⁸ Elez Biberaj, *Shqipëria ne tranzicion* (Tiranë: AIIS, 2011), 521

The political debate lacks understanding, tolerance, and consensus among the parties. Political polarization has obstructed the democratic processes, undertaking of necessary and timely reforms, has prevented the job of legislative bodies and higher state institutions, has slowed down the EU integration process and polarized the society. According to Stern and Wohlfeld, *“Albania has made little progress in developing and consolidating democracy. One of the biggest obstacles is the deep polarization between two large parties, DP and SP and rough personal disputes between their leaders. Such political tension obstructs an effective cooperation among two parties and as result the rapid progress in undertaking the necessary reforms.”*⁹ The analyst on Balkan issues, Janus Bugajski, in an interview for the Voice of America states that: *“There is the risk that polarization leads to such a party separation that nothing can be approved in Parliament, that main issues such as fight against corruption and crime are not addressed, that the necessary legislation for achieving them is not applied, that the public debate is too politicized so that it does not allow the legislating system do its job. This is an issue for Albania as well for other countries that could obstruct the progress towards membership to EU.”*¹⁰

Party polarization and lack of consensus among political parties in Albania is repeatedly exposed by international institutions, considering such lack of tolerance and understanding as “rodent” tearing democracy into pieces. Venice Commission report underlined the visit of its chairman Antonio La Pergola in Albania on January 8-10, 1998 as follows: *“The political dialogue failed. It makes it difficult to find a solution for the situation of the country and it is necessary to make the right political decisions and hold legitimate elections in order to get the country out of economic difficulties, social distress and legal insecurity.”*¹¹ European Commission often called for attention the political class in Albania to build constructive dialogue. *“Consolidation of political dialogue among the majority and the opposition is necessary for strengthening further the Parliament’s democratic operation... It is important that cooperation between the government and the opposition works well to secure solid basis for further reforms.”*¹² This opinion is supported by Mr. Björn von Sydow, Chairman for Political Issues at the Council of Europe, in his interview for Panorama newspaper on August 10, 2011, as follows: *“The political scene in Albania is dominated by political polarization, which has disappointed the Albanian people in these last two decades. The political situation is presented frozen in its looks for almost 20 years. Both main political*

*parties did now show political willingness to reach consensus on essential issues.”*¹³

Extreme political polarization is shown clear almost in every parliamentary session where one cannot help but criticize the harsh language, insulting words, mutual accusations among parties. Too often, the debate becomes so violent so that Parliament halls are transformed into “gladiators’ arena” and there are physical conflicts among parliamentarians; or a place for hunger strikes, such as the strike organized by small parliamentary parties which opposed the constitutional amendments in 2008, of the hunger strike in August 1997, in an office of the Parliament’s presidency where the democratic parliamentarian Pjetër Arbnori demanded amendments on the Law on Radio-Television; these halls are transformed into crime scenes such as the case of wounding by fire weapon the democratic parliamentarian Azem Hajdari by the socialist Gafur Mazreku, on September 18, 1997. Cause for this situation according to Arbën Xhaferi, is *“the lack of real political offer, lack of real projects for economic and spiritual recovery in Albania.”*¹⁴

These uninterrupted conflicts led the main protagonists to use every means to destroy the political rival (considered adversary). Political disputes were associated with many parliamentary boycotts which caused that *“half of political potential – the opposition – take very little part in co-governance through opposition with alternatives and not roles that belong to the judicial system.”*¹⁵ Boycott has been used by both parties as a form of disagreement with the political situation in country, as a contradiction to actions or decisions of the other party, as refusal for supporting the initiatives of the opposite party, or as a need to listen, etc. Therefore:

- During the debates for compiling the Albanian constitution, (a debate that went on for years), the Socialist Party boycotted the parliament. On June 17, 1993 it left the Parliament declaring to go back once the draft constitution was ready.

- The DP boycotted the Parliament in 1998 after the Government decided to prosecute 6 former officials for using deadly gas during the 1997 protests.

- The DP boycotted the parliamentary commission in compiling the Constitution in 1998. According to it, the existing parliament (elected by early elections in 1997) did not have the moral authority to approve a long lived constitution. The DP boycotted also the popular referendum for approval of the Constitution on November 22, 1998 and called for its supporters to not participate in it.

- As mentioned above, after each election process the opposition parties have boycotted the Parliament

⁹ U. Stern, S. Wohlfeld, “Albania’s long road into the European Union”, *DGAPanalyse*, No. 11 (2011), 3

¹⁰ Interview with Janush Bugajskin [online] available in: <http://www.pressonline.com.mk/default-al>, retrieve on 21. 04. 2013

¹¹ Venice Commission Report on the visit of Prof. La Pergola in Albania, [online] available in: [http://www.venice.coe.int/docs/1998/CDL\(1998\)053-e.asp](http://www.venice.coe.int/docs/1998/CDL(1998)053-e.asp), retrieve on 20. 2. 2013

¹² European Commission, Staff Working Paper, *Albania 2005 Progress Report*, Bruksel, November 9, 2005, COM (2005) 561 final, 12

¹³ Interview with Björn von Sydow, Panorama 7.10 2011, [online] available in: www.panorama.com.al/2011/10/07/

¹⁴ Rudina Xhunga, *12 porositë e Arbën Xhaferit* (Tiranë: Dudaj, 2012), 184

¹⁵ Hekuran Hysa, *Tranzicion i rrezikshëm*, 70

because they didn't acknowledge and accept the results of elections.

Boycotts are too common in the Albanian Parliament so that during the first session of the Legislation XIX of the Parliament (elected by election of June 23, 2013) Namik Dokle, in the position of leading the session, stated proudly that this legislation was the only one that wasn't boycotted by any political party in Albania.

Conclusions

Since 1990 to present, Albania has made considerable changes in organizing the state, its legal basis, social mentality, infrastructure, democratization of life. Considering the picture and the analysis described above, we understand that democratic processes in Albania were followed by ongoing issues that have created obstacles in the economic development, political stability, European integration, social reforms. Apart from transition problems encountered in all new democracies, problems are more accentuated and ongoing in Albania such as:

- Politization and abusive movements in the public administration. Political, nepotist, clientelist job appointments caused a lack of permanence in the public administration, its inability for responding to democratic processes, lack of attention to people's demands.

- Contested and manipulated election processes. Elections in Albania are still associated with procedure,

technical, logistic and administrative problems, by unacknowledging the results by all parties. On the other hand, this leads to full illegitimacy of established institutions.

- Lack of democracy in internal setting of political parties, which portrays them as authoritarian or oligarchic groups, where debate, alternative thinking or fair competition are missing or suppressed. Such lack of internal democracy is reflected in the relations among parties.

- Albanian political parties built their political relations based on ongoing controversies, lack of willingness to cooperate and compromise. The party/parties in power leave little space to opposition party/parties, which on their part, show little or no willingness to cooperate; in many cases they chose radical forms to make opposition. Such polarization in the Albanian political life has obstructed the decision-making processes, undertaking of important reforms and activities of institutions.

- Corruption, is an endemic issue of society and public institutions; efforts of the executive and legislative powers to supervise the judicial power; lack of independence, transparency and efficiency of judicial institutions have prevented the rule of law and its establishment in Albania.

These issues have often been tolerated from public institutions; other times reforms have been undertaken which resulted to be insufficient or have not been applied completely. The above mentioned problems have brought obstacles and delays in the path towards the democratization of the country.

References

- Adem Mezini, "Përmbajtja dhe specifikat e tranzicionit posttotalitar në Shqipëri", në Refleksione për kohët moderne, botimi II (Tiranë: Panteon, 2002)
- Adrian Civici, Transformimi i madh. Nga plani drejt tregut (Tiranë: UETPress, 2014)
- Afrim Krasniqi, Adrian Hackaj, Albanians and the European social model. Internal democracy in Albanian political parties (Tiranë: Friedrich-Ebert-Stiftung, 2015)
- BTI, Albania Country Report (2014) [online] available in: <http://www.bti-project.org>
- Clarissa de Waal, Shqipëria pas rënies së komunizmit (Tiranë: AIIS, 2009)
- Elez Biberaj, Shqipëria në tranzicion (Tiranë: AIIS, 2011)
- European Commission, Staff Working Paper, Albania 2005 Progress Report, Bruksel, 9 nëntor 2005, COM (2005) 561 final
- European Commission, Staff Working Paper, Albania 2008 Progress Report (Brussels: 5.11.2008), COM (2008) 674 final
- European Commission, Staff Working Paper, Albania 2010 Progress Report (Bruksel: 9 nëntor 2010), COM (2010) 680 final
- European Commission, Staff Working Paper, Albania 2011 Progress Report (Bruksel: 12.10.2011), COM (2011) 666 final
- European Commission, Staff Working Paper, Albania 2012 Progress Report (Bruksel: 10.10.2012), COM (2012) 600 final
- European Commission, Staff Working Paper, Albania 2014 Progress Report (Brussels: 8. 10. 2014), COM (2014) 700 final
- European Commission, Commission Opinion on Albania's application for membership of the European Union (Brussels, 9.11. 2010), COM (2010) 680 final
- European Commission, Enlargement Strategy and Main Challenges 2014-15 (Brussels: 8.10.2014), COM(2014) 700 final
- Fred C. Abrahams, Shqipëria e re (Tiranë: Dudaj, 2015)
- Freedom House, Report Albania (2002), [online] available in: <http://www.freedomhouse.org/report/freedom-world/2002/albania>
- F. Tarifa, K. Krisafi, E. Tarifa, Paradigma e tranzicionit demokratik, (Tiranë: Ombra GVG, 2009)

- Fjala e Barrosos në Kuvendin e Shqipërisë (shkurt 2006) [online] available in: <http://www.parlament.al>
- Fondacioni Shqiptar i Shoqërisë Civile, Plan Strategjik Tre-Vjeçar (Shtator 2005)
- Hekuran Hysa, Një tranzicion i rrezikshëm
- Intervistë me Janush Bugajskin [online] available in: <http://www.pressonline.com.mk/default-al>
- Interviste me Björn von Sydow, Panorama 7.10 2011, [online] available in: www.panorama.com.al/2011/10/07/
- Ismail Kadare, Identiteti evropian i shqiptarëve, (Tiranë: Onufri, 2006)
- Janusz Bugajski, Albania challenges [online] available in: <http://www.csis.org>
- K. Gërçhani, A. Seham, Clan-based polarized voting: empirical evidence, [online] available in: <http://www.1.feb.uva.nl>
- Kodi Zgjedhor i Republikës së Shqipërisë, Ligj Nr.8609, datë 08.05.2000, Fletore Zyrtare, Maj-Qershor, Tiranë, 2000
- Komisioni i Shërbimit Civil, Raporti vjetor (2011), [online] i disponueshem në: http://www.kshc.gov.al/siti/sito_website.1089_alb/
- Llambro Filo, Sistemi politik bashkekohor -Evropa, (Tiranë: Ideart, 2003)
- Michele Comelli, Le relazioni tra l'Ue e l'Albania, në L'Albania verso l'Unione europea: il ruolo dell'Italia, IAI0912 (2012)
- Misha Glenny, Histori e Ballkanit 1804 – 1999 (Tiranë: Toena, 2007)
- Najada Tafili, Consolidation of Democracy: Albania, [online] available in: <http://www.jpinyu.com/wp-content/uploads/2015/01/consolidation-of-democracy-albania...najada-tafili1.pdf>
- OSCE-ODIHR, Local Elections, 12 October 2003 and 25 January 2004 [online] available in: <http://www.osce.org.albania.election>, retrieve on 11. 04. 2014
- OSCE-ODIHR, Parliamentary election, 28 June 2009 [online] available in: <http://www.osce.org.albania.election>
- OSCE / ODIHR, “Joint opinion on the Electoral Law and the electoral practice of Albania” (Strasbourg: 19 December 2011) [online] available in: <http://www.aceproject.org/ero-en/regions/europe/AL/albania-joint>
- “Programi i qeverisë së pare demokratike,” Rilindja Demokratike, 118, 22 prill 1992
- Rudina Xhunga, 12 porositë e Arbën Xhaferit (Tiranë: Dudaj, 2012)
- Servet Pëllumbi, “Në kërkim të zgjedhjeve të lira,” në Filozofia e aktualitetit (Tiranë: Dudaj, 2010)
- Shinasi Rama, Përrallat e tranzicionit shqiptar (Tiranë: Princi, 2012)
- Ulrike Stern, Sarah Wohlfeld, “Albania’s Long Road into the European Union,” DGAPanalyse 11, (Shtator 2012)