

**UNIVERZITA KARLOVA  
FAKULTA SOCIÁLNÍCH VĚD**

**DISERTAČNÍ PRÁCE**

**The Causes of Fragility of the Albanian Democracy**

Vypracovala: Mgr. Johana Shahini

IPS 2010

**Fakulta Sociálních Věd**

**Obor:** Politologie

**Jmeno:** Mgr. Johana Shahini

**Název:** The Causes of Fragility of the Albanian Democracy

**Akademický rok:** 2009-2010

**Vedoucí:** Prof. dr. Miroslav Novák

Prohlašuji, že jsem disertační práci vypracovala samostatně a použila jsem jen uvedené pramenů a literatury.

V Praze

Podpis

I would like to express my deepest gratitude and appreciation to Prof. Dr. Miroslav Novák for his support and guidance in successfully completing this dissertation.

*I dedicate this dissertation to my beloved family*

## **Introduction**

Overview of the Main Theoretical Perspective

## **Chapter One: Historical Background of State Formation**

1.1 Regional Context of State Formation

1.2 Albanian National Awakening

1.3 Albanian Independence

## **Chapter Two: Albanian Developments in the Interwar Period**

2.1 First Efforts for Constitutional Design

2.2 Emerging Political Organizations

2.3 Domestic Political Dynamics

2.4 Initial Structural Challenges

2.5 In Search for Credibility: Political Experiments in the Early 20's

2.6 Consolidation Phase: Constitutional Experiments - Republic versus Kingdom

*2.6.1 Politics under the Republic*

*2.6.2 Electoral Processes and Institutional Structure under the Kingdom*

2.7 Socio Economic Reforms and the Construction of the State

## **Chapter Three: Characteristics of the Communist regime and its Legacies**

3.1 Background of Communism in Albania

3.2 Developments during the Second World War

*3.2.1 Communist Party Formation and Communist Organization during the Second World War*

*3.2.2 Resistance Movements during the Second World War*

*3.2.3 Communist Seizure of Power*

*3.2.4 Characteristics of the Communist Elite*

3.3 Theoretical Perspective of the Communist Mode Rule

3.4 Albanian Communist Institutional Design

*3.4.1 State Structure under Communism*

*3.4.2 Party- State Linkage: In Search of Regime's Legitimacy*

3.4.3 *Albanian Communist Party Structure and Characteristics*

3.5 Albania's Foreign Policy and its Domestic Outcomes

3.6 Communist Legacies

**Chapter Four: Transition Period**

4.1 Background of transitions in Eastern Europe

4.2 Albania's reaction to developments in Eastern Block

4.3 Liberalization: from above or from below?

4.4 Towards the End of the Regime

*4.4.1 International pressures*

4.5 Transition Process

*4.5.1 Who Starts-Who Controls*

*4.5.2 Actor's Strategies and Constellation of Powers*

*4.5.3 Emerging Opposition Parties*

4.6 Outcomes of the Transition Process

4.7 Post-Transitional Institutional Design

**Chapter Five: The Formation Phase**

5.1 Institutional Outcomes of Electoral systems

*5.1.1 Electoral Systems and Party Politics – A Theoretical Perspective*

5.2 The Political Sphere and the Difficulties of Democratic Institution Building

*5.2.1 Albanian Parliamentary Elections of 1991*

*5.2.2 1991 Elections Aftermath and First Post-Communist Institutional Design*

*5.2.3 Albanian Parliamentary Elections of 1992*

5.3 Political Inputs of Party Politics 1992-1996

*5.3.1 Democratic Party's Strategies before 1996 Elections*

*5.3.2 Socialist Party's Revival before 1996 Elections*

*5.3.3 International Community Involvement*

*5.3.4 1996 Parliamentary Elections and Opposition Parties' Strategies*

*5.3.5 Aftermath of 1996 Elections*

*5.3.6 International community reaction*

*5.3.7 Ruling Party's Reactions*

5.4 The 1997 Crisis

*5.4.1 Background of the 1997 crisis*

*5.4.2 The Pyramid Crisis and its Political Aftermath*

*5.4.3 International Community's Involvement in 1997 Crisis*

*5.4.4 Socialist Party's Internal Changes*

*5.4.5 1997 Elections and Their Aftermath*

5.5 Political Inputs 1997-2001

*5.5.1 2000 Electoral Reform*

5.6 Summary of Policy Inputs and Outputs in the Democratization Process of the Formation Phase

*5.6.1 Albanian Political Elite Characteristics*

*5.6.2 Political Parties versus Institutions*

**Chapter Six: The Consolidation Phase**

6.1 Political Parties during the Consolidation Phase

6.2 The Albanian Political Elite in the Consolidation Phase

6.3 Relations of Representation between Citizens and Parties

6.4 Citizens-State Linkage

6.5 Characteristics of State Administration and Bureaucratic Apparatus

6.6 The Involvement of the International Community

6.7 Institutional Experiments and Electoral Reforms

*6.7.1 2001 Elections and Political Parties' Strategies*

*6.7.2 Elections Aftermath*

*6.7.3 2005 Elections*

*6.7.4 2009 Elections and their Aftermath*

**Chapter Seven: Albanian Institutional Engineering**

7.1 First Constitutional Provisions

7.2 Constitutional Designs: 1994, 1998 and 2007/8

*7.2.1 The Election of the Assembly*

*7.2.2 The election of the President of the Republic*

*7.2.3 The Relationship of confidence between the Assembly and the Council of Ministers*

*7.2.4 Constitutional Provisions Concerning the Central Election Commission*

## **Chapter Eight: Political Consequences of Electoral Systems**

### **8.1 Theoretical Perspective of Electoral Systems**

*8.1.1 Components of Electoral Systems*

*8.1.2 Mixed Member Systems*

*8.1.3 Effects of the Dimensions' Combinations in Vote-Seat Translation*

*8.1.4 Pathologies of Electoral Systems*

### **8.2 Albanian Electoral Engineering**

*8.2.1 The Election Law of 1992*

*8.2.2 The Election Law of 1996*

*8.2.3 The Election Law of 1997*

*8.2.4 The Election Laws of 2003 and 2005*

*8.2.5 The Election Law of 2008 and its Outcomes*

### **8.3 Empirical Analysis: Albanian Parliamentary Elections of 2005 and 2009 and their Consequences**

*8.3.1 Indexes of Fragmentation and Disproportionality*

**Addendum**

**Conclusions**

**Bibliography**

## **The Causes of Fragility of the Albanian Democracy**

The comparative literature and research on transitions from communism has seen an increasing number of case studies that focus on post communist institutional and electoral design. However, there are very few studies on post communist Albanian political and party system.

Almost 20 years since the fall of communism, in comparison with other former communist countries of the region, Albania cannot be considered a consolidated democracy, with as it is paraphrased in the transitional literature ‘democracy becoming the only game in town, behaviorally, attitudinally and constitutionally’.

**Behaviorally** democracy becomes the only game in town when no significant political groups seriously attempt to overthrow the democratic regime or secede from the state. When this situation obtains the behaviors of the newly elected government that has emerged from the democratic transition is no longer dominated by the problem of how to avoid democratic breakdown.

**Attitudinally**, democracy becomes the only game in town when, even in the face of severe political and economic crises, the overwhelming majority of the people believe that any further political change must emerge from within the parameters of democratic formulas.

**Constitutionally** democracy becomes the only game in town when all the actors in the polity become habituated to the fact that political conflict will be resolved according to the established norms and that violations of these norms are likely to be both ineffective and costly. In short, with consolidation democracy becomes a routine and is deeply internalized in social institutional and even psychological life, as well as in calculations for achieving success. [Linz; Stephan 1996]

The current state of Albania’s democracy is characterized by a legitimacy crisis, due to ongoing contested elections, ongoing political crisis, ongoing lack of separation and balance of powers, economic crisis and crisis of representation, weak state institutions, inefficient justice system, endemic corruption, clientelism, and subjugation of

fundamental state institutions to the political will of individuals representing very narrow interests.

The Albanian political system cannot be considered as a consolidated democratic regime because the relevant political actors don't yet treat the rules of multi-party competition, together with basic civil and political rights, as the "only game in town". Albania did initialize the process of democratization, but never concluded it. The political and institutional actors spend significant resources attempting to achieve their objectives through non-democratic measures, which are very common and frequently applied in all levels of governance. Their lack of political will to create a viable and strong state; lack of the overall consensus over the institutional design and its functions; lack of consensus over national interests has had many consequences, the price of which is being billed to the Albanian citizens.

For this reason, Albania has not yet seen the outcome which in the theory and practice is considered a system that meets certain basic procedural requirements: commitment to free and fair elections and institutional mechanisms that provide checks and balances, as well as the guarantee of human rights and emergence of democratic political life.

The logic of the institutional design as mentioned in the literature of transitions is that after the regime change, the institutional design is in the beginning an outcome of power correlations and bargaining. Once installed, from a dependent variable, the institutions become an independent variable and regulate the rules of the game. Primarily they regulate the rules of the competition for power and conflict resolution imposing upon political actors, the institutional framework within which they have to compete for power, how they have to compete, and how the outcomes should be accepted.

It is also a generally accepted view that the political actors, primarily political parties and the political elite are most of the time lead by the desire to maximize the gain from the bargaining of the institutions. However, once the institutions are in place the cost of changing them is supposed to be high; therefore, from a dependent variable the

institutions become independent. With time, the correlations between institutions and political actors shape the political culture of a nation along with historical, cultural, and social traditions. The political culture influences the relations between the state and the citizens as well as the linkage between the citizens and the political actors/political parties.

All political systems can survive based on their legitimacy. Political parties, as channels of representation of citizens' interests, compete for power through elections. Elections are important because they decide who governs, how the representatives are elected, and shape the party system because they decide which parties become legislative parties, and which parties remain electoral parties. They also decide on the legitimacy of the institutional framework.

Political culture shapes, on the other hand, the degree of understanding, acceptance, and position of citizens towards institution and their linkage to the political parties. There is a dichotomy between political institutions and political culture.

In Albania, contrary to this logic, the institutions haven't become an independent variable, which regulate the rules of the game. They are subject to frequent changes, based on bipartisan political decisions among major political parties, and superficial agreements, which are easily contested, if the outcome isn't what one or the other party expects.

The factors that have influenced the fragility of the Albanian democracy are manifold. However, in this dissertation I will attempt to bring light to what I consider, are the main sources of the weakness of the Albanian democracy. For this reason, I will focus on the political consequences and the effects of the electoral laws in the Albanian political system and the Albanian party system, following a sequential model of analysis based on the nexus of correlation between democratic processes and policy inputs and outputs.

I will try to analyze the political inputs and outputs of the democratic process through their 4 main variables: the political system meaning the institutional sphere, the

political actors meaning the political parties, the political elite, and electoral laws/systems. These will be both independent and dependent variables.

Since the electoral laws can be changed only through political processes, in the analysis of the Albanian electoral engineering the political institutions, the political parties, and the political elite involved in the political process input will be the independent variable, and the electoral laws/electoral systems as outputs will be the dependent variable. The analysis in this part will focus on the processes that lead to the design of the electoral laws/systems, factors, actors, influences, as well as the correlations of power in bargaining.

Given the importance of elections in deciding who governs, in the analysis of the political consequences of electoral laws/systems in the party system and representation (translation of seats into votes) the electoral laws or systems will be the independent variable, whereas the institutional framework and the party system will be dependent variables.

Along with these main variables in the analysis of the consequences of electoral laws, while trying to measure their mechanical effect in representation and party system, I will use the variables or components of electoral systems: ballot structure, district magnitude, seat allocation formula, and electoral thresholds. In measuring the mechanical effect in the party system, the number of parties both electoral and legislative will be another variable. I have chosen the Albanian parliamentary elections of 2005 and 2009, as the main focus of the empirical analysis, because they represent two different electoral systems applied in Albania. This would facilitate a better understanding of the mechanical effects in the fragmentation of the party system.

In measuring the effects in representation, the number (percentage) of votes and seats as the other variables will be used. In this case, through the indexes of disproportionality, I intend to measure and compare the levels of disproportionality between the votes and the seats.

In an attempt to describe the psychological effect of the elections, I will focus on the pathologies of elections and their effect in the behavior of political actors as well as citizens. I will also analyze how these pathologies, which caused or influenced the post election behavior of political actors, also affected the structure and the functioning of institutions.

As a methodology, I will use a sequential approach using only a few variables at each stage.

In an effort to follow the sequential model of analysis between political inputs and outputs, it is important to try to separate historical legacies from current political inputs. For this purpose, I will organize the dissertation into eight main chapters and two main periods.

The first chapter will be an introduction to the historical background of state formation in a regional context.

The second chapter will analyze the historical legacies from the interwar period by focusing on the constitutional design, characteristics of the political systems, domestic political dynamics, achievements and challenges.

The third chapter will analyze the characteristics and legacies of the communist rule. The chapter will be divided into subchapters, which will explain the establishment of the communist rule in Albania, characteristics of the communist party, constitutional design and state structure, as well as the characteristics of the regime and its legacies.

The fourth chapter will focus on the transition period of Albania. This period will include events that relate to the end of the communist rule, first stages of liberalization, the transition process, actor's strategic choices and outcomes of transition process.

The fifth chapter will focus on what I call the formation phase of the post-communist institutions. This period will include events that happened from 1991-2001. The chapter will be divided into subchapters explaining the initial institutional bargaining

and design, as well as the policy inputs and outputs of political processes focusing on the 4 main variables of the analysis.

The sixth chapter will focus on the consolidation phase, which represents the period from 2001-2010. In this chapter, the primary focus will be on the cognitive knowledge of the first phase, what were the policy outputs in the democratic processes, what was achieved, and what the current state of affairs is. Special attention in this chapter will be given to the foreign involvement in Albania's state of affairs.

The seventh chapter will analyze the Albanian institutional experiments by comparing the constitutional designs of 1994, 1998 and 2008.

The eighth chapter will be the main input of the dissertation. It will focus on the electoral engineering of the past 2 decades by comparing the electoral laws applied in the general elections and their mechanical and psychological effects in representation and political party system. I will attempt to measure and compare empirically the mechanical effects of two different electoral systems applied in the elections of 2005 and 2009.

As an addendum to the dissertation I will present the results of a public opinion survey I conducted prior to the elections of 2005 in Tirana and its surroundings. The dissertation will end with the final conclusions, which will summarize the main findings of the analysis.

The Albanian academic contributions in the Albanian Political Science research were presented in the previous decade, by major research works from Albanian authors like Biberaj's "Albania in transition: a rocky road to democracy", or Nicholas Pano's contribution in Parrott and Davisha's "The Consolidation of democracy in East-Central Europe". The latest contribution include Shinasi Rama's book "Albanian Political Problems 1", following one of his major research paper on Albanian elections of 1996; Bumçi, Kajsii and Rakipi's contribution in "Inflexibility trap, frustrated societies, weak states and democracy"; Kajsii's contribution in "South-Eastern political parties"

and Albania's country reports for Freedom House; Arolda Elbasani's, Altin Iliriani's and Elda Papa's research papers; Afrim Krasniqi's book "Albanian Political Parties".

An important incentive for continuing research has been the establishment of the Albanian Political Science Association and of the Albanian Journal of Politics. I have consulted the above mentioned Albanian authors' work as well as Fatos Lubonja's systematic analysis and editorials for a better understanding of Albanian politics. The theoretical literature consulted for the dissertation is primarily related to electoral systems, party systems and transitions.

For the historical part I have consulted the works of Stavro Skendi, Robert Fischer, Barbara Jelavich, George Castellan etc. For the theoretical part I have consulted not only main authors such as: Rae, Duverger, Lijphart, Gallagher, Taagepera, Shugart, Sartori, Katz, Kitschelt, Linz, Przeworski, but a major source of inspiration has been Novák's and Lebeda's "Volební a Stranické Systémy".

A major source of information have been the OSCE/ODHIR's reports on Albanian Elections, Venice Commission's opinions and reports on electoral and institutional changes of Albania, ICG and IFES reports, East European Constitutional Review, along with major legal and electoral electronic databases, such as Lexadin, IDEA, ACE etc. The literature consulted is in 3 languages, Albanian, English and Czech.

## **Overview of the Main Theoretical Perspective**

Democratic procedures vary across countries and raise questions: first how different democratic processes have come into existence and, second, how democratic procedures shape public policies and more generally affect the allocation and distributions of life chances among electoral constituencies.

Many comparativists of Third Wave democracies, focus in their study on the causal analysis of the nexus between democratic process and policy inputs and outcomes, taking however in consideration the fact that it is methodologically difficult to attribute policy performance to the current procedures of democratic decision making, without taking into account the complex interactions between remnants of the old authoritarian system that affect the resources of the players and their power configuration and the evolving new political forces in the democratic system. They base their arguments in the following facts:

*Firstly-* Policy outputs and outcomes may be as much of a consequence of the old as well as the new regimes/polities.

*Secondly-* Democratic political institutions and power relations often are to a considerate extent, still endogenous to the power constellations that existed when the demise of the old regimes occurred and the new democracies came into being. Short of fundamental social revolutions these power relations usually evolve gradually in the new democracies.

*Thirdly-* Because of the linkages between non-democratic regimes and new democracies, a backward-looking causal mode of analysis that examines the conditions under which particular process features of democratic competition, interest representation and policy making “lock in” is a more tractable and indispensable analytical step that must precede studies of policy inputs and outcomes. [Kitschelt 1999: 10]

For the explanation of democratic process features, analysts have drawn the conclusion that a "layered" explanatory strategy that gives primacy to the power configurations

among actors that emerge from the old regime and shape the institutions and democratic procedures in the formative phase of the new democracies is needed. Institutions lose their endogeneity and become external conditions impinging on the democratic process, if the institutions do not directly reflect the power relations (because actors employed the wrong cognitive maps) or power - configurations change sufficiently beyond the initial relations that prevailed during institutional bargaining. [Kitschelt 1999: 12]

In this case, a sequential model of analysis is needed to explain how over time institutions become relatively more important as exogenous determinants of democratic process features, while they are initially endogenous to the political process. Legacy explanations claim that resource endowments and institutions that precede the choice of democratic institutions have distinct impact on the observable political process under the new democratic regime. Moreover such explanations claim that the democratic institutions themselves depend on legacies, because political actors, emerging from the old pre-democratic systems, endogenously choose them. [Kitschelt 1999: 12]

In an effort to separate remnants and historical legacies that shaped the initial institutional design from the policy inputs during the democratization process, I will trace the historical legacies inherited and transplanted through different regimes applied in Albania since the initial state formation period, which started at the end of 19<sup>th</sup> century and the beginning of 20<sup>th</sup> century. I will start first with a background introduction of Albanian state formation.

## **Chapter One: Historical Background of State Formation**

The Albanian problematic has always been an indivisible part of the historical, political, economic and social context of the developments in the Balkans. Therefore I will start first with a short introduction of the regional context of state formation.

### **1.1 Regional Context of State Formation**

The Balkans, as a part of the Roman, Byzantine, Ottoman and Habsburg Empire, have felt the clash of rival ideologies and imperial ambitions. In different historical periods the region has been the meeting place of important political and cultural borders for example- the border between Western and Eastern Roman Empire, between Islam and Christianity, between NATO and the Warsaw Pact, etc.

Being conditioned by external rival influences and internal pressures, this region represents an experimental territory for alternative systems. Thus in the last two centuries, the Balkans have served as a laboratory, where some of the most evasive aspects of liberal and national models of political organization and economic development have been observed.

Around the 18<sup>th</sup> century the main ideas of the French Revolution: "Freedom, Equality and Brotherhood", had reached the general masses, but its influence varied greatly depending on geographic location, social structure, and the cultural development of the constituent groups. Thus, its impact was delayed, but would sound the revolutionary message during the 19<sup>th</sup> century, as it inspired the Serbian, Greek, Romanian, Bulgarian, and Albanian nationalist movements. [Castellan 1996:265]

One of the fundamental characteristics of the Balkan Renaissance was that the national movements of the 19<sup>th</sup> century were in large influenced by two Western political doctrines: the Liberalism that originated from the ideas of Illuminism of the 18<sup>th</sup> century and Nationalism, based more in the Romanticism and Historicism of the 19<sup>th</sup> century. They were in general a combination of both doctrines. The Balkan nationalists aimed at overthrowing the autocratic feudal regimes of Ottoman and Habsburg Empires and replacing them with national states based on constitutional regimes,

national identity, language, religion and tradition. This process was facilitated by the fact that under the Ottoman Empire, religious toleration was permitted by the system. But at the same time, the Balkans represented an ethnographic mosaic, where the complex distribution of languages, religions, and proto-nationalities made it difficult for the political and ethnic boundaries to coincide. [Glenny 1999:34]

The national movements leading to the formation of the modern states and the organization of the first independent or autonomous governments in the Balkans started evolving in the 19<sup>th</sup> century. Although the final stages were not completed until after World War 1, the major steps toward a national organization and a definition of future goals were taken by the end of the nineteenth century by all nationalities, except the Albanians.

The first national revolution was that of the Serbs, followed by the Greek and the Romanian one. By the 1860's Serbian, Greek and Romanian national endeavors had achieved a great measure of success. An independent Greece, an autonomous Serbia and Romania had been established. In addition, another state, Montenegro, was in existence. Even though its relationship with Constantinople varied over the years, it was considered an Ottoman dependency. [Jelavich 1983:4]

The main issues in the 20th century were the completion of territorial unification and internal economic and political development.<sup>1</sup> Although all of these states achieved a high degree of separation from Ottoman control, in so doing, they fell under increasing Great Power influence. They followed the Western European models of institutional design, embodied in constitutions.<sup>2</sup>

---

<sup>1</sup> The internationalization of every crisis within the Ottoman Empire set the pattern for the next 2 centuries in the Balkans; Great Power politics decisively influenced the course of state formation. [Jelavich 1983:2]

<sup>2</sup> In general, these documents provided for a strong executive and limited the franchise to the wealthier and more powerful elements of the society. Political parties, based on loose combinations of individuals with similar aims, also emerged. Usually designated "Liberal" and "Conservative", they fought over issues such as the relative power of the executive and the legislature, the franchise, and who should staff the government offices. Much corruption characterized all the regimes. As far as internal organization was concerned, the new national leaders, admirers of French administrative practice, favored a strongly

The Congress of Berlin held in June and July 1878 is an important landmark in the formation of the Balkan national states. The treaty drawn up at this time is perhaps the most significant single document for the national liberation movements. Three states, Romania, Serbia and Montenegro, joined Greece as independent nations. An autonomous Bulgaria was also established, but with a much reduced territory. The Great Powers also took rewards. By the end of the 19th century the Ottoman rule was limited to Thrace, Macedonia, Epirus and Albania. [Jelavich 1983:7]

## **1.2 Albanian National Awakening**

It was not until the Treaty of San Stefano and the Congress of Berlin in 1878 that the Albanian movement began to take a different course. Afraid of decisions detrimental to the integrity of their country, Albanian leaders met at Prizren, a city in Kosova, and created the Albanian League for the Defense of the Rights of the Albanian Nation, often called the League of Prizren. Few events in the history of modern Albania have been as crucial as the formation of the league. [Skendi 1958:7]

The Congress of Berlin had made Albanian leaders aware of the shaky structure of the Ottoman Empire. They feared that, should the Empire collapse, a disunited Albania would be partitioned. The potentially divisive factors in independent Albania would make the new state easy prey for partition among her neighbors.<sup>3</sup> The Albanian patriots thought that under the circumstances, union of the Albanian people could be achieved by remaining for a time within the framework of the Ottoman Empire. They therefore demanded initially administrative and cultural autonomy for all Albanian lands united into one province.

---

centralized system. Power and influence were accordingly taken from the village communities and the local leaders, to the detriment of the interests of the peasant majorities. [Jelavich 1983:5]

<sup>3</sup> The population of Albania at that time was politically unsophisticated and largely illiterate. The Albanian Catholic minority in the north consisted mainly of warlike mountaineers. The larger Albanian Greek Orthodox minority was settled in the south adjoining their Greek co-religionists, and was greatly under Greek cultural influence. Finally, the Moslem majority, while concentrated in the centre and in the Kosova region, formed scattered minorities in north and south. [Skendi 1958:8-9]

However autonomy ran contrary to the centralistic policy of the Porte and the Albanian claims of autonomy were ignored. In 1891 the Albanian League was destroyed. Its program, however, continued to influence the Albanian political thought and revolutionary activity in the decades to come.<sup>4</sup> [Skendi 1958:8-9]

There was no recognized national leadership after the destruction of the League of Prizren. The great unifying element was the spoken language, but it lacked a standard literary form or even a generally accepted alphabet. The choice to be made in this question would have great implications for the future: the various scripts, Latin Cyrillic, and Arabic, represented different directions in political orientation. As with the other Balkan national revivals, an Albanian cultural movement preceded and accompanied the political struggle.<sup>5</sup>

The post-League period also witnessed the interests of the Great Powers in Albania. Russia, Austro-Hungary, and Italy interfered directly and indirectly in Albanian affairs. Observing the continuing Serbian, Bulgarian, Montenegrin and Greek competition over what remained of the Ottoman Empire in Europe, the Albanian leaders had good reason to fear that their national lands were in danger of partition. The lack of a single Albanian political unit was especially dangerous. [Skendi 1958:86]

---

<sup>4</sup> With the obvious decline of the Ottoman Empire and the obtaining of the independence by the Christian states, some elements of the Albanian leadership did develop programs that were more in line with contemporary European nationalism. Emphasizing the cultural and linguistic unity, rather than the religious divisions, they called for the creation of an Albanian state composed of the four vilayets of Janina, Kosova, Bitola and Shkodër. The language of administration and education would be Albanian. This program won the approval of the majority of the Albanian leaders. [Skendi 1958:84]

<sup>5</sup> With the suppression of the League of Prizren, national activity had to be directed toward the cultural rather than the political field. The emphasis was placed on developing the language and securing its use in education. In November 1908, a congress of representatives from all parts of Albania and the Albanian colonies abroad convened at Monastir to decide upon a common alphabet. The Congress unanimously adopted the Latin alphabet, thus making a great step toward Albanian unification. The cultural movement continued to find strong support among the Albanians in Italy, Egypt, Romania, Bulgaria, Constantinople, and the United States. [Skendi 1958:86]

### **1.3 Albanian Independence**

The Albanian independence was proclaimed on November 28, 1912 in Vlorë by a national assembly, composed of eighty-three Muslim and Christian delegates who came from all the Albanian regions, under the leadership of Ismail Qemali. The new state faced many obstacles for its survival internally and externally. The Albanian leaders were well aware that the Great Powers would make the final decisions about their status and the borders of any future state. [Skendi 1953:100]<sup>6</sup>

The major decisions concerning Albania as a state were made in the Conference of Ambassadors representing the Great Powers held in London in December 1912. The conference, which was convened as an attempt for a settlement following the First Balkan War, accepted a compromise proposal recognizing the independence of Albania, but deferring the question of frontiers until 1913, when borders were finally delineated.<sup>7</sup>

Albania was to be a neutral state under the Great Powers guarantee. Its form of government was to be a *constitutional monarchy* or as specifically proclaimed “an autonomous principality sovereign and hereditary by order of primogeniture under the

---

<sup>6</sup> In 1912, perceiving its weakness and taking advantage of the disagreement among the Great Powers, the small Balkan states decided to dismember the rest of the European Turkey, including the territory inhabited by the Albanians. Forming together the Balkan League, the Balkan states attacked the Ottoman Empire. As soon as the First Balkan War broke out, the Albanian leaders recognized the danger of their situation. At first they adopted an attitude of neutrality. The Ottoman army, however, collapsed faster than had been anticipated, and the Balkan armies occupied Albanian territory. At the same time a number of Albanian intellectuals, realizing that the Albanians were far from ready for independence and yet aware that the Ottoman Empire was no longer strong enough to protect the Albanian territories, felt that the only way to prevent absorption by the neighboring Balkan states was to declare independence and hope for the support of the European Powers at the councils of peace, which would follow the Balkan wars. The leadership in defending the Albanian position was taken by Ismail Qemali, whom current Albanian historiography sees as the father of the Albanian independence. [Fischer 1984: 6]

<sup>7</sup> The new Albanian state that came out of long Ottoman rule became an object of the territorial claims of its neighbors. Thus in drawing the borders of the new state, owing to strong pressure from Albania's neighbors, the Great Powers largely ignored demographic realities. In the final settlement of the national frontiers, the young Albanian state was deprived of areas with large Albanian majorities, most significantly the region of Kosova. The International Commission gradually began to take more control and to replace the provisional authority represented by the government of Ismail Qemali. [Skendi 1958:40-41].

guaranty of the six powers". Its neutrality was guaranteed and control of its civil administration and budget was vested in an International Control Commission composed of an Albanian delegate and delegates from the six powers.<sup>8</sup> [Fischer 1984:7].

Once it was in charge of the country, the International Commission prepared a draft constitution. It provided for the establishment of a national assembly, which would be composed of three representatives from each of the seven administrative districts, to be chosen by direct suffrage, and certain notables, such as the heads of the three churches and ten nominees of the prince. The Assembly was to have a four- year term. The ministers would be appointed by the prince and be responsible to him. As head of the state was the Power's chosen candidate Prince William of Wied, a thirty-five year old captain in the German army. [Skendi 1958:101] At the outbreak of the First World War, Prince William of Wied left the country only after six months on the throne.<sup>9</sup>

During the World War 1, Albania was reduced to the condition of political anarchy, which lasted throughout the war. Despite the dangerous developments, the Albanian national movement had achieved important successes. The powers had made the decision to establish the state; most of its major territories had not been partitioned among neighboring Balkan states. At least a basis for the future had been prepared. The final decisions on the government would be made in the postwar period.

---

<sup>8</sup> The selection of a prince for the new Albanian state proved to be an arduous task, as at the heart of the problem was the question of whether Albania was to be oriented towards the East or the West. Ultimately Austria-Hungary and Italy were entrusted with the selection of a prince. In November 1913, the Powers informed the Albanian provincial government that they had chosen Prince William of Wied, the third son of William Prince of Wied and Mary, Princess of Holland, nephew of Queen Elizabeth of Rumania and grand- nephew of Emperor William II of Germany. Lacking the experience with intrigue and diplomacy, as well as the knowledge concerning the Balkans, Prince Wied was incapable of lasting long under the Albanian circumstances. [Fischer 1984: 8]

<sup>9</sup> The new regime was faced from the beginning with opposition from various sections of the country. In 1914 the situation was very unfavorable for Albanian national interests. The central government was opposed by strong rebel groups. The new prince, inexperienced in Albanian affairs couldn't handle the situation. His control over the countryside was soon lost and his government actually administered little more than the 2 cities, Durrës and Vlorë. Finally, deprived of the support of the Habsburg government and of many Albanian leaders, William left the country in September 1914, after only six months on the throne.

## **Chapter Two: Albanian Developments in the Interwar Period**

The interwar period, despite being very short, represents the most important period in the efforts of creating, consolidating and modernizing the Albanian state. It signaled Albania's entrance in the international arena and its recognition as an independent state. Diplomatic and economic relations were established with many states. Albania was pulled out of the fifteenth century feudalism and forced into the twentieth century developments and dynamics.

Although this period was characterized by internal instability, polarized political life, continuous constitutional experiments, heavy Ottoman legacies in the state administration, and social-economic level coupled with the backwardness, the initial stage of a modern civilized state was finalized. In order to facilitate the process of civilization, extensive social reforms, the construction of an efficient educational system, the institution of health care facilities and modernization of communication, foreign investments and concessions were introduced.

Smart foreign policies clearly neutralized the external threat, giving to the newly born Albanian state time to consolidate. The strong control over the state institutions was incited by external threat of invasion and internal political and social instability. The concentration of power in the hands of the head of the state managed to bring internal peace and unify the country. The vision to align Albania to the Western political systems and ideas gave birth to the parliamentary system, electoral processes, constitutional designs and rule of law. The state administration and judicial codes were designed based on Western models: the Civil code was designed based upon Napoleonic model, the Penal code based upon Italian model and the Commercial code based upon Italian and French examples. Despite the flaws, an important aspect of the political developments was the need to legitimize the state institutions through elections.

The following analysis of the interwar developments will be based on the correlations of these variables: political culture, political elite, political institutions, political parties and electoral processes. This interwar period will be divided into two stages: the initial

stage would represent the period following the end of the First World War till mid 1920's, characterized by the emergence of the first political parties and the parliamentary life, as well as different political experiments in an attempt to establish a parliamentary democracy. The consolidation stage represents the period from mid 1920's till the Second World War, during which the political scene was characterized by the personal rule of Ahmet Zogu and important constitutional experiments.

### **2.1 First Efforts for Constitutional Design**

At the Paris Conference of 1919, which decided on the outcomes of the First World War, the extinction of Albania was averted largely through the efforts of the American President Woodrow Wilson, who vetoed a plan by Britain, France, and Italy to partition Albania among its neighbors. After the end of the WW1, despite the previous unanimous agreement among the Albanian leaders on the national independence, much disagreement existed on the form of government to be established. Therefore the first task to be accomplished was the framing of a constitution and the formation of a permanent administration [Prifti 2002: 20-21]

After the admittance of Albania to the League of Nations in 1920 over the protests of France, Italy and Yugoslavia, the Albanian independence was reaffirmed. The Albanian leaders could turn to the question of domestic organization. [Jelavich 1983:179]

This was achieved in January 1920, at a Congress, which was convened in Lushnjë. The congress played a decisive role in approving a constitutional act, the so-called Charter of Lushnjë also known as the Lushnjë Statutes.

The Statutes declared Albania a principality in absence of the Prince and constructed a Supreme Council of Regency to provisionally govern the state, while the monarch's throne was vacant.<sup>10</sup>

---

<sup>10</sup> The Council of Regency was composed of one member of each of Albania's four religious communities, one Bektashi, one Sunni, one Catholic and one Orthodox. What was to be a stable

The Congress set up a single Chamber of 79 deputies to be elected by a unique electoral system, which, although it might have seemed democratic, left the power in the hands of the few leaders who had organized the system. Voting was conducted on the electoral-college principle: every 200 males, 90% of whom were illiterate, chose one representative; fifty such representatives in turn voted for the candidates on the lists furnished from above; voters in both categories blindly following orders given to them.

The entire Chamber, then, consisted of the nominees of the leaders of the congress who could count on the perfect obedience of the deputies, without having to be concerned that the latter would ever contemplate consulting their constituents before following their instructions. The first Albanian parliament, met in March 1920. [Fischer 1984: 25]

The new political system devised in the Congress of Lushnjë contained no provisions for the arbitration of old tribal animosities. Because of its rather weak construction, the same old tribal warfare started up again, only this time under a superficial veil of parliamentary democracy. Ironically, in many cases the quarreling began as a direct result of playing to the fiction of Western political institutions. [Fischer 1984: 26]

## **2.2 Emerging Political Organizations**

The issue of domestic organization of Albania led to much disagreement on the form of government to be established. The first task to be accomplished was the framing of a constitution and the formation of a permanent administration.

Two groups, representing opposing points of view, appeared at this point: the Progressive Party and the Popular Party. They could not be considered political parties in the Western sense, however, since both presented identical vague programs

---

government was organized under the leadership of Sulejman Delvina who became prime minister. In February 1920, this government moved to Tirana, which henceforth became the national capital. [Fischer 1984: 19]

supporting reform, education and the material development of the country. Initially the type of members could not even tell them apart, since elements of all facets of Albanian life could be found in both. Support for one or the other was based once again on personalities. [Fischer 1984: 27]

The Progressive Party was the most conservative. It represented the interests of the southern districts and the mountains of the north. As it began to develop, the Progressive Party, dominated by the richest landowners in the country, became known as the Bey's party. With the beys, and clan leaders as its chief supporters, the Progressive Party opposed land reform and wished to maintain social conditions as they were. Its rival, the Popular Party, which in its ranks included the two men who were to be the most influential in Albanian political life, Ahmet Zogu (the future King) and Bishop Fan S. Noli, whose Orthodox deputies had initially supported the Progressives, developed a more Western orientation. The party was open to ideas of reform, although it too had conservative members. Members of the parties could shift back and forth, depending on the personalities each party could attract. [Jelavich 1983:179] [Fischer 1984: 28] <sup>11</sup>

### **2.3 Domestic Political Dynamics**

The reality of politics in these early years immediately after the war came down to what it had always been, individual personalities and raw power based ultimately on the number of guns a leader could muster. During this initial period the various chiefs

---

<sup>11</sup> Bishop Noli represented those who favored reform, but had a little direct experience of political life in the country. Ahmet Zogu on the other hand was a strong determined leader with influential connections. As soon as the parties were formed, Ahmet Zogu became dissatisfied with its position in the Popular Party and decided to search for other means to reach his goal for political power. He found such a vehicle in the "clique", a secret society formed well before 1914. Although it is difficult to determine who was involved in this group, since there did not seem to be any particular criteria for membership, when Zog gained control of it in 1920, It included members of the intellectual classes of southern Albanian reinforced by such prominent Kosovar chieftains such as Bajram Curri or Hasan Prishtina. The original purpose of the organization was to suppress the Christian group and the old tribal system and its laws. Its goals, like its membership, were extremely flexible. In the final analysis, this nebulous group was basically opposed to those in power, whoever they happened to be, and its primary aim was the acquisition of power and wealth for its own members, by any means available. [Fischer 1984:28]

paid homage to Western ideals of democracy by observing the parliamentary methods of opposition, but mainly as long as success by these means was anticipated. As soon as this was no longer the case, violence was readily used. Early government officials included bureaucratic beys who had served in one capacity or another in the Ottoman administration or the army. With the proclamation of independence, they had hurried back to Albania, hoping to take advantage of the primitive political conditions. They came to power because they were the only people in Albania with any concept of administration, even though it was of the wasteful and inefficient Turkish variety.

Politically, they were interested in maintaining the status quo and feudal land tenure. They were violently opposed to any attempt of social, political or economic reform, particularly agrarian reform, but then no one in a position of power would have actively supported such a program at that time. [Fischer 1984: 27]

### *Emerging Governance Politics and Structure*

The first elections were held in April 1921. From this date until 1924 the country underwent a period of great internal instability, with frequent changes in the government. The parliamentary contest between the two rival combinations brought about the formation of unstable coalition cabinets. Both Noli and Zog held high posts in the initial governments. In 1921 Zog was Minister of Interior and Noli Foreign Minister. However, Zog emerged as the most capable and energetic politician. Simultaneously Zog allied himself with the Progressive party and the conservative forces. Much opposition had arisen to his policies.<sup>12</sup> Zog's policies drove Bishop Noli and other exponents of Westernization to form a new group, the Opposition Party,

---

<sup>12</sup> Zog used the police and forceful measures to put through his desires and his links were obviously with the beys and landlords. He alienated influential Popularists who pressed for agrarian reform and the summoning of a constitutional assembly. Once in power, besides forceful measures, Zog resorted to the time honored tradition of "peace-money", a method which had been used by Austria, Serbia and Montenegro to influence the clans. Chieftains or major tribes were given the rank of colonel in the army and paid on a regular basis. They were paid to refrain from rising up against the government. In return for their gold the tribal leaders recognized Zogu as an over-chieftain and they subsequently looked to him personally for their money. This system had also many disadvantages. [Fischer 1984: 35]

which fomented disaffection in the army so that early June 1924 two columns of troops marched on Tirana. [Skendi 1958:14]

On the other hand, Zog's repression was not without positive results. A certain amount of peace and tranquility was achieved. In 1922 Zog became Prime Minister while retaining the position of the Minister of Interior attaining the highest position the country could offer. He was able to bring somewhat stability since between 1920-1922 Albania had endured no less than seven heads of government. Although Zog too, like all of his predecessors, would eventually fall to tribal warfare disguised by Western political garb, his administration was able to make modest strides towards national unity and the alleviation of Albania's appalling poverty and general lack of economic development, two of Albania's most pressing concerns. [Fischer 1984: 41]

#### **2.4 Initial Structural Challenges**

Not only was Albania seriously disunified, but the small state even lacked many of the necessary preconditions generally associated with unity, including advanced centralization, religious and linguistic unity, and leadership of a self-conscious class, foreign intellectual stimulus, and discontent with foreign rule.

Although official ties with the Ottomans were severed in 1912, a strong rather than negative Ottoman legacy remained, elements of which were detectable in all three levels of Albanian civilization.<sup>13</sup> Economically, Albania was still in the middle ages, lacking all the necessary bases for modern economic development. In 1922, over 90 % of the population was engaged either in agricultural or animal husbandry. The transportation system was primitive and did great deal to hamper the development of

---

<sup>13</sup> A unique Weltanschauung was created and it included a strong distrust of the government and of the city as well. This suspicion was coupled with a cleverness used to cheat the authorities, a practice which was considered not only completely normal but admirable. [Fischer 1984: 44]

the industry and the extraction of raw materials. In 1922 industry was either nonexistent or of the handicraft variety. <sup>14</sup>

Superimposing Western economic practices as well as the 20<sup>th</sup> century finances to a medieval economy had negative effects. As with other Balkan states, Albania discovered credit. In a less developed society, credit is initially seen as something of a panacea, capable of rectifying all possible evils. However, western economic influence led to serious peasant indebtedness. [Fischer 1984: 45-46]

### **2.5 In Search for Credibility: Political Experiments in the Early 20's**

Zogu, while he was Prime Minister, felt that the time was ripe to further stabilize his position by the election of a Constituent Assembly to establish a capital, decide on the nature of the government and revise the Statutes of Lushnjë. <sup>15</sup>The elections, which took place at the end of November 1922 were inconclusive with none of the major groups receiving a clear majority. Zogu did, however, increase his support, coming away with an absolute personal party of fifty in the reconstituted House of 102 deputies. The rest of the seats were distributed between Noli's democratic followers, the clique, the Christians, the conservative beys and many with no particular allegiance. This created the necessity for political alliances with the conservatives. [Fischer 1984:57]

An attempt to Zogu's life resulted in a number of significant political developments, including unstable coalition cabinets and the crystallization of two distinct groups in

---

<sup>14</sup> Apart from the lack of transportation facilities, and the weakness of the internal market, industrial development was also plagued by the lack of raw materials. Most of the concessions went to Western powers including Italy, Germany, the United States and Great Britain. However, despite great plans on oil drilling, plans for railroads, airline, forestry mining and banking concessions, many were never approved because the bribe had been insufficient, or the Albanian official in charge had simply assured the foreign representations of ratification and then forgotten about it.

<sup>15</sup> With control over the Lushnjë proceedings the Prime Minister could essentially create the ideal state. During the campaigning, which began in November, he appealed for the formation of one strong party based upon military discipline to direct the affairs of the nation. Zogu was clearly attempting to put an end to the system of party squabbling and form a government completely under his control. [Fischer 1984: 46]

the Assembly. The opposition party, whose nucleus was Fan Noli and other exponents of Westernization through democratic means, was now joined by all personalities and factions opposed to Zogu.<sup>16</sup>

The members of the clique in opposition consorted together to frustrate the Prime Minister's plans, first through propaganda and after failing that, through a coup d'état in June 1924. A new government was immediately formed under Bishop Noli. The new Noli government started out under a cloud and was soon beset by insurmountable problems.<sup>17</sup> Even though Noli promulgated an ambitious program, which would have created a complete modern Western state in Albania, his program indicated the depths of his liberalism as well as the extent of his naiveté.<sup>18</sup> Noli was a confirmed republican, who wanted Albania to be a parliamentary republic, but most of the nationalists were in favor of a constitutional monarchy. In terms of domestic issues, most of those who supported Noli originally were conservative. Noli's programs were

---

<sup>16</sup> This group included Bishop Noli's co-religionists, former Progressives offended at not being presented in the government, army officers, conservative Sunni and liberal Bektashi moslems, as well as many Roman Catholics. Elections held in December 1923 gave Zog only a plurality. In February he resigned in favor of Vërlaci. Although he was no longer premier, Zogu continued to control the government from the side. [Fischer 1984:58].

<sup>17</sup> Noli, who returned to Albania as a representative of the American-Albanian Community, imbued with American democratic ideas, hoping to uproot the old order with its corruption, backwardness and exploitation, was generally considered a man of principle and patriotism, but politically he was somehow out of touch, unable to work well in the strange political culture of Albania. Noli was far too radical to command the support of the coalition that had ousted Zog. He did not seem to realize that there was almost no popular support for radical reforms in Albania. He alienated some of his supporters and alarmed the neighboring states by recognizing the Soviet Union. Finally, his government was paralyzed by a rivalry for office among its members, who split into factions. [Skendi 1958: 76]

<sup>18</sup> The program included among other points: 1) the general disarmament of the population without exception; 2) to exalt the authority of the state over any personal and extra-legal power; 3) to uproot feudalism, free the people and establish democracy definitely in Albania; 4) to introduce radical reform in all branches of the administration, both in civil and military; 5) to balance the budget by racial economies 6) to ameliorate the condition of the farmers so as to insure their economic independence 7, to facilitate the introduction of foreign capital, to protect organize the wealth of the country and to 8) organization the department of education on modern and practical lines so that the schools produce capable citizens, good patriots and able workers. Noli's program lacked two crucial elements without which no one could have carried such a list of reforms through: financial backing and domestic support. The members of the League of Nations did not recognize his government. On the other hand, once the common goal was achieved, the coalition that overthrew Zog from power became naturally fragmented, making it difficult for consensus of opinion even within the government. [Fischer 1984:66].

much too radical to command the support of either his government or the general populations. His agrarian proposals alienated the conservative Moslem landlords and because he wasn't able to carry them out, he alienated the peasantry. Continuing economic hardship turned people against his government as it had turned the people against the previous government. [Fischer 1984:67-68].

Noli failed to legalize his regime by elections; also he constituted political courts which passed death sentences upon former political figures of Zogu regime, including Zogu. As its base of support dwindled, the supposedly democratic regime became increasingly more oppressive.

With Noli being ousted of power and Ahmet Zogu reassuming the power on December 24, 1924, the period of parliamentarianism 1921-1924, remembered in Albania as one of great freedom, came to an end.

The initial political developments and attempts to build a viable state were characterized by structural problems with a country remaining seriously disunited, with no economic reform and intolerant governments, overburdened by massive corruption and oppressive and intolerant towards political adversaries. On the other hand the attempts to turn Albania into a Western state based on the Western political model of parliamentary democracy had been a failure. Both Noli's revolution and the attempt to build a democratic state in the conditions of Albania of that time, made it clear that the parliamentary democracy required first of all an enlightened, reasonably well off populace, willing and able to participate in the political process.

This showed that in Albania, the time wasn't right for such a government. Ahmet Zogu didn't give up the idea of the Western political structure for Albania. However, he chose to apply a more authoritarian rule, while the long process of laying the groundwork for popular participation was begun. The following period till the verge of the Second World War and Italy's invasion in 1939, was characterized by continuous constitutional experiments and by a strange combination of Oriental rule and Western reform.

## **2.6 Consolidation Phase: Constitutional Experiments - Republic versus Kingdom**

### *2.6.1 Politics under the Republic*

The first political experiment after Zog returned to power, was the purge in the ranks of the army and gendarmerie of those who had participated in the revolution against him in June 1924 and the placement of his own men in all responsible positions. After eliminating most of his opponents, Zogu took advantage of the momentary vacuum of opposition to construct an autocratic centralized government, being careful to follow constitutional methods whenever convenient. Secondly, on January 21, 1925 a constituent assembly, over which Zog's control was virtually complete, proclaimed Albania a republic and named Zog president for a term of 7 years.

The constitution to accompany the change, which was quickly adopted in March, 1925, outwardly looked very much like the American version and included a bi-cameral system with an eighteen member Senate and fifty-seven members Assembly. The Senate, whose members served for six year terms, was to consist of twelve elected and six appointed members. It was to serve as a high court at the discretion of the President and its approval was required on all measures passed by the Assembly. The Assembly served as the principal law making body and was elected on the basis of electors who were controlled by local authorities. [Skendi 1958:78]

The most significant change from the Statutes of Lushnjë concerned the increased powers of the executive. The President, who was elected for seven years, acted both as chief of state and head of the government. He completely controlled the cabinet, which he appointed and dismissed at will, and the Senate, of which he appointed six members, the rest being elected by the Assembly. The President had the sole right to initiate changes in the constitution and he alone could propose laws concerning budgetary increases and transfers. He controlled the judiciary branch by appointing and dismissing judges at will. He received an unrestricted veto over the laws the Assembly passed and was able to dissolve the Assembly and call for fresh elections at any time. [Skendi 1958:79]

In the conditions of continuous internal rebellion and opposition, searching to create internal stability much needed to strengthen the state and pursue economic reforms, Zog's final constitutional experiment took place in September 1928.

The ultimate control over the Assembly, of course was through the electoral process. At the time of the first elections, while it did not appear that any violence or intimidation was exercised, there is no doubt that the electorate fully expected such pressure to be used at any sign of opposition. Consequently, only a small number of people took the trouble to vote and the returns, with few exceptions showed a clear victory for Zogu.

Albanian electoral politics under the Republic were basically a sham and generally much less lively than they had been under the Principality, Zogu had left nothing to chance. Zogu conducted what was termed a typically Balkan election. First a few dozen possible opposition candidates were arrested, general political meetings banned. By virtue of the indirect nature of the election process in the end only about 1200 people members of the Electoral College actually voted. Although the deputies were to have been selected by the people, their election was little more than a formality in which no election box played a role. It wasn't surprising that when the Constituent Assembly finally met to amend the fundamental law, not single member was returned whose vote was not safe for Zogu. Having assured a successful election, after preparing the country and the foreign relations about the change of the system, on September 1, 1928 the Constituent Assembly unanimously adopted two resolutions: to modify the text of the constitution to provide that Albania become a monarchical state with a hereditary ruler; and to offer the crown to President Ahmed Zogu in accordance with the will of the nation. [Fischer 1984: 141]

The Assembly revised the constitution, proclaimed Albania a "Democratic, Parliamentary and hereditary Kingdom", and bestowed the title "Zog 1, King of Albanians" upon the former President. It also approved the Fundamental Charter of the Albanian Kingdom. This Charter gave legal power to the King and to a newly formed parliament, but it reduced the powers of the parliament even further, relative to that of

the two chambers stipulated in the previous Charter of the Republic. Compared to parliaments of democratic countries, the competence of the Albanian parliament was very restricted. The King had far-reaching powers. He and the parliament could exercise legislative initiative, while the government headed by the prime minister could not. In this respect, Albania's principles and practices differed from those of real parliamentary states. The King also had the right of shelf veto for laws approved by the parliament. If he neither approved nor vetoed a law within three months of its passage by the parliament, the law was rejected. The Fundamental Charter of the Albanian Kingdom was different from the constitutions of most countries, where the principle of "silencio assentio" works. The King had the right to sign treaties with other states and only had to make them known to the parliament in a period that was appropriate for the high interests of the state. In the relations between the parliament and the King, the later had the absolute power to dismiss the representative body: when he thought that was needed" (Article 95 of the Charter). [Omari 2004: 190].

The concept of monarchical power was certainly nothing new to the Albanians; indeed the construction of the Monarchy in 1928 was more of a return to a familiar system than an innovation. Zogu recognized this element of historical continuity attached to monarchy in Albania and was more than ready to return to it since it was something, which he had at least considered for quite some time.

#### *2.6.2 Electoral Processes and Institutional Structure under the Kingdom*

The new constitution promulgated in December 1928 gave the King unrestricted legislative, judicial and executive powers. The bicameral Parliament was reduced to a simple Assembly primarily because the Senate had registered a certain amount of opposition to the construction of the monarchy. The number of deputies was kept fifty-six.

National elections for Parliament under Zogu's regime were held in two stages. In the primaries, individual voters assembled at the headquarters of the local commune to appoint electors for the secondary elections. A few weeks later the electors gathered at the district prefecture to choose the deputies for Parliament from a list of official

nominees supplied to the prefect by Tirana. Thus the electoral process merely ratified the King's choice for deputies. In view of political immaturity of the country and in view of the traditional autonomy of the northern chieftains and the central and southern feudal *bey*s, Zog's personal and authoritarian government was perhaps well suited for Albania. Probably no other type of regime would have been able to unify the country. [Skendi 1958:96]

Since no political parties were legal, no other candidates ever stood for election. No candidacies were announced for the position of any officer of the Parliament without first being designated by the King in advance. Zog fixed the agenda for the Parliament, had the sole right to introduce bills and could dismiss the Parliament at will.

Parliament which was otherwise elected for a period of four years, as a result sat very rarely and when it did sit, it occupied itself in voluminous debates on smaller legislation to which the King was indifferent. The uncooperative Senate was replaced by a Council of State which was composed of ten members and two deputy members chosen by the King from a list presented to him by a commission of the Prime Minister, the president of the Chamber and the Minister of Justice. The duties of this purely consultative body included the preparation of codes, the writing of all bills for the king and the examination of concessions and conventions.

Zog's judicial powers were significantly augmented by the new constitution. Strict codes, which effectively emasculated any internal opposition helped assure domestic control. For the handful of Albanians who had the advantage of a foreign education and had not been cooped by the regime, censorship became stricter than it had been under the presidency.

Albanian intellectuals were constrained to silence by the rigid Penal Law for Political Offences. This law prohibited propaganda of any kind against the regime, against the King and against the constitution, with the penalty of life imprisonment or death. [Fischer 1984: 155-156].

## **2.7 Socio Economic Reforms and the Construction of the State**

Definite steps toward forming a modern Albanian state were realized during Zog's regime. Substantial improvements were made in various fields as Albania came under greater Western influence.<sup>19</sup> Education was recognized with the aim of creating a national educational system.<sup>20</sup> Under Zog the foundations of a fiscal system were laid, the national bank was created, and the Albanian currency became convertible with other currencies of the time. Zog, during his reign, introduced the first steps toward capitalism and modernization of the Albanian society.<sup>21</sup> The central government asserted its authority with much effect. Significant progress was made in the establishment of law and order.<sup>22</sup> Finally improvement of communications and the establishment of a disciplined army and gendarmerie insured unprecedented peace and order in the country. The creation of the Albanian state and the improvement of the means of communication brought the northern and southern Albanians, isolated for centuries mainly due to topography of Albania nearer together and created favorable conditions for a more unified country. [Skendi 1958:96]

The start of the Second World War interrupted the development of the reforms undertaken by King Zog for the modernization and consolidation of the state, according to Western models. Despite the efforts that were made, manifestations of the

---

<sup>19</sup> The penal code patterned after that of Italy, the new civil code patterned on Napoleonic law, and the commercial code modeled after the French and Italian examples.

<sup>20</sup> There were no universities in Albania, but students went abroad to pursue higher studies. Although the regime later began to fear Western democratic ideas, it could not prevent their propagation and the creation of an intelligentsia. National education made some progress, illiteracy was reduced after the education reform that introduced compulsory public education. [Skendi 1953:16-17]

<sup>21</sup> The wide program of reforms undertaken by the King resulted in: the agrarian reform of the land, the construction of infrastructure of roads and ports, the urbanization of cities in accordance with the requirements of the time, the development of trade and export with the neighbors, the development of an oil and copper extraction industry through the attraction of foreign investment, the establishment of the freedom of movement for citizens, and the sanction by law of the basic human rights and syndicalism. He laid the foundations for the long-term development of the country and created credibility among Great Powers for loans. King Zog also gave concessions to foreign companies for the exploitation of natural resources.

<sup>22</sup> The traditional vendetta and brigandage were greatly reduced. Most tribesmen, who before Zog's time went armed as a matter of course, yielded up their rifles.

remnants of the Ottoman rule, structural legacies, as well as of the political culture developed during the interwar period would be transplanted into the subsequent periods and regimes. Primarily the following phenomena: the feudal mentality of the rich class of landlords and chieftains; the political system where all power was concentrated in the hands of one person that stimulated the “Cult of One”; corruption that emanated from nepotism and provincialism; the skipping of the normal stages of development of a society, by passing from the level of the 14<sup>th</sup> century into the problematic of the 20<sup>th</sup> century, without being ready for the challenges of the new system; the lack of the two most important classes of capitalism, the bourgeoisie and proletariat; the lack of development of parliamentary tradition and political pluralism, which remained in its early stage; the lack of civil society and the oppression of political adversaries.

### **Chapter Three: Characteristics of the Communist Regime and its Legacies**

While communist regimes vary in many respects, two properties characterize alternative communist regime types that appear consequential for the transition to democracy and ultimately the quality of the democratic process in post-communist societies.

Kitschelt identifies that these dimensions relate firstly, to the extent to which communist regimes rely on a formal-rational bureaucratic state apparatus that rules out corruption and clientelism, as opposed to a patrimonial administration based on personal networks of loyalty and mutual exchange; combined with patronage, corruption and nepotism.

The extent of communist systems' reliance on formal-bureaucratic rule depends on older patterns of state formation, economic development, and political mobilization. Where capitalist market economies had begun to take off before the advent of communism, they were intertwined with the development of more secure property rights hastened by contributing to the development of a predictable formal-

bureaucratic state apparatus. Where market economies and radical socialist parties were feeble before the advent of communist rule and where the state apparatus relied on patrimonial governance, later governing communist parties could resort to patrimonial techniques in their own governance structures. [Kitschelt 1999:21]

As we have seen from the analysis of the interwar legacies, Albania was in the first stages of capitalism before the advent of communism. The governments of the interwar period carried in themselves Ottoman legacies of personal rule, corruption, and nepotism. The birth of a formal bureaucratic state apparatus, which would rely on professionalism was in its initial stages. There existed very capable political figures in the state administration; however they didn't play a role in the general pattern of the state apparatus, which was corruption.

As the second dimension, Kitschelt identifies the mechanisms communist parties employed to instill compliance in the population or the extent to which communist rulers after Stalin's death and during the "post-totalitarian" transformation tolerated a modicum of economic or political pluralism under communist tutelage. The two main compliance mechanisms are repression and co-optation, negative or positive incentives to promote cooperative conduct. While all communist regimes relied on a mix of both, the emphasis on each varied contingent upon the parties' bargaining power vis-à-vis actual or virtual opponents. This bargaining power, in turn, is linked to the skills and experiences of different political forces in the pre-communist period that constituted a virtual threat potential to the new incumbents of state power, once the communist rule had been installed. Political and economic conditions preceding communist rule thus began to shape the feasible strategies of communist politicians after Stalin's death. [Kitschelt 1999:22]

As we will see from a historical background, communism in Albania wasn't a product of invasion from the Red Army, as was the case in most of the countries of Eastern Europe. Albanian communists managed to eliminate all feasible organizations such as the National Front and the Legality movement, which represented potential threat to their seizure of power during the Second World War. Old patterns of state formation,

economic development and political mobilization that characterized the social and political institutions in the interwar period influenced the characteristics of the Albanian communist regime. The communist ideology was applied in Albanian local traditions, customs structural conditions, which gave it some specific characteristics that will be analyzed below.

Kitschelt's typology of communist rule based on the above-mentioned dimensions best explains the type of the communist regime installed in Albania. According to this typology, where socialist and communist parties as well as their bourgeois opponents were well organized in mass parties before the advent of communist rule, later communist governments primarily relied on repression and tolerated little dissidence. This type of communist rule is called under this typology patrimonial communism. Patrimonial communism according to Kitschelt relies on vertical chains of personal dependence between party apparatus and their entourage, buttressed by extensive patronage and clientelist networks. At the apex of patrimonial regimes, political power is concentrated around a small clique or an individual ruler worshiped by a personality cult. The level of rational-bureaucratic institutionalization in state and party remains low, because the ruling clique penetrates the apparatus through nepotistic appointments. In patrimonial systems, rulers firmly repress any stirring of opposition demanding rights to participation or they co-opt potentially resourceful challenges through selective incentives (office, material privilege). [Kitschelt 1999:23] As we will see below, these were some of the characteristics of the Albanian Communist Regime.

### **3.1 Background of Communism in Albania**

The Russian Revolution of 1917 had serious repercussions in Albania particularly because the Bolsheviks revealed the secret treaty of London, which provided for the partition of Albania. This made a deep impression among Albanian patriots and a minority group considered Lenin a savior of Albania. Marxism in Albania dates back to the revolutionary government of Bishop Noli June- December 1924. Although Noli's government was not communist, the Bishop and a number of his younger associates were influenced by the Marxist ideology, or at least were inspired by the

October Revolution and the subsequent developments in the Soviet Union. One of the first acts of the government was to recognize the Soviet government, an indiscreet political step in those days. This act engendered concern in Belgrade and London and was partially responsible for the overthrow of Noli's regime. [Skendi 1958:77]

In the 1920's unlike the surrounding states, Albania had neither an agrarian nor a communist movement. In the 1920's Albania was the only Balkan nation without a communist party.<sup>23</sup>

### **3.2 Developments during the Second World War**

#### *3.2.1 Communist Party Formation and Communist Organization during the Second World War*

Albanian political future has always been decided by events taking place elsewhere.

There was no formal communist organization before the war. The Albanian Communist Party founded clandestinely in Tirana on November 8, 1941 was largely a product of Yugoslav initiatives. Observing the confusion in the communist fold, Tito in October 1941 sent two delegates, Dušan Mugoša and Mladen Popović, who brought together the leaders and factions that they favored and organized the Albanian

---

<sup>23</sup> In fact, after the advent of Zog, no opposition parties or any sort existed. The actions organized against the king had all their bases outside the country. In Vienna, the National Liberation Committee, CONARE was formed with Fan Noli as president. He retired in the 1930's from the political life and the left factions of CONARE regularly maintained some links with the other communist parties and with the Comintern. [Jelavich 1983b:183] In 1930's especially after the advent of Hitler in Germany and the consequent Comintern policy to form anti-fascist organizations in Europe, a number of Communist groups sprang up in Albania. Those groups operated independently of each other and were very small, totaling probably no more than a few hundred. As elsewhere, the Communist leadership and membership came mainly from the intellectual and lower middle classes. The communist ranks were primarily composed of Western trained intellectuals who felt that they had no place in the traditional, conservative Albanian society. Albania had only a minute working class. There was some labor organization activity, particularly among the miners, in which the Communists participated. Some landless peasants and other groups, who were deeply dissatisfied with Albanian conditions, joined them. In 1939 the government made a determined effort to suppress the movement and arrest the leaders. Some of them were apprehended and interned. However these groups were not a serious problem for the Zog's regime. A major flaw in the Communist intellectual leadership was its tendency to break into rival factions and quarrel on ideological points. In 1941 it is estimated that this minute organization was split into eight separate groups. [Skendi 1958:77] [Jelavich 1983b: 284]

Communist Party. Enver Hoxha was appointed as party secretary and a Central Committee of eleven was chosen. In November after this meeting, 130 members were admitted officially to the party. [Jelavich 1983:274]

The Yugoslav emissaries directed the Albanian Communist Party from its inception until the end of the war. During this period, the Albanian Communist Party was in reality a branch of the Yugoslav Communist Party. Even after the war until 1948, there was a representative of the Central Committee of the Yugoslav Party in the Central Committee of the Albanian Communist Party and he wielded commanding power. [Skendi 1958:79]

### 3.2.2 Resistance Movements during the Second World War

The Albanian resistance remained divided in competing groups during the Second World War.

The Albanian Communist Party could not have seized power in Albania had it not employed the front technique and the big lie. It did not come out in the open during the war and in fact, remained “illegal” until it held its first congress in November 1948, when for tactical purposes it changed its name to the Workers Party.<sup>24</sup>

The ACP overcame its lack of popular support by sponsoring the Conference of Pezë in September 16, 1942, where a popular front political coalition called *National Liberation Movement*, (abbreviated in Albanian LNC) was established with a communist controlled General Council of National Liberation.<sup>25</sup> Later under the communist direction, the Army of National Liberation of Albania was created. From

---

<sup>24</sup> The Yugoslav guidance was thorough. The Albanian Communist Party was instructed on points of organization, on recruitment, on how to work in the villages.

<sup>25</sup> Although the communists dominated the movement, the body included initially some members of other political beliefs. On the surface, the program of the LNC was simple: unification of all nationalist and patriotic forces for the liberation of the country from the Fascist Italy. National Liberation Councils were formed in all parts of the country to recruit manpower and to procure supplies for the partisan forces. In all these partisan formations, control was vested in the hands of party chieftains. [Skendi 1958: 79] Under the Yugoslav direction, by March 1943, National Liberation Army had authority over most of the partisan bands. At its first Conference of Labinot, held in July 1943, the LNC General Council created the General Staff of the Army of National Liberation of Albania (ANLA).

the time the first brigade was formed until November 1944, the ANLA formations were employed chiefly against the anti communist resistance groups: The National Front (Balli Kombëtar) and Legality Movement. [Jelavich 1983:275]

Balli Kombëtar (The National Front) represented the second resistance movement. It was formally organized in October 1942, as a countermeasure to the LNC created in the previous month. Its existence dates back to the period immediately after the Italian invasion of Albania in April 1939. Its members who were liberal and nationalistic opposed the return of King Zog. In contrast to the LNC, they favored the establishment of a republic and a wide program of domestic reform and were Western-oriented and anti-Soviet. <sup>26</sup>Despite its liberal and nationalistic program, the BK failed because it lacked a well-knit organization, did not attempt to enlist the active support of the peasant masses, was not sufficiently aggressive against its communist enemies, and above all, failed to gain the support of the Western Allies. As the aggressive, ruthless, and well-led LNC increased its pressure on BK, the later turned increasingly to the defensive. In November 1944, most of the leaders of the BK fled to Italy, where they have continued their struggle against the Tirana regime. [Skendi 1958:80]

The Legality Movement was the other Albanian resistance movement established by Abas Kupa in November 1943. It had a simple political aim, the restoration of the status quo ante bellum, including the Zog's monarchy.<sup>27</sup> As it failed to obtain material

---

<sup>26</sup> When the BK came out officially it published a program of 10 points, which defined its political aims. The program was progressive and highly nationalistic in character; it sought the restoration of a free, ethnic and democratic Albania on a modern social basis, with freedom of speech and thought, it promised to fight for an Albania regulated economically and socially, and for the elimination of "exploiters and exploited"; it required land for landless peasants and a good living for all workers, it promised free education and justice for all, irrespective of age, region or religion; it called for a fight to the finish against all who collaborated with foreign occupiers and all unpatriotic elements. They also wished to retain the boundaries of 1941, including Kosova. The disagreement arose over the future of Kosova, which Balli Kombëtar wanted to retain after war, while the LNC soon repudiated this understanding under the Yugoslav pressure, subjugating in this way the Albanian national interests to the Yugoslav interests. [Skendi 1958:80]

<sup>27</sup> Legality Movement was formed of former government officials of Zog's regime and mountaineers of Mat and Krujë. It bolted the LNC in 1943 after realizing that it was only a façade for the Communist Party. The influence of the organization was confined mainly to the Mat region; Kupa's organization attracted no substantial support from the people and was unable to offer effective resistance either to the

support from the Western Allies, its small forces were dispersed by the LNC formations in the summer of 1944. [Jelavich 1983:275]

### 3.2.3 Communist Seizure of Power

The Albanian communists began preparing to seize control of the country after the Conference of Pezë, September 16, 1942. Using the NLM as a cover, and always under the leadership of the Tito's emissaries, they calculated every step to lead to the creation of a revolutionary communist state. The local National Liberation Councils and the ANLA formations were made the chief instruments in the communist conspiracy.<sup>28</sup>

Another measure taken in a second conference at Labinot in September 1943 proved decisive in the communist struggle to seize control. Under the pressure from the Yugoslav communists, they declared open war against nationalist forces, especially Balli Kombëtar (National Front). Civil war began on a full scale and the Albanian communists were determined to crush the nationalist movement so that they alone should fill the vacuum after the defeat of the Germans. [Skendi 1958:99]<sup>29</sup>

---

Germans or to the LNC forces. After being dispersed by LNC formations in the summer of 1944, Abaz Kupi and a few of his closest collaborators fled to Italy in November of the same year. [Jelavich 1983: 275]

<sup>28</sup> While in public declarations the National Liberation Councils were represented as expressing the will of the people in liberated areas, and the partisan units as fighting a patriotic war to rid the country of the foreign invaders, the communist leaders were issuing secret directives to their local comrades to seize control of both the Councils and the ANLA units. At the Conference of Labinot in July 1943, the National Liberation Councils were established as the nuclei of party power, exercising administrative, judicial, and political authority in all parts of the country, ostensibly for the purpose of opposing Italian rule. Although the Statute of Labinot described the councils as provisional form of government to function until such time as the country was liberated from Italian domination, they proved to be the basis of communist rule in Albania. [Skendi 1958: 98]

<sup>29</sup> The Congresses of Përmet in May 1944 and of Berat in October 1944 showed the determination of the communists to have a governmental apparatus ready for any eventuality. The Anti-Fascist National Liberation Council formed at Përmet, together with its executive organ, the Anti-Fascist Committee of National Liberation, prosecuted the civil war with vigor, issued a series of decrees on the Statute on the Councils of National Liberation issued a year earlier at Labinot, and created a communist judicial system in the liberated areas. The Congress of Berat transformed the Anti-Fascist Committee into the "Provisional Government of Albania" headed by Enver Hoxha and composed chiefly of communists. The congress also passed a number of laws dealing with the expanded powers of the National Liberation

Supervised and directed by Tito's movement in Yugoslavia and materially and morally assisted by the Allied Command in Italy, the ANLA won the civil war, and when the Germans withdrew from Albania at the end of November 1944, it became the undisputed master of the country. On November 28, the Albanian Democratic Government, headed by the Secretary General of the Albanian Communist Party Enver Hoxha, entered Tirana. [Skendi 1958:99]<sup>30</sup>

The ANLA had effectively crushed all anti-communist opposition by the fall of 1944, and there remained for elimination only a few nationalist groups. Hoxha's regime proceeded to liquidate all "internal enemies": rival leaders and members of former governments who might challenge the communist positions, through kangaroo "People's Courts" where they were tried as "war criminals". There after he turned Albania into a full-fledged satellite-first of Yugoslavia 1944-1948 and after that of Moscow. Consolidation of the communist regime in Albania amounted to rapid application of the "dictatorship of the Proletariat". [Skendi 1958:100] [Jelavich 1983: 297]

#### *3.2.4 Characteristics of the Communist Elite*

Communism in Albania, as in the other Balkan states, took specific shapes, adopting the Russian way to historical traditions and different cultures. At the beginning all referred to a Marxist Leninist system applied to the conditions of multinational states and societies that were primarily rural; two aspects that brought these states very close to the Bolshevik Russia of the 20's.

---

Councils, which were now confined to governmental functions on the local level. This government under Hoxha acted as the legislative and executive body of the country from the time of its establishment in Tirana on November 28, 1944 until January 11 1946, when a Constituent Assembly proclaimed Albania a People's Republic and abolished the monarchy. This Assembly also created a Presidium and drew up a Constitution for the new Republic.

<sup>30</sup> Various factors accounted for the failure of the two strongest nationalist organizations, the BK and the Legality Movement, to get the upper hand during the civil war in 1943-1944, the decisive period for communist control of Albania. The LNC soon to be renamed the Democratic Front, was in complete charge of the government after the German forces left Tirana. As in the other states, the communist leaders, with Hoxha at their head, immediately moved to strengthen their position and to eliminate any possible source of opposition, either within the front organization or from the other political parties.

Many of the leaders of the Communist parties were trained in Moscow. All these factors together explain the similar Stalinist models of the initial period even though the removal of Tito in 1948 shook the monolithic foundations of the empire, but didn't give the splitting Yugoslavia another practice, apart from its "self-administration" cover. [Castellan 1992:495]

At a time when the features of the principal state actors were the same among the militants at the foundation, the everyday life mixed the ancient traditions of the predecessors with the miracles of modern times in populations that had started the process of passing from life in the countryside to the urbanization of the peripheries of the cities. The list of small or great privileges that the members of the party had was long. These privileges were based on solidarity of family connections more than on ideological affinities. Privileges and corruption were the Balkan wickedness that the moralizing portrait of Marx couldn't conceal. [Jelavich 1983: 476] More important was the fact that the sense of state was not further developed. The party pretended to mobilize the masses wanting to create a solidarity movement in an international scale, but neglected the contradictions of everyday life that kept the party, even though it was communist, connected with the most powerful clan or group.

Primarily of middle-class southern background, the Albanian communist ruling circles were not only tightly unified, but well known for their prevailing nepotism. In February 1962, at a time when Soviet relations with Albania were particularly bad, the Moscow radio described the network of relationships: as follows: "half or more, of the 53 members of the Central Committee of the Albania Party of Labor are related through marriages. [Jelavich 1983: 380]

The following analysis will provide the reasons why Albania's communism can be classified under the typology of communist rule as patrimonial communism. Along with it, I will look into the characteristics of state institutions, party-state and citizen-state linkage, political party mode of struggle and other communist variables: ideology, party's objectives, methods used and the society it wants to create.

### **3.3 Theoretical Perspective of the Communist Mode Rule**

Patrimonial communism was likely to emerge in historical settings where a traditional authoritarian regime, assisted by compliant religious leaders, ruled over societies of poor peasants (whether they were freemen or serfs), weak cities, a thin layer of ethnic pariah immigrant entrepreneurs and merchants, a small and geographically concentrated industrial working class, a corrupt coterie of administrators dependent on the personal whims of the ruler. In such settings, communist insurrectionists were political entrepreneurs without a proletarian mass following who built political power on the mobilization of unsatisfied elements of the intelligentsia, whom they were able to recruit from the offspring of the political and economic elite. Moreover, they sought support from the poor peasantry by promising to break up large estates and to give property rights to the peasantry, or, where peasants were a class of poor smallholders, to redistribute resources to the countryside from the ruler's fiscal apparatus in the capital city. [Kitschelt 1999:24]

As we saw from the background of communism in Albania and communist strategies during the war, all the above-mentioned facts apply.

Once having assumed power with or without foreign help, communist parties easily crushed weak urban middle- class organizations. Patrimonial communists then constructed an industrial society at an initially dizzying pace by squeezing the peasantry and subsidizing the emerging heavy industries. Patrimonial communism presided over a prolonged era during which the peasantry's offspring enjoyed upward mobility into industrial jobs and the technical-administrative strata. Rapid economic growth due to the substitution of low-productivity agricultural jobs by employment in higher-productivity industrial manufacturing generated the resources to co-opt these new societal groups into the communist power structure and reinforce clientelist networks, an administrative practice assimilated from previous regimes. [Kitschelt 1999:24]

As we will see below from an analysis of the Albanian communist regime, structural conditions, Communist Party strategies, party organization, ideology, methods of insuring compliance, are similar to the ones mentioned in Kitschelt's typology.

### **3.4 Albanian Communist Institutional Design**

The first post war constitution was adopted in 1946 from the Constituent Assembly elected in the general elections on December 2, 1945. The elections were held in the usual communist fashion, under the aegis of the Democratic Front, a façade for the Albanian Communist Party, and on the basis of an electoral law adopted by the Albanian Anti-Fascist National Liberation Council on September 27, 1945. The Assembly convened on January 20, 1946. On the following day, it abolished the monarchy and proclaimed the People's Republic of Albania. Ahmet Zogu and his heirs were deprived of their rights and property and were forbidden "forever" to re-enter Albania. The Constitution of the People's Republic of Albania, which was adopted on March 14 and promulgated by the Assembly's Presidium on the following day, was not difficult to draft. It was almost a translation of the Yugoslav constitution, which had been adopted a few months earlier and which was based on the Soviet constitution of 1936. The only substantial difference was that the federal structure of both models was not adopted. [Skendi 1958: 62]

The first constitution set the principles and state structure that would be applied in Albania for the following 45 years. The organization of the state and state activity, all the political and economic life under the communist rule were based on the principle of democratic centralism, and centralized planned economy<sup>31</sup>.

---

<sup>31</sup> In Albania, as in Yugoslavia, the communist capture of political power was completed during the Second World War. The collateral structural transformation of this relatively backward society was then pursued in January 1945 with the imposition of a confiscatory "war profits tax" that crippled the small native bourgeoisie, and with the nationalization of all Italian and German assets, whereby the country's industrial and transportation stocks came into state ownership. The peasantry- the most numerous class- was conciliated, while the powerful landowners were broken with a series of decrees canceling agricultural debts, slashing land rents by three-quarters, and nationalizing water resources. [Rothschild 1989: 180] The economic measures continued with the nationalization of all natural resources. The state undertook direct part in the economic life by the system of centralized planned economy. The trade unions, peasants' collectives, and other organizations of the laboring masses, were put under state control

According to the constitution all powers “derived from and belonged to the people”. All representative organs from the local councils to the People’s Assembly were “elected” by all citizens by “free elections and by universal, equal, direct, and secret ballot”.

There is, of course, a great difference between the constitutions of the West and those of the communist countries. A Western Constitution aims at limiting the powers of the state and guaranteeing the rights of the citizens against the state. A communist constitution, based on the principle of the dictatorship of the proletariat, upholds the authority of the state, which is unrestricted in relation to the citizen. In fact, any rights granted to the citizen may be withdrawn at any time. [Skendi 1958:63]

### *3.4.1 State Structure under Communism*

One –party regimes are characterized by the monopoly by one party of the legitimate political activity, which is the participation in the competition for the exercise of power; participation also in deciding upon the plan of action, the plan of running the whole community. A party, which has the monopoly of political activity needs to justify this monopoly.

According to Aron, the communist parties offered two systems of justification: one by the idea of genuine representation and the other by historic goal. The choice by elections of the legitimate power-holders was false and unjust because social forces manipulated this choice. In order to ensure a genuine choice, true representations of the popular or of the proletarian will, it was necessary to have a single party.

---

to enable it to carry out its general economic plan. The centralized economy was only introduced gradually, and the traditional plan indicators didn’t operate until 1959 because of a lack of qualified cadres. There was no legal private sector in industry until 1990. The land owners were expropriated and the main means of production passed into the hands of the people. This opened the way for the industrialization of the country. The Land reform initially gave the land to those who till it, but soon, the collectivization of agriculture was applied, as part of the state economic policy in building the socialism. Social ownership over the means of production and the single system of socialist economy, which prevailed in town and countryside, replaced the private ownership and market economy. [Skendi 1958:66]The new “social order” in fact destroyed the middle classes, the backbone of Albania’s social and economic development in the towns and in the countryside, and created an entirely new exploiting class, headed by the Party hierarchs. [Skendi 1958:69].

According to this method of justification, the suppression of elections was the authentic condition of representation. [Aron 1968:44]

The first general communist elections in Albania were held on December 2, 1945, when 82 candidates presented in the name of the Democratic Front won, as no other list of candidates or opposition was allowed.<sup>32</sup> By 1950, when the second general elections were held, about one half of the original 82 deputies had been purged; these included both non-communists and top party leaders, favoring Yugoslav ties. The Democratic Front had pulled the high percentages usual in all communist elections. [Skendi 1958:100]

For five decades only formal elections were held in Albania. The Albanians were forced to give their vote to candidates of the only political party in the country, the Albanian Labor Party. As a result, the PLA always claimed it enjoyed the full support of the population, usually getting 98-99% of the votes. The allegation made in the constitutions that the supreme authority rests with the people was in contradiction to the true state of affairs, for all authority rested in the hands of the small group of men, the Politburo of the Albanian Labor Party. The citizens had no voice in electing their representatives. In all local and national elections, they simply headed to the polls to approve candidates previously hand-picked by the Party. Anyone who dared to oppose the Party candidates not only has his right to vote revoked, but was in danger of being arrested by the political police as an “enemy of the people”.

The elected People’s Assembly had only a formal role; the real power lay in the hands of the Politburo. All that the elected deputies did was give full support for every policy and alternative presented by the communist leaders. There was no place for

---

<sup>32</sup> Among those presented by the Democratic Front were a number of non –communists who had been duped into collaboration with the National Liberation Front, either during or immediately after the country’s “liberation”. During the first few sessions of the Assembly, which convened on January 10, 1946, these non-communist members naively believed that they could oppose the virtually automatic passage of the legislation drafted by a small group of communist members. As this opposition was strong, the communist deputies began to intimidate the opposition. Subsequently a number of these recalcitrant deputies were arrested and tried as “enemies of people”. [Skendi 1958:100]

participation. The communists viewed the elections as a tool to legitimize their rule, not as a means, through which the population expresses its will. [Skendi 1958:101]

### *3.4.2 Party- State Linkage: In Search of Regime's Legitimacy*

In a one-party regime, the state is a party-state, inseparable from the party, which monopolizes legitimate political activity. If, instead of a state of parties, a party – state exists, the state will be obliged to restrict the freedom of political discussion. Since the state presupposes as absolutely valid the ideology of the monopolistic party, it cannot officially allow this ideology to be called into question. In fact, the restriction of the freedom of political discussion varies in degree according to the regimes of a single party. But the essence of a single-party regime in which the state is defined by the ideology of the monopolistic party, is not to accept all the ideas and to prevent some ideas relating to the party from being openly debated. The logic of this kind of regime does not lie in the exercise of power being legal and moderate. [Aron 1968:45]

The government in communist Albania was in actual practice an executive branch of the party. The head of the state, a largely ceremonial position was the chairman of the Presidium of the People's Assembly, a post held by Enver Hoxha from 1944-1985. The relationship between the Communist Party and the government was clearly demonstrated by the fact that every important decree or decision was issued in the name of the Party and the government.<sup>33</sup> The constitution of 1976 formalized the party-state by stating the ALP as the only political force of the state and of the society.<sup>34</sup>

---

<sup>33</sup> Article 21 of the 1950 constitution expressly recognized the privileged and controlling position of the Party. The constitution of 1976 which changed the name of the Republic into People's Socialist Republic of Albania, defined the People's Assembly as the supreme organ of state power, which designed, in conformity with the general line and the orientations of the Party of Labor of Albania the main directions of the internal and external policies of the state (Article 67). Another fact that demonstrated the party state was that the Armed Forces are led by the Party of Labor of Albania under the article 88 of the 1976 constitution.

<sup>34</sup> According to the 1976 constitution "The People's Socialist Republic of Albania was a state of the dictatorship of the proletariat, which expressed and defended the interests of all the working people.<sup>34</sup> ... The Party of Labor of Albania, the vanguard of the working class, is the sole leading political force of the

As for the second method of justification of the communist regimes, Aron identifies it as attached to the historical goal. According to communists, the monopoly of political activity by one party is indispensable if the entirely new society, which alone conforms to the highest values, is to be created. The monopoly of the political force is justified by the vastness of the revolutionary changes to be achieved. The single-party regimes look only to the future and find their ultimate purpose not in what was or what is, but in what will be. A homogeneous society cannot be forged and social classes suppressed if the rights of the opposition are respected. If the aim of a party is the creation of a society, having nothing in common with existing societies, it is normal that this party should claim the monopoly of the political activity that it should refuse to restrain in any way whatsoever its freedom of decision and of action, in order to maintain its revolutionary power intact. [Aron 1968: 45]

The aim of the official ideology of the PLA was “the complete construction of socialist society.”<sup>35</sup>

---

state and the society. In the People's Socialist Republic of Albania the dominant ideology is Marxism-Leninism. The entire socialist social order is developed on the basis of its principles.” (Article 2-3)

<sup>35</sup> According to the statute of the PLA, “...The Party of Labor of Albania gives overall leadership to the working class in all aspects of the life of the country-political, economic, cultural and military. It is the leading force of the Albanian people, defending their vital interests and the interests of socialism on a national and international scale. In defining its policy and all its activity, the PLA is guided by Marxism-Leninism. Under the leadership of the Party of Labor of Albania, the people's revolution developed uninterruptedly from an anti-imperialistic democratic revolution into a socialist revolution. The People's Republic of Albania was established. The People's state power was transformed into a dictatorship of the proletariat in the form of a state of people's democracy.” [PLA 1977]

As identified in the constitution of 1976 the main ways to reach the construction of the socialist society were as follows: “The waging of the class struggle in favor of socialism, the continuous strengthening of the state of the dictatorship of the proletariat and the deepening of socialist democracy, the development of the productive forces and the perfecting of socialist relations of production, the steady raising of the wellbeing of the working masses, the gradual narrowing of distinctions between industry and agriculture, town and country, mental and physical labor, the affirmation of the personality of man within the socialist collectivity, the mastering of contemporary technology and science, the continuous revolutionization of the entire life of the country, are the main ways through which the socialist society is growing stronger and advancing.” [1976 Constitution]

### *3.4.3 Albanian Communist Party Structure and Characteristics*

As revolutionary regimes, the communist regimes carry in them an element of violence. They cannot be expected to offer what forms the main feature of multi-party regimes that is respect for the law, for moderation and respect for the interests and the beliefs of all groups. In most cases, the single-party took over the state, not according to rules, but by force: even when it conformed on the surface with constitutional rule, it distorted its meaning almost at once by the fact that it excluded the possibility of any further genuine elections being held. [Aron 1968: 46]

Aron identified as communism variables: the ideology, party's objectives, methods used, and the society it wants to create, in his book "Democracy and Totalitarianism".

The Albanian Communist Party as its counterparts was a party of action, a revolutionary party and its structure was adapted to the need for strong authority. It was formed following the example of the Russian party, which was structured according to the doctrine proposed by Lenin in 1903 in his famous booklet 'What is to be done?'; a doctrine called democratic centralism which, in practice, gave to the general staff of the party almost unconditional authority over the mass of members.<sup>36</sup>

According to Sartori the subsystem autonomy is an excellent indicator both of the regime and of how free a society is with respect to the state. As a rule, in the monocentric polities intra-party divisions are prohibited; that is, they cannot be institutionalized or formalized. The single party displays characteristics of wholeness, in that it flatly rejects the idea of a whole resulting from a competitive interplay of

---

<sup>36</sup> In the constitution of the Party of Labor of Albania adopted by its 3<sup>rd</sup> Congress with later amendments, the Party of Labor of Albania, its ideology, its vision of state institutions, economy and the society it wanted to create is described as follows: "The Party of Labor of Albania is the organized vanguard detachment of the working class of Albania, its highest form of organization. It is made up of conscious revolutionaries tested in the struggle for the cause of the people and socialism, vanguard fighters for the implementation of its general line, who come from the working class, the cooperativist peasantry and from the people's intelligentsia. The Party of Labor of Albania is a voluntary militant union of communists with a monolithic ideological and organizational unity, which does not allow any kind of divisive or factional activity or any kind of deviation from its general line, from Marxism-Leninism." [PLA 1977]

parts. Even within the single party any kind of formalized intra-party division is banned: It is heresy, intolerable deviance. Thus communism testifies to the existence, or resurgence, of a monochromatic belief system based on the principle of unanimity and the horror of dissent. [Sartori 1979:44-35].

The statute of the Albanian Labor Party adopted at its first Congress in November 1948 defined the organizational structure of the party as based on the principle of democratic centralization; that is all decisions have to be made after “full and free discussions”, however these discussions were not allowed to create factions and divisions in the party. Once the decisions were made, unanimously or by a majority of votes, all members were to carry them out without question and the iron discipline of the party was maintained.<sup>37</sup>

The political development of the society involves the political awakening and the activation of the population at a large. As a result, and at the end, a politicized society is a society that both takes part in the operations of the political system and is required for the more effective performance of the system. The awareness that the masses couldn't be kept out indefinitely but was useful to involve them was a turning point. If their enmity is dangerous, their indifference is wasteful. The one party's reason for being appears to be that a modern society cannot be left un-channeled. Single-party states need a pervasively politicized society far more than do the pluralistic polities. [Sartori 1979: 38].

---

<sup>37</sup> The statute further declared that free and healthy discussion of the problems of Party policy in the various organizations or in the entire Party is an immutable right of each party member however this discussion was not allowed to create factions and divisions in the party. The statute of the party contained an elaborate section dealing with measures for infringement of party discipline. The most serious infringements were those causing party disunity, factionalist tendencies, and failure to implement decisions of the higher party and state organs, and deviation from the party line. [Skendi 1958: 83-84]. According to the Statute of the PLA, “the guiding principle of the organizational structure of the Party is democratic centrism. This means that all party leading organs are elected from below up at meetings of basic organizations, at general meetings of communist, at conferences and congresses.” [PLA 1977] Nonetheless the candidates were selected and trained by the Communist Party and the party organizations simply selected the hand picked candidates of the Politburo.

In Albania this was achieved through the organizational structure of the Communist Party. According to the statute: “the party basic organizations were set up in factories, plants, agricultural enterprises, machine and tractor station and all other economic enterprises, in agricultural cooperatives, detachments of the armed forces, the administration and various institutions, as well as in other work centers and residential quarters.”<sup>38</sup>

### **3.5 Albania’s Foreign Policy and its Domestic Outcomes**

After the Second World War, despite the victory, the communist government found itself in a very difficult position, particularly in its relations with the outside world. The Albanian communists at this early stage still craved international, including British and American, recognition and respectability. The regime was not recognized by the major powers and the Yugoslav domination remained a fact of political life. Equally dangerous were the threats to the national lands.

---

<sup>38</sup> These basic organizations linked the working masses of city and countryside with the leading organs of the party. Their duties were: 1) To carry out political, ideological, propaganda and organizational work for the application of the line of the party and its decisions and directives, for the education of the working masses, as well as to direct the press in the production centre or their work place; 2) To work to strengthen the party ranks, to preserve their purity, solidarity and unity, to admit new members to the party and to see to the education of the new communists, to defend and respect the rights of the party members; 3) To organize the political, ideological, educational, cultural and vocational training of the party members and candidates for membership, 4) To lead the masses to take an active part in the political life of the country, to mobilize them in all production centers and work places to fulfill the production plan in quantity and in all qualitative indices, to strengthen discipline at work; 6) The basic organizations in enterprises, agricultural cooperatives, military detachments, institutions and local and central administrations direct and control all activity and the life of the sector where they operate. 7) To educate the party members, the candidates for membership, and the working masses, in the spirit of revolutionary vigilance to defend the interests of the Party and the state to the end, in the spirit of upholding socialist law, in the spirit of irreconcilable class struggle against any attempt by the enemy to undermine the socialist construction of the country”. [PLA 1977]

<sup>39</sup>The situation changed radically after Yugoslavia's expulsion from the Cominform in June 1948. The realignment carried out under Hoxha's leadership was abrupt. <sup>40</sup>The shifts of alignment towards Soviet Union lead to changes in the Albanian leadership.

<sup>41</sup>The Albanian communist regime, during the following 45 years, focused its overall attention only on the closest relations with one powerful communist country at a time. These relations were used from Hoxha to gain loans, subsidies, investments much needed for the backward economy, as well as for holding on to power. Such a foreign policy brought about the isolation of Albania, even from other communist countries.

This phenomenon characterized the relations with the Tito's Yugoslavia until 1948, with the Soviet Union till 1962, and with Maoist China till 1976. After the interruption of relations with China, Hoxha chose the total isolation of the country from the rest of the world according to the formula "Neither East, nor West".

---

<sup>39</sup> The triple interaction within the Albanian communist movement of 1) the equivocal stabs toward earning recognition and possible aid from Great Britain and the United States, 2) the emphatic linkage forged during the war to Tito's Yugoslavia and 3) domestic politics, was quite complicated. The communists exploited the incipient signals from the West that appeared to endorse ongoing Greek aspirations to annex Southern Albania, to present themselves as passionate protectors of Albanian national integrity. A pose that was, however, marred by their passive return to the Titoists of the Albanian-populated region of Yugoslavia, which the Axis has assigned to Albania in 1941. The Albanian communist's tight nexus to the Yugoslav Titoists, who were just then in a virtual paroxysm of hyper-militancy and ultra-radicalism, was proving to be a double embarrassment, aggravating their international isolation. [Rothschild 1989:120]

<sup>40</sup> Yugoslavia's expulsion from the communist bloc had a direct effect on the developments in Albania. There was a division of opinion in Tirana concerning the future road the country should take. One group, the moderated, favored an independent course and better relations with the West. They believed that the more extreme communist measures should be postponed until the country had reached a higher level of economic development. Opposing them were the militants, who wished to copy the Yugoslav pattern in both domestic and foreign policy. Enver Hoxha holding the posts of Premier, Foreign Minister, Defense Minister and Commander in Chief of the army, as well as General Secretary of the Party, was the strongest Albanian leader, second to him in power was Koci Xoxe. In December 1945, Hoxha gave his full support to the militants and the moderates were expelled from the Central Committee in the following October. [Jelavich 1983:332]

<sup>41</sup> In November 1948, at the first Albanian Communist Party congress ever held, the principal blame for the Albanian difficulties was blamed on the pro Yugoslav faction and the Yugoslav government. In May 1949 the pro Yugoslav faction were tried for treason and sentenced to death and Albania, along with the Cominform members was securely in the pro-Soviet, anti-Yugoslav camp. [Jelavich 1983: 333]

The successive substitution of one powerful patron at a time, interested in making Albania a satellite through generous aid for the change of political orientation, was a typical characteristic of the regime.

From a political point of view, Tirana's communist regime remained the only Stalinist regime in Europe. This in itself represents another characteristic of the Albanian communism. Quickly Hoxha became an adept student of Stalinist techniques of rule through the elimination of his personal domestic rivals. His regime became very oppressive and vindictive, albeit stoutly committed to economic development and modernization. During these years Hoxha also espoused the basic political, socioeconomic and cultural-ideological institutions and programs of Stalinism. When the relations with the Soviet Union worsened, Maoist China promptly compensated Albania by rallying to it with extensive ideological, political, technological, and economic support. Hoxha would soon reciprocate by emulating important aspects of Mao's "cultural revolution" in order to "cleanse" Albanian society of non-socialist tendencies, prune the bureaucracy and guard the party against revisionist tendencies. [Pano 1974: 50]

Hoxha had never permitted Albania's external gyrations- from the Yugoslav, to the Soviet, to the Chinese unequal alliances, and then to his latest phase of self-reliance- to spill over into any domestic relaxation of his repressive Stalinist system. Thus the goals of the Albanian regime in seeking an end to satellite status and a recovery of national autonomy were quite different from those of Poland, Hungary, and Czechoslovakia.

Hoxha coupled the periodic bleeding purges of the Albanian elite with an unrelenting hard line toward the masses, refusing any political relaxation, any modification of agricultural collectivization, any easing of consumption, any slowing of the pace of industrialization and any slackening of pressure against religion. He was convinced that this rigidity was politically functional as well as ideologically warranted. [Rothschild 1989: 179]

Hoxha's methods never permitted a background for the development of dissident anticommunist groups, such as in Poland, the Czech Republic, and countries of the Warsaw Pact. PLA had absolute control of all popular organizations and associations in Albania. Through a large network of informers, the secret police (Sigurimi) controlled all aspects of life and terrorized the population. There was no room for any sort of activity outside Party control, or in opposition to the Marxist-Leninist line of the PLA. Even family life was under severe control with the assistance of Sigurimi informants, often infiltrated into the family nucleus, particularly among families that were not Communist and represented a threat to the regime.

The freedom of the media and some principle human and political rights were denied. Other rights like the right to vote, the right to an education, and free health care, the right to work were the only rights that were permitted and developed in order to demonstrate the supremacy of Socialism over Capitalism. Even those freedoms that were tolerated in other Communist countries such as religious freedom, basic private ownership and a modicum of political freedom were totally denied to Albanians. The Communist party's goal was the elimination of every kind of resistance, the absolute conformity of masses with the official policy of the regime, and the prevention of any alternative threats that could undermine its overall control over Albanian society.

[Biberaj 1997:43]

### **3.6 Communist Legacies**

The years of Hoxha's dictatorship marked not only the isolation of Albania from the external world, but also its economic stagnation.

Albania suffered from social, economic, and cultural backwardness that the technical revolution of the end of the 20<sup>th</sup> century brought into light in a dramatic manner. The later developments showed that Albania's Euro-Atlantic integration was a very difficult challenge and couldn't be realized as easily as it was then thought.

The above mentioned facts lead to the conclusion that Albania's political history after the Second World War is characterized by a total absence of democratic tradition and

political pluralism. From a backward feudal system, which lasted till the beginning of last century, Albania endured radical socialist reforms without experiencing capitalism (only its beginnings), or any political process the West was undergoing. This is one of the most important factors that influenced the transition process.

An important cognitive legacy of the political-economic modernization under patrimonial communism is the lack of a popular memory of an urban middle class or of a proletariat that would have played a decisive role in the advancement of economic welfare before the advent of a modern industrial order created by communist party rule. Thus, patrimonial communism never had to confront an alternative vision and practice of modernization whose carriers had been crushed by the communist takeover. Once firmly entrenched in power, the patrimonial communist parties' mixture of repression and clientelist co-optation kept the emerging new urban industrial and white-collar middle strata compliant and preempted the rise of opposition forces that could have cultivated a new vision of modernity and challenged the party's exclusive claim to represent the only viable path to progress. On the eve of the communist collapse, patrimonial regimes therefore faced no significant internal opposition movements, except dispersed, isolated dissident intellectuals, unable to produce a sustained discourse, or organize a professional cadre advancing a new vision of political-economic modernity. As a consequence, communist parties enjoyed not only the support of the countryside and of the industrial working class, but also of many new urban industrial and administrative strata that looked back on a lifetime of upward social mobility and improving living standards, at least until the end of the 1970s. [Kitschelt 1999:24].

Kitschelt has presented the following causal relationship between actions, events and macro- institutions that have influenced the process of democratization. I have already analyzed the social and political institutions antecedents of the communist rule, the characteristics of the communist rule in Albania. The following chapters will try to argue why Albania matches this typology.

Kitschelt's typology of antecedents and consequences of types of communist rule:  
 [Kitschelt 1999:36]

<u><i>Antecedents of Communist rule</i></u>	<u>Patrimonial Communism</u>
Pre-communist political economy	Agricultural pre-capitalist economy, agriculture 60% of employment
Pre-communist political regime rule	Traditional authoritarian or absolutist rule
Mobilization of political forces	Demobilized urban middle strata, unmobilized working class, strong agrarian mobilization
 <i>Modes of Communist Rule</i>	
Formal Bureaucratization of the state apparatus	Low levels of formal professional bureaucratization, high corruption
Methods to induce popular compliance with party authority	Repression: intense, cooptation intense
 <i>Modes of transition from communism</i>	
Incumbents	Divided, personalist cliques
Challengers	Weak liberal democrats, strong nationalists
 <i>Transition process</i>	 Preemptive reform by incumbent
 <i>Consequences for democratic institutions</i>	
Electoral laws	Plurality/majoritarian rules
Executive-legislative design weak parliaments	Strong presidential powers,

## **Chapter Four: Transition Period**

### **4.1 Background of Transitions in Eastern Europe**

I will look first at the international conditions that lead to the fall of communist rule in Eastern and Central Europe.

Przeworski defined transitions as strategic situations that arise when a dictatorship collapses. As the legitimacy declines with the time promises are unrealized, frustrations develop. In authoritarian regimes self renewal is a major problem, because there is an absence of mechanism for self renewal - free elections, so there is an erosion of legitimacy. [Przeworski 1991]

Economic failure can also lead to erosion of legitimacy. In Albania, the communist regime in the late 80's was facing a legitimacy crisis following severe economic crises. The regime as we will see below responded to the issues in different ways.

A leading structural cause for the collapse of communism was the Eastern bloc's declining economic and technological performance throughout the 1970s and 1980s and its inability to stay abreast of an arms race with the United States paced by technological innovations difficult to nurture in a planned economy Moreover, the Soviet Union's military defeat in a low-technology guerrilla war in Afghanistan weakened the governing elite. Once the dominant group of the Soviet elite began to opt for economic and institutional reform, its decision to abandon the

Brezhnev doctrine of intervention in the domestic affairs of subsidiary communist countries and its willingness to grant more political autonomy to individual Soviet republics profoundly altered the opportunities for regime change in the satellite countries and Soviet republics. Nevertheless, these changing external constraints on domestic power relations cannot explain the diverging pathways individual countries and former republics of the Soviet Union then chose to build new post-communist political orders. These pathways depended on the domestic distribution of political resources, mobilization capabilities, and cognitive orientations that grew out of their experiences with different modes of communist rule. [Kitschelt 1999:28]

The starting point for the transitions in Central and Eastern Europe was Gorbachev's Perestroika. At the beginning, Perestroika had a direct effect in the countries of the socialist camp, because the tradition of the camp had to be respected. This operation was difficult, more difficult than the destalinization of Khrushchev, because the latter had to do with one man and one practice, but Gorbachev touched the dogma and acted as an ally of "American Imperialism".[Castellan 1992: 497].

Without doubt the people were more worried about the material conditions of living than the events at the communist level. But Perestroika touched the material side as well. The equilibrium of production in most of the socialist countries depended on their trade with the USSR. At the beginning the changes in the orientation of the economy in USSR, and later its disorder, devalued the contracts, caused difficulties with stocks, and a lack of products in markets. The crises of CMEA affected the economies of these countries. The case of Albania was different. Enver Hoxha moved away from the soviet model in 1962. Tirana was not a member of CMEA. Therefore Albanians didn't feel the economic crisis of USSR, but following a period of isolation, the centralized planned economy had already started to show signs of crisis.

#### **4.2 Albania's Reaction to Developments in Eastern Block**

By mid 1980's Albania was confronted with serious problems. The cut of the Chinese assistance in 1976, the regime's refusal to seek alternate sources of foreign aid, the strict implementation of Hoxha's self-reliance policy prohibiting foreign credits and investments, and the overly centralized economic system had taken a heavy toll. The seriousness of the crisis was reflected by a sharp economic decline, low productivity, pervasive shortages of basic foodstuffs, an ailing infrastructure and huge subsidies. Agriculture was especially hard hit, as farmers were not producing enough to feed themselves, let alone supply the cities. The economic hardships were causing widespread disaffection. Ramiz Alia's public pronouncements, after taking the power as First Secretary in April 1985, following the death of Enver Hoxha, reflected a keen understanding of the acute problems facing his country. His responses, however, fell

far short of the decisive steps that were required to solve the nation's problems.

[Biberaj 1998: 27]

After November 1986 there was some recognition of the need for economic reform.<sup>42</sup>

However, in December 1987, Ramiz Alia formally ruled out the introduction of Soviet-type reforms. Even at the Ninth Congress he said, "The main way for the increase of productive capacities is that of reconstructions or expansions of the existing ones". [Frucht 2000: 231].

Between 1985 and the end of 1989, he tinkered with changes in the highly centralized economic system, loosened the party's grip in the cultural sector, and gradually expanded Albania's relations with other countries. Alia's measures clearly were aimed at improving the functioning of the communist system rather than changing it. He tried to hold the populace's discontent in check by rallying Albanians to defend their country and reminding them of the economic and social gains that Albania had achieved under Communist rule. In a number of speeches in the 1989-1990 Ramiz Alia laid the foundations for modest but nevertheless significant economic reforms in the Albanian context. [Biberaj 1998:28]

A leading article in *Zëri i Popullit* (The People's Voice), the official journal under PLA's auspices, gives a flavor of Albanian attitudes towards perestroika: "It was Khrushchev who, at the Twentieth Congress of the CPSU, began the great counter-revolutionary transformation; that process of "reforms", which destroyed socialism, paved the way for the restoration of capitalism.... Perestroika is broader in extent than all the "reforms" undertaken by Gorbachev's predecessors... [and] aims to eliminate everything that hinders the complete transition to unfettered capitalism. [Albanian Life 1988: 37-40]

---

<sup>42</sup> For example, in his 3 November 1986 report to the Ninth Party Congress, Ramiz Alia acknowledged that "The lack of experience needed to know foreign markets with the international complications increased the difficulties for the development of the economy... the targets of the plan were not fully accomplished in particular branches of the economy, such as the oil industry, in some agricultural and livestock products, in financial income and in exports. As a consequence, some imbalance was created in the economy. There were shortcomings, also, in supplying foods for the people as the plan envisaged." [Frucht 2000: 230]

In an 11 January 1990 editorial the paper declared that “The prescriptions of the capitalist road, of perestroika and bourgeois reformism are unacceptable to our people and party [The Guardian, 1990:10]

At the same time, Albania under Ramiz Alia saw the slow end of Albania’s isolation. Diplomatic relations were established with Spain in September 1986, with Canada and West Germany in 1987, an agreement to encourage border trade with Greece was signed in 1987. Albania took part in the Balkan Conference of Foreign Ministers on 24<sup>th</sup>-6<sup>th</sup> February 1988. Hosted by Yugoslavia and attended by Bulgaria, Romania, Greece and Turkey, it aimed at increasing regional stability and cooperation in the spheres of economic and cultural relations, tourism, the environment, the transport and communications. The second conference took place in Tirana in 24-5 October 1990. Diplomatic relations were resumed with USA on March 15<sup>th</sup> 1991 and those with UK were restored on 29 May 1991. [Frucht 2000: 228]

#### **4.3 Liberalization: From Above or From Below?**

Out of all the dramatic events in Eastern Europe, the overthrow of Ceausescu was particularly influential to shake Nomenclature’s illusion that Albania would remain immune to the events in the former communist block.

There were rumors of demonstrations in December 1989-January 1990 in Shkodër. The speech of Ramiz Alia to the Ninth Plenum of the Central Committee on January 1990 is of considerable interest, because he blamed the events in Eastern Europe not on the failure of socialism as such, but on “revisionism”.<sup>43</sup>

---

<sup>43</sup> “How could it happen that the working class could become supporters of the restoration of capitalism? The deplorable fact is that the peoples of these countries saw the revisionist regime, its bureaucracy, its violence, its economic stagnation, its technological backwardness, etc., as products of the socialist system, of Marxism-Leninism, which they now reject. It was the reality in the countries of the East which alienated the masses from the state power. Our party was correct then, in its titanic struggle against revisionism...” [Albanian Life 1990:1-7].

Denying reports of growing anticommunist opposition and countering external criticism of Albania's human rights record, <sup>44</sup>Alia kept claiming that the domestic situation was "solid". He specifically linked his opposition to the creation of other political parties to a broad concern that a multiparty system would undermine Albania's independence and stability. In an attempt to enhance his regime's legitimacy and ensure political stability, Alia resorted to the old Communist tactic of putting heightened emphasis on nationalist themes and linking the PLA and socialism with the preservation of the country's independence. "Pluralism of parties ... would not be an expression of democracy, but a means to weaken national unity and to create the conditions for the destruction of socialism." [Biberaj 1997: 35]

Simultaneously, however Alia launched what he termed a "democratization process", a cautious program of political and economic reforms. [Biberaj 1997:36]

Decisions to liberalize can combine elements from above and from below. However projects of liberalization launched by forces from within the authoritarian power establishment are invariably intended as controlled openings of political space. They typically result from divisions in the authoritarian bloc sparked by various signals that portend an imminent crisis of some sorts, including signs of popular unrest. The project of liberalizers is to relax social tension and to strengthen their position in the power bloc by broadening the social base of the regime: to allow some autonomous organization of the civil society and to incorporate the new groups into the authoritarian institution. In the light of this project, liberalization is to be continually contingent on the compatibility of its outcomes with the interests or values of the authoritarian bloc. Thus, liberalization is referred to as an "opening" (apertura), "decompression" [Przeworski 1986: 57].

---

<sup>44</sup> Alia said, "The calls that are being made abroad for changes in our country, for departure from the path that we are following, do not find support in our country and are not in tune with the opinion and will of the broad strata of the working people". [Biberaj 1997: 35]

#### **4.4 Towards the End of the Regime**

In view of events, the Party of Labor of Albania held 4 plenums during 1990, which decided party's strategies of the near future.

The Ninth Plenum of the Central Committee held on 22 January 1990<sup>45</sup> introduced the first changes related to the centralized economy organization. For the first time since the Communist takeover in 1944, the authorities were acknowledging the important role that the market forces played in regulating production.

In April 1990, at the Tenth Plenum of the Central Committee, Alia announced further changes, formally approved by the People's Assembly in May, which were aimed at bettering Albania's abysmal human rights record. He pledged that the government would take steps to bring its human rights practices to the level of international standards. Albanians were guaranteed the right to travel abroad, the ban on "religious propaganda" was lifted, and the death penalty for defectors was abolished. [Biberaj 1997: 36]

On 8 May it was decided to liberalize the criminal code. The Justice Ministry, abolished in 1965, was restored, releases followed. Albania also relaxed its formal position as an officially atheistic state. By taking measures to redress some of the

---

<sup>45</sup> In his address to the Ninth Plenum of the Central Committee of the Albanian Party of Labor on 22 January 1990, Ramiz Alia made the following points: "Enterprises are to be divided into small units (brigades or departments). In every workplace stimuli should be given for increasing productivity and reducing production costs. While we should maintain democratic centralism and socialist planning, we should transfer from the centre to the grass roots many competences in the field of planning. Decisive steps should be taken to enable the enterprises to enjoy that independence recognized by the laws of the political economy of socialism. District committees should have their own sources of revenue and be free to engage in investment. Products of the first necessity should continue to be sold at fixed prices, but for some other goods, not of first necessity, prices may be allowed to fluctuate, so that the supply-demand factor becomes a stimulus to an increase in the productivity of labor. Every co-operative family in the countryside should be provided with livestock to meet its needs for meat. Citizens could undertake private building for their own use, individuals and groups could contract among themselves and /or with the state for building purposes." The plenum decided that party organizations at the lower levels would hold open meetings, workers would play a greater role in the selection of managers, competition would be introduced in the election of the cadres, and terms of elected officials would be limited. [*Albanian Life* 1990:1-7]

government's most severe transgressions and expanding foreign relations, Alia evidently hoped to ensure the population's acquiescence to continued Communist rule as well as to improve his regime's image abroad, thus paving the way for Albania's reintegration into the international community. Apparently, he believed he could initiate a well coordinated process of gradual change, one that would not only arrest the declining authority of the ruling PLA, but would result in the Party's retaining power. In view of developments in other Eastern European countries, Alia's new policies did not go far enough and indeed amounted to little more than a mild relaxation of the totalitarian regime. [Biberaj 1997:39]

#### *4.4.1 International Pressures*

Albania's steps to improve the state of human rights, and as an incentive, granted it observer status at the Copenhagen meeting of the CSCE in June 1990. In the Copenhagen meeting of CSCE, the participatory states in the view of changes happening in the Eastern and Central Europe recognized that pluralistic democracy and the rule of law are essential for ensuring respect for all human rights and fundamental freedoms, the development of human contacts and the resolution of other issues of a related humanitarian character. They therefore welcomed the commitment expressed by all participating States to the ideals of democracy and political pluralism, as well as their common determination to build democratic societies based on free elections and the rule of law. [CSCE 1990]

#### **4.5 Transition Process**

Przeworski states that as one of the possible combinations of liberalization is that the proto-liberalizers among the system decide to issue signals that they are willing to tolerate some autonomous organization outside the power bloc to open. They were typically new organizational forms created by the regime such as: Democratic Front of Women etc.,. However if the civil society continues to organize autonomously, liberalizers face the choice of going back to the fold and agreeing to repress popular mobilization or of continuing on to transition to democracy. [Przeworski 1991:61]

Pressured by growing international demands to permit political pluralism, Alia introduced the notion of “pluralism of ideas”, which meant Albanians would be allowed to express their ideas but not to form other political parties. In a major speech to the 12<sup>th</sup> Plenum of the Central Committee, held on 6-7 November 1990, Alia announced measures to strengthen the rule of law and separate the Party from the state. He declared that the constitution, which was promulgated in 1976, would be revised to guarantee human rights and religious practices and to permit foreign investments and foreign credits. He also said the PLA would give up its constitutionally guaranteed monopoly of power, but would not sanction political pluralism. Mass organizations such as the Democratic Front, the veteran’s organization, the trade unions, the writers association, and the youth organization, which had served as transmission belts for the Party line, were declared independent from the PLA and granted the right to put their candidates forward in the elections to the People’s Assembly. The new election law, approved by the Assembly on 13 November 1990, also permitted independent candidates if they could obtain the endorsement of 300 registered voters. [Biberaj 1997: 62]<sup>46</sup>

#### *4.5.1 Who Starts-Who Controls*

Liberalization- an opening that results into the broadening of the social base of the regime without changing its structure- is not a feasible project unless everyone has full and accurate knowledge about everybody else’s preferences and the probability of

---

<sup>46</sup> On 8 November 1990 Alia’s recent speech to the Central Committee appeared in the press. He made the following proposals: 1) The 10 February 1990 elections should be multi-candidate although not multi-party. Individuals could run as independents or as candidates for recognized social organizations like trade unions and the Writer’s League; their platforms should ‘conform with the interests of the nations’. There should be inner-party debate and democracy. ‘The article that has to do with the party as “the only leading political force of the state” should be redefined more precisely in the constitution.’ ‘The party should not give orders or commands, is should not concentrate in its hands the prerogatives belonging to other organizations.’ ‘It should not and cannot exercise state power directly.’ 2) Religious freedom should include the reopening of churches and mosques. [Frucht 2000:356]

successful repression. Some misperceptions lead liberalization to transition; others to repression. [Przeworski 1986: 58]

20 years after the fall of communism in Albania, new facts known before to very few people have been brought into light. One of the main protagonists of the Albanian Student Movement of 1990, currently one of the best Albanian political scientists, in a series of interviews for the Albanian media for the 16 anniversary of the Movement, has given a detailed account about the flow of events. According to him it would not be exactly true to define the Albanian transition as a transition instigated from above; similarly, it would be quite difficult to label it a "total" breakdown and a replacement of the communist regime. The Albanian transition represented characteristics of both modes of transition and it must be said that it was a catch-up and a negotiated transition characterized by a transfer of power. [Rama 1997]

In line with Rama's thought, I think that Kitschelt's typology of transitions by preemptive strike and Przeworski's typology of transitions by extrication, can best explain the Albanian transition.

According to Rama, by the end of August 1990, after a failure with the intellectuals, the state structures focused their attention towards the students of the University of Tirana, in order to create a signal, which would justify the partial changes they wanted to achieve. Part of the plan was the organization of the student protests at the student's city, which at the time included only a small percentage of students living in the campus about 5000-6000 students. The first student demonstration followed a memorial for the death of John Lennon at the Arts Academy in the beginning of December 1990. It was an activity, which usually would never happen unless the faculty gave permission. This, to Rama and his fellow students, was an attempt to identify the second generation of the elite in power, which would safeguard their power control in case of regime change. [Rama 2006b]

The focus of the regime towards the youth and the endorsement of pluralism of ideas and open discussion in published press weren't successful enough. The regime was trying to create its own opposition, so that in the eve of total breakdown of

communism they could transfer the power and create what they thought as “capitalism under communist vision”. The growing frustration among the population over the poor economic performance as well as the state of denial of the Albanian nomenclature of the winds of change happening throughout East and Central Europe lead to the start of society mobilization in demands for change.

Initial mobilization starts in student’s organizations that declare themselves independent of the regime, and proclaim their goals, interest and projects through platforms. On the other hand the regime has centralized, noncompetitive institutions that incorporate only those groups that accept direction and that control the outcomes of any political process ex post. Therefore, on one hand autonomous organizations emerge in the society, on the other hand there are no institutions where these organizations can present their views and negotiate their interests. The only place where the newly organized groups can eventually struggle for their values and interests is the streets. Inevitably the struggle assumes a mass character. When that happens, the liberalization can no longer continue. [Przeworski 1991: 59]

The first to be mobilized in protests in Albania were the students. Initial demands for better economic conditions were transformed into demands for political pluralism. Students started the first ever political protest on December 9, 1990 in the center of the capital. On December 10, 1990, the Student Movement started to have an internal structure and the character of an organization [Rama 2006b]

In conditions that the civil society continues to organize autonomously, besides the initial signals and regime’s strategies, liberalizers among nomenclature face the choice of going back to the fold and agreeing to repress popular mobilization or of continuing on to transition to democracy. [Przeworski 1991:61]

#### *4.5.2 Actor’s Strategies and Constellation of Powers*

Kitschelt in his typology of transitions mentions that the most present mode of transitions from patrimonial communist regimes was the preemptive reform. “Where the incumbent communist elite continues to control most significant resources and

public support while the democratic opposition remains weak, an elite faction launches the transition by preemptive strike because it expects to protect its long-term interests better by quick reform on its own terms than by passive resistance to weak opponents who are destined to grow stronger in a favorable international setting and eventually may sweep aside the entire ruling apparatus. Once changes in the international situation made it uncertain whether communist rule could survive anywhere, factions of the incumbent elites had strong incentives to seize the initiative, displace the discredited top communist leadership, and engineer regime change via preemptive reform with only minimal input from the emerging democratic opposition forces. Indeed, most of the time the reformist currents within communist parties did manage to protect vital organizational and material resources of the former ruling parties during and in the initial aftermath of transitions by preemptive strike. [Kitschelt 1999:29-30]

According to Shinasi Rama, Ramiz Alia lacked at the time the political will to make real changes in the system, and through different moves was trying to gain time to better control the transition.

Although Alia was President of the Politburo and First Secretary of the PLA, he lacked the control over the nomenclature structures that were strengthened through time with marriages, clans, common interests etc. The most important mistake of Alia during the process of transition lies in the lack of vision and in his ideology level. [Rama 2006b]

At the time, Ramiz Alia saw the world divided into capitalists and communists. The possible transition process was perceived from Alia, as well as most of the intellectual elite of the time, which would later represent the emerging political elite, as a turn back to the capitalist system predicted by Marx, Engels, Lenin and Hoxha. Since in their minds the establishment of capitalism seemed inevitable, therefore, the strategies which followed consequently aimed at the safeguarding the rule of the casts that Alia thought represented him in the political arena. This strategy was seen in the choice and appointment of the major opposition incumbents. They were individuals that he could control. [Rama 2006b]

If the economic relations are given the primacy of defining the state and social relations, then capitalism results in a small number of clans that controls and owns everything and the rest of people have and use only their working power. This was the system that Alia and the rest of incumbents of state structures thought would be in place, and consequently fought to impose in the Albanian state. The rest of the population that represented about 90% of Albanians needed the strong protection of the state, towards the merciless differential processes of transition. [Rama 2006b]

Another worth mentioning fact was that the Albanian Party of Labor hadn't gone through a change of generations internally. The Politburo represented the generation of the Second World War that had pursued a resilient civil war against "nationalists" who continued to think that in 1990, their war enemies National Front and Legality movement would come to power. Therefore their strategies were led by the desire to create their own bourgeoisie and ruling strata. All the rest of Albanians didn't have the economic power, knowledge or capabilities to survive in an extreme capitalist system. [Rama 2006b]

The Student Movement carried out a historical mission, which aimed at securing the right for the pluralism of the political parties and for the change of the political system. After the initial protests, the movement started showing major factions and internal divisions. The fear that the movement was being controlled by the state structures via certain individuals was very present. This became evident in the elections of the representatives of the faculties that were to meet with the president. Most of the student representatives were not only the majority from Tirana, but mostly secretaries of Youth Committees, family members of the politburo, or professors who were moderate members of the PLA that joined the Student Movement on December 10<sup>th</sup>. Sali Berisha, the current Chairperson of the Democratic Party, got involved with the Student Movement as a personal mediator of Alia, who presented to the students' representation, the decisions of the Central Committee of the PLA taken ahead Alia's meeting with the students. PLA had agreed to allow non political organizations of the students and intellectuals. [Rama 2006b]

What the Ramiz Alia expected as a result of the meeting was not the discussion but the announcement of the decision and the rise of a new cast of intellectuals who in fact were second generation of nomenclature. The core elements reformers (campus students) would be marginalized. To his surprise, the students not only refused the decision, but strongly asked for the pluralism of the political parties, which would signify the regime change. Over 150 000 citizens expected the answer of the president at the Student's city and the situation was precarious. Ramiz Alia's consequent agreement to political pluralism signaled the triumph of the student movement and the start of the transition. [Rama 2006 b]

#### *4.5.3 Emerging Opposition Parties*

Extrication from the previous rule can result only from understandings between Reformers within the regimes and Moderates among opposition. Extrication is possible if 1) an agreement can be reached between Reformers and Moderates to establish institutions under which the social forces they represent would have a significant political presence in the democratic systems, Reformers can deliver the consent of the Hardliners or neutralize them, and Moderates can control radicals. Transition negotiated with the regime. Democracy emerges from bargaining [Przeworski Pg 71]

The first opposition party, the Democratic Party, was formed on December 12th 1990, five days before the People's Assembly formally sanctioned the creation of opposition parties. Initially DP was created from a group of intellectuals, who joined the Student Movement at the last moments and who each brought his own people in the party. The founders of the party had no time to prepare a detailed program to reflect, not only the aspirations for democracy, but also concrete reforms, or steps, towards establishing a democratic system, rule of law, full respect for human rights, and a market economy. They didn't mention the eradication of Communism from the country's political and administrative structures, as the first step to extricate the rule and make a clear cut with the past. [Biberaj 1999:155] In the beginning, the ideal of democracy was promoted as a counter-ideal to the existing communist ideology, aiming for the overthrow of the previous regime. Therefore, the Democratic Party evolved to a mass movement of all

the segments of the Albanian society, which normally have different needs and requirements. It involved both people well-connected to the ruling elite, as well as people belonging to the marginalized elite and hostile to the ruling class, people who conscientiously tolerated the presence of the first and even relinquished leadership positions seeking to save Albania from a bloody civil war. After a while the risk of the civil war was avoided and the part of elite which had served the previous regime was protected by retaliation. At the time, it appeared that Albania would undergo a smooth transition which would be the best foundation for the rebuilding of a new democratic Albania. [Rama 1997][Rama 2006b]

Regime's strategies nonetheless damaged the Student Movement, preventing Albania from having a real democratic opposition which had the power, the ideology, respect and love for the country and its people.

Participants of the Student Movement wanted to create their own political party, which would be independent from the party the intellectuals created. However, given the popularity that the Movement enjoyed among the population, most of the citizens of Tirana were showing their support at the quarters of the Students' City. Therefore, the students gave their approval for the declaration of the Democratic Party at the Students' City, however under few conditions. Nonetheless, with the selection of Azem Hajdari, one of the participants of the Movement as the head of the Committee of the Democratic Party, (a move made by Sali Berisha), the Democratic Party gained an undeserved political weight. [Rama 2006b]

With the change of the system, traditional Communist Parties need reform as well, by detaching themselves from the Marxist-Leninist ideology. Hence in Albania, the new Socialist Party which emerged from the Former Party of Labor of Albania, detached itself formally from the communist past, but in its content, its methods, and its mentality remained totally unreformed, especially during the first decade. Many other unreformed communists and members of the former Albanian Intelligentsia who converted at the last minute, were involved in all new opposition parties, undermining thus the process of consolidation of a powerful democratic opposition.

#### **4.6 Outcomes of the Transition Process**

The transition process proved to be a traumatic experience, thanks in large part to the immature political behavior of the leadership. In its élan to realize the process of reforms toward market economy, the Albanian democratic political leadership failed to take into consideration the specific conditions of Albania. Their choice to literally throw Albania into modernity proved to be not a very easy task even for them. An institutional product of one of the most autocratic totalitarian societies, the newly emerging political class, independently of its education, political stance and democratic postures, was utterly unprepared to handle the situation and guide Albania through this difficult process. The emerging political elite failed protect Albania's interests in view of its opening towards international markets, and to unite the Albanians along the idea of nation and nation state. [Rama 1997]

The political, cultural, psychological and social legacies of communism prevented the establishment of a genuine democratic system. The economic factors were of key importance as well. Despite the fact that Albania, as did many other countries, lacked any experiences necessary to facilitate the process of transition from a centralized economy to a market economy, it also inherited from the communist period a totally backward and inefficient economy. In general, the new Albanian political scene, apart from the formal pluralist aspect, manifested apparent communist reminiscences. For these reasons we can't label the Albanian transition as a total breakdown and a replacement of the Communist regime.

According to Janusz Bugajski five factors must be considered in determining the reasons for the ongoing difficulties: authoritarianism, weak democratization, nationalism, economic stagnation, and criminality. Where they were successful, the ex communists adopted ideologies and programs to obtain popular support through the electoral process and to manipulate public opinion, using populism and ethnic nationalism. They calculated that a formal democracy could coexist with an informal authoritarianism. Instead of seeking to destroy all vestiges of political pluralism they figured that selective controls over the most important institutions could preserve their

positions of power. Populism, nationalism, and authoritarianism have been reinforced by poor economic performance in the region, and a growing wave of officially sponsored criminality has also contributed to unsettling the region's fragile economies and democratic political institutions. [Bugajski 1993]

#### **4.7 Post Transitional Institutional Design**

Each political force opts for the institutional framework that will best further its values, projects or interests. Depending on the relations of forces, including the ability of the particular actors to impose nondemocratic solutions, either some democratic institutional framework is established or the struggle for a dictatorship ensues. Relations of force and objective condition the institutional results. [Przeworski 1991:80]

Whenever the regime negotiates its way out of power, the optimal strategy of democratization is inconsistent. It requires compromises *ex ante* and resolution *ex post*. Transitions by extrication leave institutional traces. These can be effaced, but transitions are more problematic and longer in countries where they result from negotiated agreements with the old regime. With the institutions adopted as temporary solutions, which terminate the initial conflict; new democracies are likely to experience continued conflict over the basic institutions; the political forces that suffer defeat as a result of the interplay of these institutions will repeatedly bring the institutional framework back to the political agenda. [Przeworski 1991: 94] In the Albanian case the relation of forces was known and uneven. Thus the institutions were custom-made for the communist party.

Kitschelt argues that the expected popular strength of former communist incumbents is greatest after patrimonial communist regimes. In regimes emerging from patrimonial communism, the former ruling parties are generally likely to demand and often have sufficient leverage to obtain new democratic political practices that emphasize majoritarian principles, rewarding the strongest and most unified political actor with a disproportionate share political power. To that end, communist successor parties may

advocate single-member district plurality voting laws and a strong presidency with wide decree powers etc. [Kitschelt 1999:32]

The results of the strategies followed in the initial post transition years in Albania will be discussed in more detail in the next part of the analysis. Clan struggle, class struggle continued, polarizing the Albanian society and creating a permanent conflictual politics and discourse. The platform of the students was based on the ideals and values of the Albanian national renaissance. The emerging political elite lacked the ability and the political will to answer the needs of the time, and to invest to resolve the crisis, forecasting that the civil unrest would be only temporarily postponed but was imminent. The strategies of enriching and strengthening themselves and their clans of power at the expense of the Albanian citizens became a standard of behavior. [Rama 2006b]

Power configurations under the old system and in the transitions process, mediated by the actors' well understood self-interests and subjective cognitive maps shape institutions to a considerable extent. The relative independent importance of institutions to account for policy processes and outcomes is thus initially modest, but significant in long term. [Kitschelt 1999:13]

As we will see in the following chapter the emerging formal institutions of the Albanian democracy, codified in the first constitutional provisions and electoral laws, were endogenous to the bargaining process in which historical legacies asserted themselves. In part, they also reflected the choices of the PLA and of the opposition parties, in an environment with considerable uncertainty about the identity of collective political actors, their interests, and their strategic options.

## **Chapter Five: The Formation Phase**

The formation phase of Albania, which I divide in a period from 1991-2001 has been characterized by the overall transformation of the society, economy and institutions following the fall of the communist regime. The initial actor's choices and strategies

were heavily influenced by the weight of historical legacies. Surrounded by political instability and wars in former Yugoslavia, the integrity and the role of Albania in the wars of neighboring countries has been of primary interest, leading to a toleration of authoritarian practices by the international community in expenses of neutrality and noninvolvement in the conflicts. The political inputs and choices in the democratization process during this phase lead to 2 major crisis, 1997 fall of pyramid schemes followed by a total state failure and civil unrest, and an attempted coup d'état in 1998 following the assassination of Azem Hajdari, one of the important political figures of the Democratic Party.

### **5.1 Institutional Outcomes of Electoral systems**

Politics takes place in time and space-both the immutable physical space and the institutional space that politics can alter, but with much inertia. The physical size of polities matters for their functioning. Institutional size also places constraints on politics. Institutions are 'containers' within which the political processes take place. An excellent institutional framework cannot compensate for flawed political culture, but inadequate institutions can make it worse. Such a risk is high when political culture is corrosively intolerant and does not value cooperation and compromise. To maximize stability, institutions should be congruent with political culture, but not so congruent as to help perpetuate an undemocratic culture. Electoral systems are part of such institutions. [Taagepera 2007: 5]

The earlier analysis provided sufficient arguments about the political culture transplanted through different regimes that were applied in Albania.

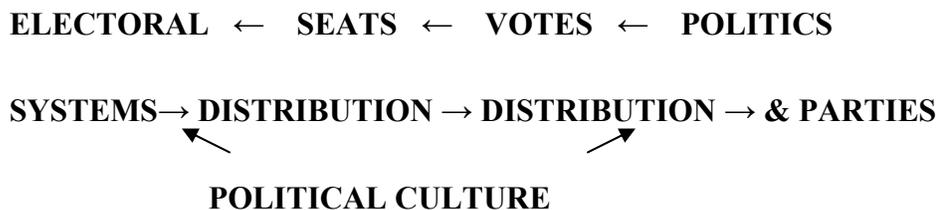
The following analysis will attempt to argue that the initial post-communist institutional design and political inputs during the first 10 years when both Democratic Party and Socialist Party were in power, not only perpetuated the same tactics used by the PLA to mobilize the population based on counter ideology; to undermine state-citizen's linkage through identifying the state with the party in power, to strengthen the cleavages in the population inherited by the regime into a new class-struggle; to create a conflictual political culture, based on a maximum polarization of the whole society;

to subjugate the state institutions to narrow clan interests, to create new Politburos; to eliminate factions and of opinions contrary to the those of the chairpersons of the parties; to eliminate morally or use violence on political adversaries, to create and support the creation of small satellite one person parties; to apply flawed economic and structural policies etc., which lead to the collapse of the state and civil unrest in 1997.

Elections are considered one of the most important aspects of a democratic system. This is the reason the analysis of the political sphere in Albania will start with the analysis of elections. I will focus only on Parliamentary elections which decide who will govern the state. The formation phase has been characterized by frequent electoral and institutional experiments aimed at securing the stronghold of the party in power, which has resulted in a very conflictual power transition; unstable state institutions and legitimacy crises.

### *5.1.1 Electoral Systems and Party Politics – A Theoretical Perspective*

Translation of votes into seats by different electoral systems can lead to drastically different outcomes. They affect party strengths in the representative assembly and the resulting composition of the governing cabinet. They encourage the rise of new parties, bringing in new blood possibly leading to excessive fractionalization, or they can squeeze out all but two parties bringing clarity of choice but possibly leading to eventual staleness. [Taagepera; Shugart 1989]



**Figure 1.1.** The opposite impacts of electoral systems and current party politics  
[Taagepera 2007: 3]

Figure 1.1 shows the opposite impacts of electoral systems and party politics on the distribution of seats and votes among parties. Electoral systems restrict directly the way seats can be distributed. In particular, when single-seat districts are used, only one party can win a seat in the given district. The impact on votes is more remote. When a party fails to obtain seats in several elections, it may lose votes because voters give up on it, or it may decide not to run in the given district. The impact on party system and hence on politics in general is even more remote. The impacts of existing party system and current politics are attenuated in the reverse direction. The total number of meaningful parties may be limited by the workings of electoral system, but current politics determines which parties obtain how many votes. The impact of current politics on the seats distribution is weaker, as the electoral system may restrict the number of parties that can win seats. Still, current politics determines which parties win seats. Finally current politics has no impact at all on the electoral system, most of the times. Yet, infrequently it has a major impact, when a new electoral system is worked out from scratch, or when protest against the existing electoral system builds up for any reason. At all stages, political culture plays a role. The same electoral laws play out differently in different political cultures, shaping different party systems. Along with the initial party system, political culture shapes the adoption of electoral laws. If stable electoral and party systems succeed in lasting over a long time, this experience itself can alter the initial political culture. [Taagepera 2007: 4]

Electoral systems affect politics, but they are also products of politics. Political pressures can alter them. This is well known, but most researchers treat electoral systems as causes of party systems rather than results. Party constellations do tend to precede and determine the electoral systems. Once in place, though, the electoral system helps to preserve the initial party constellation and to freeze it into a party system.

Electoral rules also define the game, but they are part of it. They vary in space and time. Losers can blame them, and at times do. Change in electoral rules can be part of an election platform. Because these rules can be changed through political processes, the analysis of the properties of electoral systems is part of the study of politics.

Strategic aspects of politics can be conditioned by political culture and various path-dependent factors. One need not even claim equal importance for institutional aspects and for electoral systems in particular. They are merely the limiting frames for political games. A good electoral-system cannot save a polity where many other institutions, attitudes, and policies have broken down. And on the other hand, a healthy polity can find ways to compensate for a poor electoral system. However, an inadequate electoral system can contribute to crisis in the case of shaky polities-and most polities have their fragile aspects-and periods. [Taagepera 2007: 8]

Chapter 8 will provide a more detailed analysis of the electoral laws and their outcomes in the Albanian political party system. This chapter will analyze primarily the constellations of power that have lead to frequent electoral reforms in Albania in the first decade.

The main concern of legislators when they design the election laws is the balance between decisiveness of government and representation of various minority views. This outcome has been claimed for seat allocation by plurality in single-seat districts, often designated as first-past-the-post (FPTP). The desire for maximally PR, on the other hand, is best satisfied by a PR seat allocation rule applied nationwide. Albanian election laws have primarily created conditions for having many small parties and yet large deviations from PR.

In new democracies, two considerations emerge stronger than in the established ones. One is legitimacy of electoral laws. If these laws are perceived as unfair, for whatever reason, founded or unfounded, then democracy is in trouble. The other aspect is the cost of elections, both in terms of money and expert labor. Some electoral systems are appreciably costlier than some others, and new democracies, in particular, are often strapped for funds and skilled administrators [Taagepera 2007:14]

Many political scientists base democratic system on free elections. Raymond Aron, the prominent French political philosopher, defined democracy as “the constitutional organization of the peaceful concurrence for the exercise of power”. [Aron 1968] His definition reflects the rules that direct the exercise of power. Specific to these rules are

the three pillars of Aronian democracy: *sovereignty of the people*- idea of free elections in which every citizen has the right to vote, *equality, and liberty* - fundamental in the protection of the right of sovereignty and standards.

Giovanni Sartori gave also a great importance to the role of free elections in his book “Democracy Theory”, considering them “the mechanical guarantee of democracy”. Sartori underlines “the proof of democracy is the proof of elections, because it is believed that only elections express the common consensus, or in other words, the general opinion of the population. Voting without free elections cannot elect a truly representative government.” [Sartori 1968: 54]

I will try to explain the Albanian electoral and institutional engineering along this line of thought.

Electoral systems can make or break a party- or even a country.

## **5.2 The Political Sphere and the Difficulties of Democratic Institution Building**

### *5.2.1 Albanian Parliamentary Elections of 1991*

Albania’s first multiparty elections of the post communist period were held in March 1991 based on the electoral law adopted in November 1990 by the Albanian Party of Labor in its Congress, before political pluralism was accepted. Although it was the first important institutional change, it was designed to enable the communists to preserve their power, and this is what happened. It reflected the majority system with single- member and winner-take-all districts. [Biberaj 1997:154]

The pre-electoral situation was characterized by a very heavy atmosphere of political terror and intimidation of the population by the secret police. It was very clear to everybody that the communists would not give up power without resistance. In Albania they used every means to impede the opposition’s activities, to undermine the transformation process, and to hold power over the state institutions as long as possible. This strategy of the leadership of the PLA caused violent demonstrations, instability, anarchy, and general strikes that paralyzed the country. A few activists of

the Democratic Party were killed by the intelligentsia, and there was an outbreak of politically motivated violence in many parts of the country. The PLA was forced to allow the formation of opposition parties, at a time in which it was not prepared to give up its power. The political atmosphere was highly polarized and under these conditions the electoral campaign took place. At this time the PLA continued to exercise tight control over official radio and television, therefore the access of opposition parties to the media during the campaign was very limited. [Biberaj 1997:155]

In the first elections the ALP won the majority of the seats in the People's Assembly; the opposition, which had its main support in the major cities of Albania, won only 40% of the votes. Despite the results of these elections, the opposition parties accepted the results.

The Assembly that resulted from the elections of 1991 designed the first the constitutional provisions embodied in the Law "On Main Constitutional Provisions". The law abrogated the Communist constitution of 1976 and set the way for the creation of the new democratic institutions. In theory it guaranteed the separation of legislative, executive, and judicial powers. These provisions created the premise for the development of a democratic legislation, which would serve as the regulator of the new political situation of the country.

#### *5.2.2 1991 Elections Aftermath and First Post-Communist Institutional Design*

In May of 1991, independent trade unions staged a strike observed by one-third of the entire Albanian work force against the socialist government of Prime Minister Fatos Nano. By June, the Nano government was forced to step down. To placate the workers and other members of the opposition, Nano accepted demands for a multi-party government, including the Democratic Party at the cabinet level and the Republican Party and Omonia (the Greek-minority party) at the sub-cabinet level.

In early December of 1991, several opposition ministers of the Democratic Party resigned as a protest against state control of the media and insufficient action on the part of the Prime Minister to bring high-ranking Labor Party (former Communist

party) members believed to be guilty of atrocities to trial. On December 15, 1991 a "government of technocrats" was installed as a caretaker government pending new parliamentary elections. [IFES 1992: 5]

During the debates on the draft electoral law, the economic situation in Albania deteriorated rapidly. Albania was being sustained almost entirely by foreign aid. Industrial and agricultural output was at a standstill. Political protest strikes had suspended activity in key areas such as electric power and agriculture. Nationwide unemployment was estimated at 70%. In addition, the unprecedented violent crime rate and general lack of public order had caused widespread alarm among Albanians. Many believed that the state of unrest was being manipulated by antidemocratic members of the government and the state security forces to discourage democratic government in Albania. It was the widespread belief among all but the most anti-democratic elements that political and economic difficulties in Albania could not be addressed before a political solution could be reached by means of a free, fair and credible election to parliament. It was believed that only a stable democratically elected government would attract the aid, investment and credits necessary for Albania's entry into the European community of nations. [IFES 1992: 6]

President Ramiz Alia had called the elections for March 1. However, it was immediately apparent that the elections would have to be postponed until appropriate technical election assistance, essential equipment and commodities could be identified and provided to the Government of Albania. Due to the desperate situation throughout Albania, it was vital that this assistance be made available quickly. Many Albanians believed that any delay of the election would lead to further unrest throughout Albania and possibly to a violent solution by the security forces. Due to the inability of the Government of Albania to address the breakdown of public order and collapsed economy, a significant delay of the elections would have weighed heavily on the people of Albania. In addition, anti-democratic forces had sought to benefit from the chaos which they attributed to the advent of democracy. [IFES 1992: 8]

The entire government structure of Albania in the weeks and months immediately prior to the election, was in a state of limbo. The parliament had been dissolved, and a technocratic government was in place to maintain only the most fundamental functions of government. Their situation was comparable to being on a life support system that maintains the basic body functions yet the capacity for response is severely restricted.

To exacerbate the complexity of the context in which the elections took place, the country was in economic chaos, with an interim technocratic government working to achieve the difficult transformation from a centralized to a free market-based economy. The agencies of the bureaucracy were assuming new roles to which they were unaccustomed. And, until a new government was set in place; they were frozen in the middle of their transition unable to move forward in assuming their new responsibilities in the emerging economic and political reality. With government in its weakened state and the feeble exercise of any degree of authority even by the police, the general populace clearly felt that the country was on the brink of anarchy. [IFES 1992: 9]

The general disregard for authority was only one of the immediate results of the state-citizens' linkage and party-state policy applied by the PLA. Everything that symbolized the party state was destroyed, especially the public property and the overall infrastructure. The application of the zero ground structural policy had severe repercussions from which Albania still suffers. The future was so unpredictable that it added to the difficulties faced by individuals who were assuming positions of responsibility.

There was no regular and on-going government agency specifically charged with the responsibility of conducting elections. Rather, the Law on Elections called for the establishment of a three-tiered organization of election commissions, created anew for each major election cycle.

In the 1991 election non-party organizations were allowed to field candidates. An administrative decision was apparently made at the time, however, that they could only nominate candidates in those geographic areas where their organization was formed. In

the Political Parties Law adopted in the summer of 1991, a prohibition was set against parties formed on a religious, ethnic or regional basis. With the suggestions of the CSCE, and the Council of Europe, a new draft election law was prepared for the elections that were to be held in 1992. This election law excluded the participation of ethnic based parties in the election process. For this reason the Omonia, the party of the Greek Minority, was transformed into a new political party called The Union for Human Rights, open to other ethnicities. [Biberaj 1997: 203]

Elections are one way to determine who the leaders will be. But the choice of the electoral system is affected by many contradictory concerns which in connection with specific historical situations make the outcomes highly unpredictable, although some outcomes are more likely than the others.

### *5.2.3 Albanian Parliamentary Elections of 1992*

In 1992 the support that the political parties enjoyed among the population had changed. The DP had become very popular, gaining strong support from the majority of the society. Therefore PLA insisted in updating the previous electoral law to the new reality. Loosing its stronghold on the population, the Socialist Party, formed in June 1991 on the basis of the former PLA, supported the proportional system, while its main rival, the Democratic Party, supported the majority system. According to the DP's point of view, this system enabled the formation of a decisive government while the proportional system would lead to polarization, party fragmentation, and governmental paralysis. After a strong debate in parliament, in February 1992, the Assembly adopted the new law, changing the Albanian electoral system from a majority one to a Mixed Member Proportional. [Biberaj 1997:205]

Despite of the grave situation in the country, the 1992 elections were far more orderly than those of the previous year, and probably the only truly free elections in Albania's history. For the first time the Albanian people freely expressed its will. The support given to the opposition was strong. Therefore, it won 2/3 of the seats in the parliament. It is important to emphasize that the opposition had the support of the majority of intellectuals, prominent scholars, writers, artists, and especially of the oppressed strata.

The external factor that stimulated the victory of the opposition was the Western one, especially the support of the United States agencies and institutions. The success of these elections and the acceptance of the result by all the political factors, created the possibility of normal democratic change in Albania.

The new election platform of the Democratic Party during the elections of 1992, called for the implementation of radical political and economic reforms and the restoration of law and order. It pledged “to fight for the fulfillment of the centuries old hopes and dreams of our people: establishment of democracy based on human rights and fundamental freedoms, prosperity through economic freedom and social justice and the integration of our nation in the new historic developments that have taken place in Europe. The party committed itself to drafting a contemporary democratic constitution and carrying out radical reforms in the government bureaucracy, a separation of the state from the party and a genuine depoliticization of the army, security forces and the state controlled media, including radio, television, and the ATA. Promising radical economic reforms aimed at creating a market economy, the Democratic Party pledged to work toward total privatization, to compensate the former owners for property confiscated by the old regime, and to verify that the property gained by the new owners during the transition period had not been gained illegally. It promised to revise the land law, allow the sale of land to Albanian citizens, compensate former owners for the land the communists had nationalized, and provide peasants with tractors, fertilizers and seeds. In foreign policy it promised a speedy integration of the country into the European mainstream.

During the liberalization process the old communist regime preferred to keep the Soviet electoral rules which favor the largest party even when applied honestly. The Communists did so not only by force of habit but also because they expected to be the largest party. It turned out to be a catastrophic misjudgment in the elections of 1992. The predominant opposition forces stick to the pseudo-democratic election rules inherited from the preceding political regime, either because they are unaware of the alternatives or because they rationally try to balance the merits of the existing rules against the costs and risks of innovation. [Taagepera 2007:14] Similarly, Albania kept

for a while the rules, which required high participation, allowed voting against all candidates, yet required absolute majority to win.

### **5.3 Political Inputs of Party Politics 1992-1996**

During the years 1992-1996, many efforts were made for giving the country a new constitution. Due to the disagreement over the type of the republic, over the final solution for the estate ownership issue, etc, the referendum for the Constitution of November 1994 brought about the first serious failure of the democrats. This also represented an important electoral test for the majority in power to set the political course in the right direction, in accordance with the interests of its electorate. It also showed that the political electoral map of the country had undergone evident changes within 2 years.

If we would refer again to Aron, “all regimes have two objectives: to remain in power and to exercise the power in the common interest. The maintenance of power depends in part on the ability of the leader to please the citizens, and the political leaders are always solicited to compete for the electoral support of the people.”[Aron 1968: 87]

The result of the referendum showed that the leadership of the time, it seemed, had started to be detached from some of the preoccupations of its electorate and the reforms undertaken by the government were not getting the results expected by the majority of the electorate. Nevertheless, there was still time to realize the results of reforms and to correct the mistaken steps that originated from the ambiguity in establishing the right directions for the long term development of the economy, and from lack of experience in these areas.

The next general elections were set to be held in May 1996. In the preparation for the 1996 elections, there were increasing calls for changes in the electoral system. With the exception of the Democratic Party, all other parliamentary parties continued to prefer the proportional system over the majority system. After heated debates, in January 1996, the Democratic Party-controlled Assembly, despite the objections of most other parties, approved changes in the 1992 election law, by justifying them as

rules formulated to give Albania a more responsive political system and rule by stable clear-cut majority.

### *5.3.1 Democratic Party's Strategies before 1996 Elections*

In reality the new law was likely to enhance the position of larger parties and in the long run to lead the country in the direction of an adversarial two-party system. The number of single-member districts was increased from 100 to 115, and the proportional seats decreased from 40 to 25. The reduction and change in the distribution of proportional seats was viewed as consigning many smaller parties, competing for the same group of voters, to oblivion. The new law also made changes concerning the composition and selection of the electoral commissions and provided equal access to state radio and television. It gave to the president, rather than the parliament, the responsibility for determining the boundaries of electoral districts.

The law failed to address disputes between regional and national party officials over who would control the electoral process. It favored party oligarchs at the center who continued to dominate the selection of nominees and who could use the proportional slates to gather their allied together. [IRI 1996: Appendix V]

Two previous steps had caused dissatisfaction and further polarization.

- 1) The Law on Genocide and Crimes against Humanity Committed in Albania during Communist Rule for political, Ideological and Religious Motives, barring former Communists and Sigurimi collaborators from seeking public office until 2002. Under the law, members of the former ALP Politburo and Central Committee, ministers, deputies, district party secretaries, presidents of the Supreme Court, and general prosecutors, and former Sigurimi agents and informers were prohibited from holding posts in parliament, the government, the judiciary, or the state run media.
- 2) The Law on Verification of the Moral Character of Officials and other persons connected with the protection of the Democratic State, regulating the opening of

Sigurimi files and setting up a state screening commission for those seeking public office. [Official Journal 1995]

These laws sought to eliminate from Albanian politics the old Communist Cast, the Sigurimi agents, and the persons who earned wealth illegally in the first years of the transition. The application of the laws was not equal. It only addressed the political adversaries of the regime causing a significant discontent among them. This, from my point of view, represents the second substantial mistake of the democratic leadership after the failure of the Constitutional project. The absence of the Constitution (the remaining only at the level of some “Constitutional provisions”) as a set of rules that lays out the procedures for the organization of the struggle for power, rules that all citizens are obliged to follow, led to the inequality before the law of the citizens, despite their political convictions. This showed that the democratic leadership had adopted practices that signaled backtracking from democratic principles they had pledged to implement before the elections.

### *5.3.2 Socialist Party's Revival before 1996 Elections*

While the small parties had no real chances of surviving the contest, given the amendments of the electoral law, the Socialist Party had recovered from the danger of being turned into a minor party of nostalgics and hard-core militants, thanks in part to the failure of Berisha's regime to implement real economic reforms. However, the SP ranks swelled primarily thanks to the "anti-Communist class struggle" waged by Berisha and manifested in the firing and dismissal of tens of thousands of professionals, Army officers and state employees with a tarnished "communist" past. The SPA, that had found a powerful political symbol in their imprisoned leader, Fatos Nano, was seeking to become a respectable partner in Albanian politics. Although its hard-line faction was getting stronger and more aggressive every day, the people who led the SPA managed to create the image of a reformed party that was prepared to fight for collectivist ideas other than Stalinist and Enverist models of Marxism although they are still not sure of what kind of collectivism they are seeking to build in Albania. Their assurances that they are fighting to build a social-democratic society modeled

according to the more successful West European social-democracies raised grave doubts about their knowledge of European social-democracy. [Rama 1997]

### *5.3.3 International Community Involvement*

The democratic government had strong support in many areas: political, economical, international, legislative, social, and scientific. For the preparation and training of the Albanian scientific elite, the European Union and the United States, invested round 200 million USD through different programs or international agencies like TEMPUS, PHARE- DEMOCRACY, USAID etc. The developments in Albania were closely monitored by the Western institutions, because of the importance of the stability in a destabilized region. In 1996, special attention was given to the problems of preparation for the upcoming elections. Free and fair elections and the acceptance of the results were a major condition for the continuity of the assistance and the support for the democratic forces by the West.

### *5.3.4 1996 Parliamentary Elections and Opposition Parties' Strategies*

Unfortunately, the elections of 26<sup>th</sup> of May 1996 were characterized by a boycott. Falsifications of lists, beatings of the opponents, ballot-box stuffing, voters casting multiple ballots, strong security presence within the polling stations and numerous other violations gave to the SP, whose leaders became aware early in the day that they were about to lose anyway, the much needed pretext to withdraw from the ballot and denounce the elections as fraudulent.[Rama 1997]

Only two hours before the polls were scheduled to close, the Socialist Party pulled its commissioners out of the voting, claiming large-scale election irregularities. They declared that would not accept the results or recognize the new parliament. Other parties like the Social Democrats and the Democratic Alliance joined the Socialists. This decision came as a surprise to most foreign observers. [Biberaj 1997:289-299]

The decision was made by a small circle of Socialist leaders, who had been banned from running for public office because of the law. The fact that all the Socialist

commissioners left their posts at the same time even though the infrastructure of the country, did not allow for instantaneous communication, leads to the probability that the scheme to boycott the election's was planned before hand with the goal to undermine the election process and to contribute to the irregularities of the elections, thus causing crises that would lead to new elections. [Biberaj 1997: 289-299]

This was a very irresponsible action by the opposition. The opposition most of the time since the 1992, undermined every step of the government toward establishing a genuine democracy, causing destabilization, fragile institutional structures, and putting in danger the future of the country's democracy. This is one of the entire crucial problems of the entire transition period. The opposition ignored the will of its voters, thus violating all the rules of the democratic system, becoming a source of instability, and setting a serious and detrimental precedent for the future.

The essence of democracy is to accept the peaceful turnover of power. The peaceful transition of governments means that the members of society, including political officials, accept the outcome of the electoral process. This implies that when one leader is voted out of office by the people, he or she must peacefully and willfully hand over the reigns of the government to the newly elected leader. [Aron 1968: 47]

The ruling party had its own part to play in developing this situation. Namely their failure to reach consensus in building and developing constructive parliamentary discussions where the opinion of the opposition would be taken into consideration during the drafting processes before the elections. They tried to impose their decisions before the elections, thus creating the danger of factional politics when it was in the majority.

### *5.3.5 Aftermath of 1996 Elections*

In the Elections of 1996, the DP won 122 seats out of 140. Ten seats went to the Socialist Party and the rest of seats went to small parties, such as the Republican Party, Social-Democratic Union and National Front, loyal to Berisha. The SP had won over 25 percent of the popular vote, while the DPA over 50 per cent. The SP had gained

only 7 percent of the seats and the DPA 88 percent of the seats. The SP opposition by now at the hands of hard-line communists, such as the former Minister of Interior, Gramoz Ruçi, decided to boycott the DP dominated Parliament. Their MPs did not take their seats. Ruçi and a number of other high communist officials that had not been elected, no longer enjoyed parliamentary immunity and since they were about to be prosecuted, left the country. [Rama 1997]

### *5.3.6 International community reaction*

The results of the elections were unacceptable by accepted democratic standards worldwide. With the results of the May 1996 elections, democracy in Albania was transformed automatically into an autocratic regime.

The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) issued a critical report, emphasizing that the administration of the election had been characterized by serious shortcomings. In "many instances the implementation of the election law failed to meet its own criteria". This report added that the decisions of the polling station commissions were not made by majority vote, but by arbitrary decisions of the government-appointed commission chairmen and secretaries. It also accused the authorities of failing to ensure that political campaigning was conducted in a fair and free atmosphere. Serious irregularities and an unusually large number of invalid ballots, were observed in the counting process. [OSCE/ODHIR 1996] The delegation of the OSCE Parliamentary Assembly blamed both the government and the opposition for the irregularities. Nevertheless it didn't question the legality of the newly elected parliament, recommending only that Albanian parties should consider holding new elections "after a reasonable, but a limited period of time"

The State Department urged the government and all political parties "to seek assistance from the international community in investigating and identifying districts in which elections should be repeated" and to consider the recommendations of observer delegations "to improve the electoral process, to ensure that the irregularities which occurred in this election do not recur." The State Department also blamed the Albanian

opposition, saying that the pullout from the election had made it impossible to gauge the true dimension of problems subsequently observed during the vote count, and contributed to the lack of integrity in the counting process”. [Biberaj 1998: 160]

### *5.3.7 Ruling Party's Reactions*

The ruling party surprisingly refused to take in consideration the suggestions of the international actors for holding the elections again in those electoral zones, where irregularities were registered. The leadership of Democratic Party was irresponsible and showed lack of professionalism, through an uncompromising approach not only towards the opposition parties, but also towards the international community.

This caused a great strain in the US- Albanian relations. On the other hand, the European Union considered Albania's stability in an unstable region to be of utmost importance. For this reason their critics wasn't as severe as the American ones. Such a European policy, to certain extents disregarding the irregularities of elections was noticed in the following elections of 1997, where for the sake of stability, the free will of Albanian voters was not taken in consideration.

## **5.4 The 1997 Crisis**

### *5.4.1 Background of the 1997 Crisis*

One of the major problems that led to the increase of the informal market was the inadequacy of the formal financial system. The three state banks that dominated the deposit-taking market (holding over 90 percent of deposits) were not reliable intermediaries of savings, and private banks were slow to emerge and not particularly interested in attracting domestic currency deposits, devoting their attention mostly to trade financing. As a result of these problems, and of a general distrust of the banks, the public tended to hold an unusually high proportion of their financial assets in cash (at end-1995 the currency/deposit ratio was 64 percent) and was on the lookout for alternative investment opportunities. [Jarvis 2000]

On the lending side, the banks' problems were even worse, leading to the emergence of an informal credit market. The informal credit market had been flourishing in Albania since the transition began, and the authorities generally tolerated it. The informal market consisted partly of foreign exchange dealers (some licensed, some not) and partly of a number of companies taking deposits and making loans. These companies were informal and arguably illegal, since they were never licensed to take deposits. They grew out of a credit system based mostly on private loans from migrant workers to friends and family. Informal market lending rates were high. Both the authorities and foreign observers, including the IMF, regarded the informal lending companies as benign, and indeed as making an important contribution to growth: given the manifest deficiencies of the formal banks, these companies were probably the best intermediaries for savings in Albania, and the investments they funded were among the most profitable. [Jarvis 2000]

Indeed, there is strong evidence that the problem was not just a legal one, but one of governance, and that members of the government themselves benefited from and supported the pyramid scheme companies. During the 1996 elections several of the major companies made campaign contributions to the ruling Democratic Party and paid for advertisements on the election posters of Democratic Party candidates.

This tolerance was reflected in the benign neglect of both the Ministry of Justice and the Ministry of Finance, as well as in the open support of the major companies by the President.

It was not until October 1996 that the Minister of Finance, returning from the IMF and World Bank annual meetings in Washington, warned the public for the first time about the risks of the schemes. Even then, government statements often compounded the problem. In particular, a false distinction that the government drew between the companies with real investments and the "pure pyramid schemes" obscured the fundamental insolvency of all of the schemes. When it was suggested that some of the companies might be surviving by laundering money for the Italian Mafia, the President himself came to their defense, arguing that these were legitimate and successful

Albanian companies. The May elections had a more direct impact. In reaction to uncertainty about the prospects of the ruling Democratic Party in the elections, and also to the entry of new pyramid schemes into the market, the pyramid schemes raised their interest rates again, to 8 percent a month. The outcome of the elections was also crucial. The elections were widely seen as rigged, so that local government elections scheduled for October took on a greatly increased significance. In these circumstances, the government did not want to give people any unpleasant surprises, and the tendency to ignore the growth of the pyramid schemes and to hope that problems would never materialize was reinforced. [Jarvis 2000]

The pyramid schemes increased their rates in 1996 and the mania in putting money in order to get high profits became so fashionable, that it led the people to put all their savings in these firms, which couldn't then cover what they offered. With the elections of 1996, and the reduction of sanctions against Yugoslavia the pyramid schemes defaulted their payments and the collapse began. It took four months for the remaining pyramid schemes to collapse, bringing down with them the Democratic Party government, and plunging Albania into anarchy. The total collapse of the pyramid schemes in 1997 produced social unrest, destruction of institutions, political instability, and the destruction of many businesses.

By March 1997 Albania was in chaos. The government had lost control of the more prosperous south of the country, where investments in the schemes had been highest. The army and police had mostly deserted. By mid-March armories were being looted in the south by rioters and in the north by the President's supporters; evacuation of foreign nationals and mass emigration of Albanians to Italy began. When Tirana itself fell into civil disorder the president agreed to hold new parliamentary elections by the end of June, and an all-party interim coalition government led by members of the former opposition Socialist Party was appointed. [Jarvis 2000]

The interim government inherited a desperate situation. Some 2,000 people were killed in the violence that followed the pyramid schemes' collapse. Almost one million weapons were looted. In April, large parts of the country were still out of the

government's control. Government revenue collapsed, as customs posts and tax offices were abandoned. By end-June the lek had depreciated against the dollar by 40 percent; inflation during the first half of the year was 28 percent. Many industries had temporarily ceased production, and trade was interrupted. Meanwhile, the major pyramid schemes continued to hang on to their assets, proclaim their solvency, and resist closure. Moreover, the political authority of the government was doubtful. Parliament continued to be dominated by the Democratic Party, and President Berisha continued to block action against the remaining pyramid scheme companies. Only in July, when new parliamentary elections gave it a decisive majority, and President Berisha resigned, did a new government, a five-party coalition headed by Socialist Party leader Fatos Nano, have a free hand in dealing with the crisis. Despite its handicaps, the interim government made strong efforts to restore order and to stabilize the economy, drawing on the assistance of the international community. [Jarvis 2000]

#### *5.4.2 The Pyramid Crisis and its Political Aftermath*

Taking advantage of the strange attempts of Berisha, at that time president, who, pressed for time, promised the return of the money to quell the protests, the most intransigent faction of the Socialist Party worked hard enough to incite an uprising. When, as it was expected, Berisha failed to return the money simply because it was not there, the exponents of the opposition began organizing a political campaign against Berisha and the Meksi government accused by the opposition as the major partners in the financial scams. Still with his eyes fixed on March 3, 1997, the date when he would become President of Albania once again, Berisha was gambling to gain time by simply doing nothing. Sensing that the power was only one step away, the so-called "neutral" and "independent" intellectuals of the capital, most of them a by-product of the past Communist school or simply expelled by the ruling elite at one time or another, joined those who had forged their neutrality and independence in Communist jails in a common cause to get rid of Berisha. [Rama 1997, 20-22]

It is important to note that capitalizing on the unpopularity of Berisha and his lieutenants, the anti-Berisha parties and politicians got together into a loose

organization, with an attractive name the Forum for Democracy. In due time, the SP emerged as the main interlocutor and the undisputed political representative of the rebellion, whereas the Forum for Democracy slowly faded away. Some of its main leaders, who were not very active during the electoral campaign, emerged in prominent governmental positions after the elections; others stepped back in oblivion or put again on their heads the halo of 'independent' and 'neutral' intellectuals. The SP openly allied itself with the rebels, providing them with leadership and the much needed organizational structure, which helped transform them into revolutionaries. Suffices it to say that the infamous "salvation committees" that were saving nobody, given that over two thousand Albanians died and over ten thousand were wounded in the areas where they operated, were mostly formed by the local leaders of the SP and by loyalist Communist retired officers of the, by now defunct, Albanian Army and former Communist Secret Police. [Rama 1997: 20-22]

#### *5.4.3 International Community's Involvement in 1997 Crisis*

Under the conditions of a paralyzing rebellion, neither party was willing to cooperate nor was it able to rule by itself. Each major party controlled a part of Albania; Berisha nominally controlled Northern Albania and former Communists and their allies literally controlled the Southern part of Albania. The level of distrust was so high and the impatience to seize power so great that the two major factions of the elite were forced to work together only thanks to the intervention of international community. The international community through the OSCE (the Organization for Security and Cooperation in Europe) created a bridge between all parties involved in the conflict. The solution to the crisis suggested by the OSCE and accepted by the political parties was the organization of elections monitored and observed by the International Community and human rights groups. [Rama 1997: 24]

The 1997 crisis signs the initiation of a strong involvement of the international community in Albania, as a mediator, facilitator and many times arbiter of institutional design and legislation.

Worth mentioning is the Agreement of March 9, 1997. After the reelection of Berisha as a president, the negotiations between the Albanian political parties began and an agreement was brokered by Dini, the Italian Foreign Minister and the representatives of the OSCE. The agreement consisted in the formation of a new Government of National Reconciliation, the setting of a date for holding elections, and the extension of the authority of the central government all over the country. June 29th was indicated as the probable date for holding elections. Until then, as agreed later, a status quo defended by a 6000 strong Multinational Protection Force was to prevail. An interim government of National Reconciliation which included all political parties was formed on March 9, 1997 headed by Bashkim Fino, a member of the Socialist Party. One important part of the agreement was the definition of international community as the arbiter of the Albanian parliamentary elections. The insertion of a clause, which stated that the final report was to be made by an coordinator of the international community and that no political party participating in the elections was to contest the final report, proved to be extremely important in the immediate post-election period.

Part of the preparation for the elections of 1997 was the new electoral law, which didn't change much from the 1996 election law. As we will see in the next chapter, the main changes consisted in the increase of the Assembly size, the decrease of the electoral threshold for the political parties and the seat allocation formula from the proportional part, which favored the small parties. This allocation formula would precondition the creation of pre-electoral coalitions and a coalition government. The aim of the international community was the distribution of power among more parties, to avoid the absolute majority hold of parliament by a single party, as resulted in the previous elections. None the less this decision signaled a green light for the emergence of numerous insignificant, one man political parties, mostly satellites of DP and SP, which, between 1997-2009 flourished and bloomed like the "mushrooms after rain".

#### *5.4.4 Socialist Party's Internal Changes*

The year 1997 saw the reinstatement of Fatos Nano, the chairperson of the Socialist Party, imprisoned during the DP's hold of power for embezzlement of state funds. An economist with a great deal of expertise in transitions, in a matter of days, Nano became the main interlocutor of Berisha. It must be noted that the return of Nano on the political scene had an immediate effect on the relationship among the major factions of Socialist Party, something that was not going to last. According to Shinas Rama, the main reasons why Nano was reaccepted and tolerated by the main factions of the Socialist Party include the fact: 1) Nano's expertise in economic affairs and especially in economies in transition distinguished him among the rest of the members of the SP, 2) Nano had been transformed into a symbol and a martyr during his imprisonment, and foreigners had come to accept Nano as a political prisoner, 3) Thirdly, and most importantly, he still was the nominal Chairman of the SP party. It was in this capacity that Nano was accepted by all factions within the SPA, including here the moderate faction of Ilir Meta, a participant of the Student Movement and the hard line loyalists, exponents of the previous regime. [Rama 1997]

#### *5.4.5 1997 Elections and Their Aftermath*

Although the small parties created a formation of the Center-Right, the Albanian United Right, the election clearly remained a race between the two coalitions headed by SP and DP. On May 14, 1997, a coalition of the Right was created: the Union for Democracy headed by the Democratic Party (DPA, MLP, SDUP, CDP, DUP). The Union for Democracy remained a strong coalition throughout the electoral campaign and even in the post-election period. On the other hand, the coalition headed by the Socialist Party included all the bits and pieces of the former Party of Labor Factions (SDP, AP) and the DAP, a party formed in 1993 by a number of former MP's who split from the DP. After April 1997, the Forum for Democracy, this anti-Berisha pre-electoral umbrella faded away without leaving any visible trace. After the formation of the National Reconciliation Government and especially after the release of Nano from prison, their role was, at least on the surface, getting progressively marginal. The

emergence of a third coalition of the right (RP, NFP) created the impression that whoever was going to win these elections would be forced to enter into a government of coalition with them. Soon it became quite clear that due to their poor credibility and the lack of convincing and realistic political programs but also due to the either/or choice the Albanian electorate had to make on the election day, the third coalition of these small parties would not carry much weight on the final results. [Rama 1997]

I am using the terms left and right as a reference to the connection of Communists-Anti-Communists. In Albania the political parties don't belong to any ideologies. Their platforms, even coalition names are very similar. Their governmental policies don't follow the patterns of developed democracies. However, for an easier flow of the argument, I will use the term left wing and right wing to at least differentiate their alliances and axes of power Left wing for the axis of Socialist Party, right wing for the axis of the Socialist Party.

An interesting fact is that along with the elections of 1997 the Albanians decided on the form of the state in the referendum.

Albanians were called to decide whether their regime would be a monarchy or a republic. Berisha that, in this case, demonstrated shrewdness and intelligence created this problem purposefully. In mid April 1997, upon invitation from Berisha, the royal descendant of King Zog 1, Leka Zogu, returned to Albania. From that moment on, Leka Zogu was the only Albanian politician to campaign on slogans that emphasized the unity and the brotherhood of Albanian nation. At the same time, by declaring that he was for an ethnic Albania, Leka had committed political suicide at the onset of his campaign. None of the international players involved in the Albanian game was interested in seeing that happen. [Rama 1997]

It is not the aim of this analysis to treat the details of the invitation and the political speculations of Berisha behind it. What is important to mention in line of the analysis is that besides the political naiveté demonstrated by Leka Zogu, integrating the referendum of monarchy in the 1997 Albanian elections was very inappropriate and a total wrong timing.

The emergence of Balkan Royal Descendants in the politics of the 90's is not only an Albanian phenomenon. King Simeon II of Bulgaria managed to gain a strong support in the end of 90's in Bulgaria. Nonetheless, such an important question as the form of the regime can't be decided in elections, which are called to end a conflict. The citizens in view of the crisis couldn't make a rational choice, because they lacked not only the knowledge, but also the understanding of what were the benefits of Monarchy versus Republic. Having experienced 45 years of communist regime and 4 years of a fragile democracy characterized by authoritarian practices and immense deformations of the state institutions, it can be said that the Albanian citizens lacked the experience of understanding the meaning in real life of state institutions separated by the party in power.

The population's reaction during the 1997 crisis, as Blendi Kajsia argues, is very similar to the situation of 1991-1992, when the people destroyed public property and infrastructure as it symbolized the party in power, which they wanted to overthrow. Not only this, the Albanian history was immensely deformed and rewritten to serve the ideological purposes of the Albanian Party of Labor. In that history King Zog was portrayed "as an enemy of the Albanians, a dictator who sold the country to the Italians, after stealing the national treasure." With this conditioned understanding it was expected by the political actors, but not by Leka Zogu, who lacked the understanding of the Albanian politics, that the people would vote based on their preferences for the political parties, which supported Leka Zogu. Therefore Albanians voted against the monarchy as a form of state. Leka Zogu would be regaining strength and respect in the eyes of the Albanian citizens in the second decade, which will be described in the following chapter.

The ODIHR in the final election report concluded that the Albanian Parliamentary Elections of 1997 could be deemed as acceptable, given the prevailing circumstances in the country. However, the election process had to be viewed within the context of a conflict resolution process following the grave political crisis that preceded the election, and which had immediate consequences for the election standards. [OSCE/ODHIR 1997] Where as the report of the Special Coordinator and the

Parliamentary Troika, stated that “based on the findings of international observers, in their judgment, these elections can be deemed as acceptable given the prevailing circumstances. They should constitute the foundation for a strong, democratic system that the Albanians want and deserve.” [OSCE/ODHIR 1997, Annex 1]

This was clearly a political decision, to bring an end to the crisis and to set Albania in the road of normality. Nonetheless, the Albanian interpretation of the elections was that they gave to the SP and its coalition the mandate to govern the country for 4 years. As Shinasi Rama argues, the electoral process was intended to bring about stability and restore nominal normality to the country; therefore, these elections were nothing more than just an instrument to resolve a conflict and pave the way for other elections which are to be held in normal conditions. If this argument is accepted as being correct, then the problem appears to be whether the elections did invest the winning political party with the power to formulate the fundamental laws of polity and re-invent state institutions. [Rama 1997]

**Table 2:** The number of popular votes won by the nine major Albanian Political Parties. Source: "Proportional Lists of Electoral Subjects." ATA July 10, 1997 (cited at Rama 1997).

No	The Political Party	Seats won with the majoritarian	Seats taken with the proportional	Total of MPs
1.	SPA*	79	22	101
2.	DPA**	17	11	28
3.	MLP***	0	2	2
4.	HRUP	3	1	4
5.	DAP	1	1	2
6.	SDP	8	1	9

7.	PBK***	2	1	3
8.	PA	1	0	1
9.	PUK	1	0	1
10.	RP	0	1	1
11.	Independents	3	0	3
	Total	115	40	155

Table 3. The composition of the Albanian Parliament elected on June 29, 1997 Source: ATA, July 10, 1997. \* Socialist party candidates won two third round elections. \*\* DPA had placed the Chairmen of SDUP, CDP, and MLP in its proportional list as members of the coalition Union for Democracy. \*\*\* The RP, RDP, and NFP had formed the AUR (Albanian Union of the Right). Their joint candidates won in Shkodra and Kavaja.

As Table 3 shows, the new parliament was one dominated completely by the SP and its coalition. Also, this revolutionary achievement for the Socialist Party eliminated the necessity of coalitions. If they wanted to rule alone, the SP leaders could do even that. However, moving fast to tranquilize the international community, the SP upheld its pre-electoral promises. It even was generous enough to offer to its allies some of the most delicate and key posts in the government. Overall the coalition dominated by SPA had an absolute majority of 70 percent or 117 seats. On the other hand, even the pre-electoral agreement to create the Union for Democracy resisted to the loss of Berisha. However, a very weak coalition of the opposition could still count on 31 MPs and 20 per cent of the parliament. [Rama 1997]

These elections are very crucial in the sense that they paved the way of Albanian political elite's submission to international community preconditions, a position that has contributed immensely not only in the fragility of the institutions, but also in the

crystallization of conflictual politics, which will be analyzed more in the following chapter.

The Parliamentary elections of 1996 and 1997 set the example of the main characteristics of Albanian election processes to continue in the future: contested electoral laws, irregularities in the voting process, violation of laws, intimidation of population, harassment of opposition members and journalists, irregularities in the voters' lists, unclear rules over the competence and the procedures of electoral commissions etc. Although considerable improvements have been made in the election handling, the Albanian political elite's strategies of manipulating the process have become sophisticated in nature.

### **5.5 Political Inputs 1997-2001**

Despite the agreement brokered by the international community that all the Albanian political parties taking part in the elections of 1997 will accept their result, the Democratic Party (DP), led by the former president Sali Berisha, did not recognize the legitimacy of the Socialist-led government, which resulted from the 1997 elections, nor considered the elections acceptable. This contestation of elections led them to boycott the Socialist – controlled parliament and the constitutional design process initiated and supervised by the international community in 1998.

The political climate was so explosive that in September 1998, the country was rocked by the worst political violence since the uprising of March 1997. The infuriated DP supporters attacked the government buildings as a result of the murder of Azem Hajdari, one of the key figures of the party and of the Student Movement, in front of the DP headquarters. This attempted coup d'état resulted with the resignation of the Prime Minister of the time Fatos Nano and his leaving the country until the situation calmed down. Pandeli Majko, replaced him as the new premier of the Socialist-led cabinet coalition.

The DP staged street rallies to push for early elections during the whole year of 1998. It also called for the rejection of the constitution, in the national referendum organized

for its approval. The Constitution of Albania of 1998 was approved with a narrow margin in the national referendum held in 22 November 1998. It specified Albania as a parliamentary republic. Article 64 of the constitution embodied the electoral system of Albania which was specified as a mixed member proportional system, with “one-hundred deputies elected directly in single-member electoral zones with an approximate number of voters and forty deputies elected from the multi-name lists of parties or party coalitions according to their respective order.” Articles 153 and 154 of the 1998 constitution embodied the creation of the Central Election Commission as a permanent, independent organ. They specified the procedures for the election and composition of the members of the CEC, who were elected in a 7 year term as follows: two members were elected by the Assembly, two by the President of the Republic, and three other members by the High Council of Justice.

After the victory of the constitution and the support of the international community given to the Socialist government, Sali Berisha changed stances and tried to reinvent himself as a moderate politician. He moderated his language and his attitude towards the political adversaries. On the other hand, in Premier Majko’s new coalition government (who replaced Fatos Nano), deputy premier of the time and later premier of Albania, Ilir Meta, emerged as a key power in most decision-making and policy implementation. The new government consisted of representatives of the Socialist Party (SP), the Social Democratic Party (SDP), Union of Human Rights Party (UHRP) - this party represents the ethnic Greek minority), Democratic Alliance (AD), and the small Agrarian Party (AP). [ICG 1999]

The Kosova Crisis of 1999 brought Albania back to the international stage. During the Kosovo crisis, Albania won international praise for its generous response to the influx of more than 450,000 refugees from Kosovo. Despite remaining largely preoccupied with their own domestic problems throughout most of the crisis, the arrival of the refugees galvanized Albanians into a new sense of national purpose. The signing of the Kumanova agreement in mid June 1999 marked the end of the war in Kosovo, and for Albania, the beginning of the withdrawal of the large international community that had gathered there. [ICG 2000]

### *5.5.1 2000 Electoral Reform*

The Socialist-led government made important steps in setting the country back to normality. The state institutions significantly strengthened during the Socialist governance with the adoption of several excellent laws and especially the fundamental law of the state: the constitution. The country entered the implementation phase where the challenge was to put these laws into practice. However, there remained a serious discrepancy between the laws as written and their enforcement. The need for judicial reform was one of the biggest challenges. There were serious problems with the political independence of the judiciary, the professionalism of judges and prosecutors, and above all, the corruption in the justice system.

After the refugee crisis of 1999 the political elite of Albania embarked in the electoral reform, which would embody the constitutional provisions for the electoral system and the electoral administration of Albania. The drafting of the new electoral law was a highly charged political exercise. Despite the best efforts of the international community it was not possible to achieve a new law that was acceptable to all parties. However, the efforts of the international community, particularly through the all-party talks in March and April, along with the 'behind the scenes' political meetings, contributed greatly to the decision of the Albanian political parties to participate in the elections, and in the end (with the exception of the DP) accept the final results. The Democratic Party abandoned the all-party talks for the electoral reform of the 2000, because its proposals for the provisions regarding the Central Electoral Commission weren't taken in consideration.

The DP had boycotted the national referendum on the new constitution and particularly singled out the creation of a constitutionally based CEC for criticism. The party went so far as to say, after the constitution had been approved through a national referendum in November 1998 that they refused to recognize the legitimacy of the new CEC. Their concern was based primarily on the method of appointment claiming that the President of the Republic controlled too many appointments. [IFES 2001:7]

Under the original provisions of the Constitution the President was required to appoint two members of the CEC. Since the President also chaired the High Council of Justice, which appointed three members of the CEC, the DP contended that there was too much control in the hands of the President. The DP also stated their concern that the President would appoint individuals close to or sympathetic to the SP. Further, the DP leadership advocated the creation of a CEC, where there was a 50:50 balance of membership between parties of the governing coalition and the opposition, that appointments to the CEC be made directly political parties, and that the CEC have Co-Chair (one from the governing coalition and one from the opposition) with equal powers. [IFES 2001:8]

The model of a 50:50 representation on the CEC had been imposed by the international community in response to the collapse of the DP government and widespread civil unrest in 1997. The model was used for the 1997 national elections, the special local government elections in June 1998 and the constitutional referendum in November 1998. This model, however, was designed to deal with a crisis situation and did not provide for an independent election administrative body (the Ministry of Local Government did the day-to-day administration of the elections). In addition, this model perpetuated a CEC that was highly politicized to the detriment of the continued development of an electoral system that would meet international standards and, in particular, assist Albania in attaining membership in the European Union.

Nevertheless, the DP leadership interpreted the method of creating a new CEC, and the particular people appointed, as a means by which the governing party could 'rig the elections'. Attempts to assuage the concerns of the DP and other opposition parties on this particular issue became a major focus of the all-party talks on the new Electoral Code and during the parallel political meetings held by the US and OSCE Ambassadors in Albania. [IFES 2001:24]

In the first six months of 1999, there were attempts by the President to consult with the opposition parties regarding the two presidential appointments to the CEC. There was no consultation undertaken by the High Council of Justice. It was, however, clear that

some of the concerns of the opposition parties regarding specific appointments were well founded. Two of the new members were highly visible partisans of the SP: one was a cousin of the leader of the SP, a former SP appointed member of the CEC in 1996 and 1997; the second was a relative of the Director of the secret police and known vocal opponent of the DP. A third member, elected by the National Assembly, was a known supporter of the SP, the SP appointed secretary of the CEC in 1998 for special local government elections and the cousin of the Minister of Local Government. [IFES 2001:24]

During the latter half of 1999, criticism of the method and appointments to the CEC became very strong and clouded any discussion of the draft election code. The situation became more difficult when the Council of Ministers decided to proceed with a new law to establish a CEC in December 1999. The purpose of the new law was to enable the CEC to begin to function but the law was ill conceived. The provisions of the proposed CEC law were lifted directly from the December 1999 draft of the Electoral Code used for consultation purposes with civil society agencies. Articles of the draft Electoral Code respecting CEC powers, responsibilities, reporting, removal and replacement procedures were omitted from the proposed law on the CEC. A direct consequence of this action was to heighten the already difficult political debate and make it more difficult for the government and the international community to consult with the political parties on the proposals contained in the draft Electoral Code and on matters related to the development of the Election Assistance Program (EAP). Both of these initiatives required political party co-operation to allow them to proceed successfully. [IFES 2001:25]

Through the development of the new Electoral Code, along with the implementation of the EAP and the conduct of the elections in October 2000, the political immaturity of the Albanian political parties became very apparent. Political party maturity as measured by a willingness to accept the results of a democratic electoral process is an important part of strengthening democratic systems. A well-structured Electoral Code is, on its own insufficient.

The polarized political scene prior to the electoral reform of 2000 called for the involvement of the international community in the institutional design process. When it became clear that the political climate surrounding the formation of the Central Election Commission and other issues would make it impossible for the government to call and chair an all-party committee to review the draft Electoral Code, Ambassador Limprecht of the United States along with the Ambassadors of the European Union and Council of Europe joined with Ambassador Ahrens of the OSCE to propose the establishment of an all-party international committee, chaired by Ambassador Ahrens to finalize a draft code for presentation to the Council of Ministers. At the instigation of Ambassador Ahrens, a meeting with the political parties and members of the international community was held on February 21, 2000. [IFES 2001:26]

Although this all-party table of discussion was an important development in the domestic political scene of Albania, following the deep cleavages created by the policy inputs of the 90's and the 1997 crisis, it nonetheless set the example of under which all the future round tables of discussions over institutional and electoral design would be held. The Albanian political elite proved consequently that is unable to communicate, to hold constructive talks and discussions, to reach consensus over the state institutional design and to detach itself from narrow interests of controlling the process of elections and the whole election administration process.

The discussions at the all-party committee meetings were lengthy, often difficult and always politically charged. Some of the participants were not 'experts' as requested but party militants and on many issues they were under strict political instructions.

Consequently, it was not unusual for participants to be unwilling to compromise or step back from attempting to exert political influence on the election administration process.

Where participants did not have strict political instructions from party decision makers, the participants were more than willing to 'accept what the internationals wanted' without considering the issues and implications of what was being proposed.

The new electoral law of Albania was adopted in May 2000. While it had many shortcomings, was a significant and major step forward. Despite the strong provisions to separate the administration of elections from political interference, the electoral law proved to be unsustainable and depended on the willingness of the political parties to refrain from attempting to control the process. The sustainability of the law was also undermined by the inability of the CEC members to follow a neutral course, detach themselves from the political party interests and fully involve the parties in a consultative process. This fashion set the way for continuous legitimacy crises of the Albanian electoral administration, contested elections and election results, and subjugation of institutions to political parties' interests. CEC would continue to be a major source of political controversy and the dominant part around which all the electoral reforms of the second decade would evolve.

The withdrawal of the opposition parties from the all-party talks because of the lack of willingness of the government or the international community to alter the Election Law, especially the CEC provisions in the manner they wished, which required a change of constitutions and reintroduction of direct political appointments to the CEC set the example of the future behavior of the political elite. Although every electoral reform in this decade introduced new provisions for CEC, the political parties mainly DP and SP managed to abrogate the constitutional provisioning of CEC and to subjugate it fully to their political will only with the reforms of 2008.

The Socialist Party won most of the votes in the local elections of 2000 and the political scene in the country remained polarized ahead of parliamentary elections scheduled for 24 June 2001.

### **5.6 Summary of Policy Inputs and Outputs in the Democratization Process of the Formation Phase**

The analysis of this issue will start with a key question: *What were the reasons for the immediate collapse of state institutions during the turmoil of spring 1997?*

The first argument that can be given to explain this phenomenon is that during four years 1992-1996, the new institutions did not have strong democratic foundations. The informal power (informal economy, corruption, smuggling, nepotism, provincialism, etc.) controlled the important segments of the state. Democracy and public institutions were being undermined slowly from the inside. At the right moment, this informal power raised its head and manipulated the weaknesses of the institutions and the effervescence of the people that originated from the collapse of the pyramid schemes, causing the total collapse of the state.

Free elections are the foundations of the democratic institutional building process. Their failure in 1996 indicated the first strong perturbation of this process. The issue of free and fair elections was not the only factor that led to fragile state institutions. There was a wider range of factors that contributed to the collapse of the state institutions during the 1997 crisis. It is connected as well with the institutional, social, economic reforms and the shock therapy undertaken by the ruling elite of the time.

Nevertheless, once in power, the democratic forces failed to correctly implement this political platform, disappointing thus the hopes and trust of its electorate. The challenges mentioned before the elections remained incomplete: instead of the consolidation of democratic standards in institutional building and institutional practices of the state, step by step, it became clear that authoritarian practices proved to be more powerful as a reminiscence of the past. These legacies were not handled during the transition and influenced the political choices of the new democratic leaders.

The wrong choices began with the appointment of the ministers. It is true that every political party chooses from its members to form the government, but the selection should be made based on the professional merits of that person (at least in Western Democracies). The President of that time, used kinship and clan loyalties within his party and in the country, in order to secure his leadership, facts that were made more clear in the appointment of ministers. Most of them were from the same region of Albania, with professions that had nothing to do with the functions that were given to

them, who lacked the experience and the professional knowledge needed to face the immediate tasks of the country's situation. The leadership did not take into consideration most of the prominent intellectuals, scientists, writers, professors, and economists, who were members of the party and had made a very important contribution to its emergence and consolidation as the main opposition political party in Albania. It left them in the shadow, or forced them to leave the country, instead of using their capacities and knowledge for the benefit of the country.

This strategy noticed during the entire transition period, is true to both political wings, despite the alternation of power. As a rule, the most faithful supporters of the leadership were appointed to key positions of the administration and bureaucracy. The construction of the state hierarchy on such bases created the premises for the concentration of power, and it represents a deviation from democratic standards in order to satisfy personal interests.

This is not only an Albanian phenomenon, but it has been present during its entire history. Whoever came to power sought to concentrate it. The hyper concentration of power in open societies provokes conflicts of interests. This is the main cause of political instability and polarization, fragmentation of society in enemies and friends of the regime which leads to political intolerance. These phenomena not only didn't disappear with the fall of the Democratic government in 1997, but reached unbelievable levels after the Socialists came to power. Since then, every individual that belongs to a different political wing is totally excluded from making a professional career in the state administration.

Unfortunately, the above mentioned phenomena have become part of the political elite's mentality, and unless we create a stable and strong system of checks and balance it will continue in the future.

#### *5.6.1 Albanian Political Elite Characteristics*

When it comes to the Albanian political elite, defined as that stratum of population from which emerge the people who have had, have and will have power, it is striking

to find out that many of the fundamental and essential ingredients, which serve to insure the viability of the democratic system, are missing. These missing elements, which have nothing to do with "presumed" democratic or autocratic inclinations of the Albanian people must be sought in the composition and the behavior of the contemporary Albanian elite, which is literally reduced to former members of intelligentsia. [Rama 1997]

The Albanian political elite, which emerged during the transition period, is not only a hybrid product of doubtful institutional intentions, but also of a not-so-brilliant past as the applicative and not creative intelligentsia. It suffered since the beginning from an incurable complex of inferiority.

Political actors invoke "self-interest" so as to explain away the conglomeration of desire to win, yet follow tradition, avoid new thinking and information gathering, satisfy foreign ideological sponsors, and maintain some idealistic concert about future stability- all this combined with miscalculation and chance happenings. [Taagepera 2007:16]

Self-interest versus other concerns such as long-term interests (including preservation of stability), ideological preferences (including advice by foreign advisers that belong to the same ideological strain), force of habit? Which of these influence the original decision in determining the choice of electoral laws when democracy is introduced? The means used to achieve one's presumed self-interest can be misinformed and hence counterproductive. [Taagepera 2007:15]

The Albanian political elite, being essentially a bureaucratic product, its factions instinctively aim towards the total control of state institutions, justifying this drive with the momentary fashionable ideological arguments and highly doubtful goals with regard to the well-being of the polity. The Albanian political elite does not know how to use the international geopolitical configurations and refuses to learn from world revolutionary ideologies what presently serves the Albanian national interest and what does not; in absence of a sense of duty, of a strong identity and a well-defined national interest, the major factions of the Albanian elite hasten to enroll in the service of these

world revolutionary and experimental ideologies such as Marxism or other -isms. Lacking in vision and seeing itself as having no historic mission, the Albanian elite has refused to act pragmatically and consequently, the political conflict within the Albanian political system has been transformed into a deadly fight. [Rama 1997]

### *5.6.2 Political Parties versus Institutions*

The main shortcoming of the Albanian political elite is that it never understood the real meaning of political pluralism and political consensus and never respected these fundamental standards. The political elite found it impossible to liberate itself from the authoritarian mentality and showed an inability to act in conditions of uncertainty and to make decisions in the absence of a routine practice sanctioned by a charismatic authority. Being essentially a bureaucratic product, its factions instinctively aim towards the total control of state institutions, justifying this drive with the momentarily fashionable ideological arguments and highly doubtful goals, with regard to the well being of the polity. [Rama 1997]

Even though Albania had apparently entered the road toward democratization, every day it faced the challenges of detaching itself from the past. This was seen in different aspects of the political and economic life. Despite their programs, the functioning of the Albanian political parties reflected the communist background of the society and the authoritarian mode of thinking of their leaders, despite their positioning in the political spectrum.

This was seen in the tendencies to concentrate the decision making in the hands of the permanent leaders of each political party. A characteristic of all the Albanian Political parties is the self-identification of the leaders with the parties and the decision-making process, without taking in consideration the opinion of other members or accepting an exchange of different ideas within the party. There exists only vertical communication; there is no horizontal communication between different segments of the internal

party's structure.<sup>47</sup> In the post-communist Albanian reality of the first decade, the different rhymes within a party were not institutionalized yet. In general, the lack of consensus building within the parties themselves was reflected in the lack of consensus building in the political sphere, especially within the institutions. It was also transplanted in a mechanical way in the functioning of the state administration.

The Albanian political parties usually involve people with different interests, sometimes in conflict among them. Such a situation naturally caused fractions or splits.

This situation has been the norm with the first opposition party. As mentioned before, in its beginnings the DP involved a wide spectrum of people representing different interest groups. The egocentric conception of the decision making and the leader's lack of willingness to accept the different views of its members regarding different policies led to splits. The members that presented different opinions concerning the political line of the DP and its leader were expelled from the party. The expelled members formed other parties to the center and right of the political spectrum. All of the parties of right, instead of institutionalizing a common strategy for the principal problems of democracy Albania was facing, chose instead to fight with each other. The lack of consensus due to personal feelings, interests, and points of view led to the absence of a strong right opposite to the united left. Interesting is that the same phenomena happened to the Socialist Party when it was in opposition about 10 years later. This will be explained in the following chapter.

The results of such a narrow-minded policy were the main reason the right lost the support of the majority of the electorate. Therefore, in the local elections of 2000 and the parliamentary elections of 2001 Albania didn't see shifting of power between the left and right political wings.

---

<sup>47</sup>For more information on internal structure of the Albanian Political parties see Blendi Kajsiu's (2004) "Political Parties in Albania - Amidst Dilemmas and Challenges".

Another important aspect of the weakness of the democratic opposition was and is the concept of democracy as *majority rule*.

This concept of democracy originated since 1992, when the ruling party applied a conflict policy of not respecting the opposition as an integral part of the system. The configuration of the seats in two main periods that we are considering, (1992-1996, 1997-2001) didn't help in this. Always the parliament has had a majority, which enabled the issuing of laws, without taking into consideration the votes and the opinion of the opposition within the parliament.

The opposition, became irresponsible in its approach towards the state institutions, partially because of feeling repressed and partially because it was not really interested in supporting the majority in its policies. So Albania tried to build democratic institutions without understanding the rules of democracy.

What is noticeable in all these years is the fact that democracy was applied as a strategy of fighting against enemies that didn't exist but were perceived as existing.

It was a fatal mistake to perceive all communists as enemies, or in reverse all the democrats as enemies, and the political competition between Socialists and Democrats, as a struggle for life and death. The application of such a conflicting policy, led to extremism and polarization of the political life, as well as to the division of the population into two camps: the socialists and democrats. All this has had critical consequences.

The first serious consequence was the lack of consensus building over the fundamental values of the society like freedom and equality, which underpins the confidence in the rules of game and the political procedures. Albania's ruling powers have infringed upon the rules of freedom and equality, especially during the electoral processes that were characterized, by the serious shortcomings previously described.

The second serious consequence was the lack of procedural consensus over the rules of game, especially the rule of conflict solution. The Albanian Democracy was

characterized by the absence of rules for the solution of internal conflicts. Procedural consensus is a primary condition for the existence of democracy. The Albanian political elite has always been in conflict, but what bugled the imagination were the boycott of the elections in 1996 by the opposition parties, the manipulation for political interests of the popular discontent toward the democratic government in 1997, and so forth.

The boycott of the parliament beginning in 1996 became an approach of the parliamentary minority, as a form of contesting the outcome of the elections and as a way of expressing its dissatisfaction with the majority in power. Albania had to wait till 2002 to see the opposition playing a normal role within the system. Nonetheless the phenomenon was repeated in 2009, as we will see in the following chapter.

The third serious consequence was the lack of political consensus.

According to Sartori the basis and essence of every democracy is the governance based on the exchange of different opinions. This manner of organizing the political and social life in a democratic society should work for the improvement of quality of the governing, but should never put in discussion the form of government. The exchange of views is very positive because it helps in the building of strong institutions, and plays an important role in the perception of pluralism within society. [Sartori 1962]

The uncompromising approach of the Albanian political elite has led to a lack of political consensus even over very important national issues such as the constitution, type of political system and electoral law. The country went eight years without a constitution, because the opposition and the ruling parties never agreed over the model of the system and the spheres of power of legislative, executive and juridical branches. The Democratic Party, being a minority in the parliament that was elected in the 1997 elections, boycotted the whole process of drafting, discussion and approval of the Constitution. This led to the adoption of a contested constitution, especially in what concerns the electoral law and the judicial solution of the private property issues, two main pillars which in essence differentiate the liberal-democratic system from the social-totalitarian one.

In the Albanian case, it can be affirmed that the democratic philosophy of thinking and acting will need a longer period of time to overcome the reminiscences of a feudalist-communist past. This represents the most difficult transitional challenge in the road towards fulfilling the requirements for integration into the European Union.

The strategy that was followed outside the democratic system, in order to replace the previous regime was correct and its maximization served its aim. At the moment democracy replaces the old regime maximization of the ideal of democracy is no longer effective, because there are no more enemies, but a new system that needs new standards. According to Sartori these standards are: 1) the rule of limited majority, 2) free election procedures, 3) alternation of power through representation. [Sartori 1962]

### **Chapter Six: The Consolidation Phase**

In the previous chapter I tried to differentiate between the historical legacies and the post communist policy inputs, which set the path of events that pursued in the second phase. I am considering this as the consolidation phase dating from the aftermath of the elections of 2001 to the 2010.

According to Aron, the realm of politics is the arena in which individuals and groups, each having their own policy, aims, interests, and sometimes philosophy, come to grips. Because policies are conceptions, programs of action, or the action itself of an individual, a group, or a government, they don't necessarily agree. In this sense, the realm of policies carries with it an element of conflict, as well as an element of consensus. Politics and policies are connected. [Aron 1968:4]

Aron also suggests the primacy of politics. The method by which authority is exercised and the choice of those who govern is the essence of politics. Politics is the major feature of the entire community because it conditions any cooperation between men. And the constitution of authority affects more directly ways of life than any other aspect of society. [Aron 1968:5, 11]

As we saw in the previous chapter, if the policies, the objectives of individuals or groups within a community are absolutely contradictory, then there is a conflict

without any cooperation and the community ceases to exist. This was the case of the 1997 crisis that brought about the state failure and the country saw itself almost at the outbreak of civil war.

A political community is defined by the way in which partly contradictory and partly compatible purposes come to terms. Despite the undeniable effort from the side of the Albanian governments during the second stage to find institutional ways of resolving the conflicts and clear attempts to practice democratic competition representation and policy making, Albania is still struggling with democracy becoming “the only game in town”.

Whether or not the democracy becomes ‘the only game in town’ depends on the quality of the democratic interactions and policy processes, the consequences of which affect the legitimacy of democracy in the eyes of the citizens and political elites. As it was mentioned in the previous chapter, the most central and indispensable aspect of democratic practice is the electoral competition for legislative office and the associated formation of political parties.

Aron identifies three essential functions of the modern political order: the administrative aspect and the governmental aspect, which includes the legislative and executive power. The independence of the judiciary has long been considered as the sole symbol of liberal institutions. The regime must justify itself by being considered legitimate and winning the loyalty of the people. No regime can exist without communication between governed and governors. [Aron 1968:33]

He also mentions that the constitutional exercise of political authority, the respect for individual rights, presupposes that the civil power is subordinate to the judiciary. The subordination of the police to the law and of the administration itself to the courts is needed if a genuinely constitutional liberal regime is to survive. [Aron 1968: 36].

The second phase saw a modernization of state infrastructure and legislation, economic recovery and development, attraction of foreign investments and an internal peace and stability. The close involvement of the international community and their support

combined with conditions in the building of the democratic institutions saw improvement of the standards of the electoral processes, and the introduction of very sophisticated electoral legislation. However, this was followed by a sophistication of the game of the political actors, who introduced several institutional design experiments to reach their close interests.

This phase has continued to be characterized by lack of “checks and balances”, separation of powers. There were many attempts from the politicians to interfere with the Office of the General Procurator, with the appointment of the judges in the highest positions of judicial system: High Council of Justice, Constitutional Court, etc.

Lack of respect for the judicial institutions was shown in the attempts to undermine their work at the light of major scandals of corruption and conflicts of interests that have characterized the DP-led government coalitions 1 and 2 (since 2005), as well as the Socialist-led government coalitions before them (2001-2005). The attitude of the prime ministers, the ministers of their cabinets, as well as MPs from their coalitions towards the judicial powers has been highly abusive, with verbal accusations, well as institutional manipulation to undermine investigations, and resolve the cases of corruption. Albania still lacks a strong, independent, uncorrupted judicial system.

The political system, in the strict sense of the term, determines the relations between governed and governors, establishes the way men cooperate in the running of public affairs, and guides the action of the state and the governors. [Aron 1968:40]

The Albanian political system has undergone very frequent changes, which deepened the instability of the state institutions. The Albanian institutional design of the past 20 years and its consequences is more concretely analyzed in the following chapter.

The main cognitive legacies gained from the policy outputs of the democratic processes of the first phase evolved towards: Political elite and political parties, electoral and institutional engineering, dynamics of intra party competition, relations of representations between citizens and parties, citizen-state linkage, characteristics of state administration and bureaucratic apparatus. In the following analysis, I will try to

identify what have been the characteristics of these dimensions in the second phase and what have been the political inputs in the democratic processes.

### **6.1 Political Parties during the Consolidation Phase**

The consolidation phase was characterized by interesting developments in the political scene. The first years of the second decade saw liberalization of political tensions and the start of an era dominated by two archrivals, chairperson of DP Sali Berisha and chairperson of SP Fatos Nano. However this decade also saw an increasing gap between the citizens and the political elite alias political parties. The number of political parties significantly increased from a dozen to a couple dozens. The local significance of the Albanian political parties decreased and their actual weight in the political scene has been transfigured by frequent manipulations of elections.

On one hand, although most of the political parties that dominated the scene in the first decade didn't see a real circulation of their leaders (DP, AD, SDP, etc.) they saw increasing fragmentation and breakaway factions of moderates within them, which represent the second generation of the political elite. This led to a higher fragmentation of the political scene with new political parties emerging, partly because of splits from the existing parties, partly as larger movements involving a number of small political parties. The major parties, the Democratic Party and the Socialist Party, were highly affected by the splits in their organizations.

On the other hand, the emergence of some relevant political parties of moderate character in the second decade was an attempt to break the bi-partisan politics led by DP and SP. Nonetheless they failed to break the vicious circle. One of the reasons for this failure lies in them exchanging their mandates with governmental positions in the DP and SP led coalitions, failing thus to play a constructive and efficient role in the institutional sphere. The other reason lies with their failure to consolidate the positions in the electoral base. They didn't manage to attract the undecided voters, the younger generations, and citizens who suffered from the policies of DP and SP, who didn't find their interests represented by these parties. It is important to say that one of the factors

that influenced the marginalization of the moderates was the second massive emigration of intellectuals after the 1997 crisis.

Another interesting fact is that the Socialist Party in the second decade saw many internal transformations related to the election of the chairpersons and institutionalization of factions within the party. The current chairperson of SP Edi Rama, and mayor of Tirana, seized the Socialist Party leadership as an outsider, following the resignation of veteran leader and four times prime minister, Fatos Nano. The Socialist Party decided to approve in its May's 2005 Party Congress the so called "Rama Platform", named after Edi Rama.<sup>48</sup> The novelty of this platform lied in the fact that it allowed for the institutionalization of party fractions and the election of the chairman of the party through the direct vote of the entire party membership, through the 'one member one vote' principle. In many aspects this was a revolutionary and democratizing move in the Albanian political scene. [Kajsiu 2004]

This democratic move would experience a set back following the failure of the SP in the elections of 2009. Edi Rama would also manage to be reelected by smart move that managed the marginalization of his primary rivals for the position of the Chairman. Also the statute of the SP underwent changes in the April 2010 Party Congress, that allowed for a strengthening of the position of the Chairman, reduction of the 'one member one vote' provisioning, introduction of majority rule in party decisions aiming at strengthening the internal discipline. These provisions were made as a result of the internal party struggle. They were in contradiction to the institutionalization of internal fractions which strengthened, following the failure of the SP in the elections of 2009. The Movement for a Different Thought within SP, which included prominent members

---

<sup>48</sup> Rama's platform consisted of eight points and was initially rejected in the December 12, 2003 Socialist Party Congress. One of the provisions of this platform was to increase the participation of women in the decision-making forums by introducing quotas, according to which at least 1/3 of the members should be women. However, the most important provision of this platform was to institutionalize party fractions and to elect the chairman of the party through the direct vote of the entire party membership, through the 'one member one vote' principle. Each group within the party would have the right to run in internal party elections with their own candidate and platform. The institutionalization of fractions or 'the difference in opinions' was guaranteed to any faction that received more than 20% of the vote in internal party elections. These fractions received representation in all the main party decision-making forums in proportion to the number of votes they have received in internal party elections.[Kajsiu 2004]

of SP that held Edi Rama responsible for the failure in the elections, and subsequently fully disagreed with all his post election moves, was very active in the media and in the meetings with the international community. However, its role diminished after the Party Congress of April 2010 approved the internal structural changes and the SP formal ideology and vision.

The Democratic Party on the other hand, didn't experience any internal structural changes. The fashion, under which it was led by its chairperson Berisha in the first decade, continues even today. One of the reasons why Berisha came back to power and of DP winning the elections of 2005 lies in his smart moves of presenting himself and the Democratic Party as very opened for new thoughts and concrete platforms.

Before the elections DP established the Committee for the Orientation of Policies (COP), which brought together some of the most educated youngsters and professionals in Albania. This move created a false hope among the population that the political scene and the governance would finally see the so much expected and wanted changes. It was due to the COP and to the reinvented image of DP that the Albanians gave their vote to DP. Nonetheless the governance style of the DP didn't change much from what was seen in the first decade, it only became more sophisticated. The COP members that came originally from the civil society sector and were given leading positions in the executive were surprisingly very well co-opted in premier Berisha's style of governing and didn't bring the changes everyone expected. COP was dissolved after the elections of 2005.

The other relevant political parties in the Albanian political scene that emerged in the second phase were: the NDP (PDr), SMI (LSI) and MND (LZHK).

The New Democrat Party (NDP) which emerged before the elections of 2001 was created by the Reform Movement faction led by the former deputy chairman of the DP Genc Pollo that split from DP which merged with two other small parties composed of former DP members: the Democratic Party of the Right (DPR) and the Movement for Democracy (MD). Genc Pollo lost against Berisha in the elections for the chairperson of the DP. Following the defeat in the election, he left the DP. The new party aimed at

gathering the support base from the elements which supported the DP since its founding in December 1990 but were abandoned due to its anti-intellectual stance and its leader's rigid authoritarianism. [ICG2001 a: 16]

The NDP would suffer further splits in the future.

The Socialist Movement for Integration was created due to divergences of opinion within the Socialist Party between the former chairperson Fatos Nano and former premier Ilir Meta. Following a major internal crisis in SP after the elections of 2001, a faction headed by Meta split to form the Socialist Movement for Integration (SMI).<sup>49</sup> In fact this was the first party that introduced the election of the party chairman through the vote of the entire membership. Ilir Meta was elected as SMI's chairman by the entire membership. [Kajsiu 2004]

Nano's split with Meta cannot be simply attributed to the appetite of these actors for power, or to a confrontational political culture, a concept that has been used and abused in explaining most developments in the Albanian political scene. The split is indicative of the deformation of the parliamentary democracy in Albania.

[Kajsiu;Bumci;Rakipi 2003:124]

The other political party that was placed in the far right wing of the political spectrum was The Movement for National Development, which emerged in the political scene in

---

<sup>49</sup> In the pre electoral campaign of the SP in 2001, Meta was presented as the future Socialist premiere. However, once the Socialist Party came to power Meta's candidacy was challenged by Nano's backed candidate. After Meta won by an overwhelming majority in the Socialist structures Nano's position as chairperson of the party was seriously weakened. Almost a month after the Meta II government was formed, Nano embarked on an anti-government campaign at the Socialist grass root levels. The major accusations that Nano directed against Meta and his government revolved around allegations of corruption and dilettantism at high government levels, such government ministers, and trafficking of votes within the Socialist structures. Nano articulated with great skill existing grievances within the population at large, a population that was very sensitive towards the widespread phenomena of corruption and the obvious lack of political will to fight it. By a curious twist of irony Nano through his campaign quite unexpectedly became the spokesman of morality, values and the fight against corruption, although none of these elements had been defining characteristics in the making of his political stature. [Kajsiu;Bumci;Rakipi 2003:123]

2005. Led by Leka Zogu, the descendant of King Zog, it had a pro-monarchist orientation and included some small parties in its lines. Early in 2002 Leka Zogu was granted an amnesty for charges relating to the possession of weapons during the 1997 unrest. At the beginning of February 2003, Leka and his family were finally issued with diplomatic passports as part of efforts to reintegrate the former royal family into post-communist Albanian society.

Although when it MND emerged in the political scene it was thought that had a strong electoral base, enough to become a relevant political party in the party system, it didn't win any seats from the elections of 2005 and those of 2009, where it participated under the Freedom Pole coalition. Its impact in the political scene was very fleeting.<sup>50</sup>

It is important to note that the electoral reforms and electoral laws of the second decade have had a major influence in the internal or vertical communication of the parties. The last electoral law of 2008, by giving a lot of power in the decision making, selections, proposal of candidates and overall electoral administration process to the chairpersons of the major parties, deeply affected the distribution and delegation of power within the party. These changes were very apparent in the dynamics of electoral campaigns. The effects of the media, and the change of the electoral campaign competition from a candidate level to a campaign between the party leaders, sophisticated the mechanisms of communication power, and eased the job of the party leaders and strengthened their oligarchy of power. Not only was the electoral campaign for the 2009 elections superficial, but also the responsibility of representatives towards the votes changed, their accountability changed. Instead of being responsible to the voters that vote for them, the list candidates appear to be responsible only to the party structures and to the internal party discipline imposed by the chairperson, a subjugation that had been evident earlier, but became very apparent in the aftermath of the elections of 2009. The rivalry for power between Berisha and Rama led the country to a political deadlock and none of the other members of the

---

<sup>50</sup> For more information on the pre election support of political parties in 2005 see the Addendum of the dissertation.

parliament seems to have any influence or any impact in changing or breaking this continuing vicious circle.

## **6.2 The Albanian Political Elite in the Consolidation Phase**

In a state without economy, politics is an economy. Being a politician or actively being involved in political parties, aiming to gain a seat, or a governmental position, has become a trend in Albania. Politicians are blooming and who wins the elections controls the state. That is why so much money is always spent in elections. [Rama 2006]

The political elite, representing different groups of interests, seeks their economic strengthening through the control of the political power. One of the most manipulative means of the political system has proven to be the electoral law, which will be discussed later.

Surprisingly, the second generation of politicians that was shaped and emerged during the past decade didn't bring new blood and new vision to the Albanian political life. The methods of co-optation or marginalization, without allowing shifts in power, were widely applied by the leaders of political parties. On the other hand the new generation of politicians eagerly embraced all the pathologies of behavior of political actors during the formation phase, such as corruption, clientelism, lack of respect for state institutions, prioritization of personal/clan interests, violent attitudes and lack of integrity. We have widely seen the clashes of opinions in the parliament, the language used by the "representatives of the Albanian citizens", the underhand methods used to humiliate and denigrate their political opponents. Having said this, the last years have seen a crises of representation and a setback to the situation of the formative phase in the ideology, political bargaining and maneuvers to concentrate the power, subjugation of national interests to narrow interests of certain clans presented by the current holders of power, very provocative and incentive political discourse, lack of respect for the political adversaries as individuals and for their families, a very low level discourse in parliament and media, continuation of the politicization of every sphere of the state institutions, an increase of clientelism, cleavages, fractions and corruption.

Albanian politics continued to be rough, rude, and potentially explosive and the political elite continued to manifest:

- Lack of political will to create a viable and strong state
- Lack of overall consensus over the institutional design and its functions
- Lack of consensus over national interests

O'Donnell mentioned that the whole notion of “delegative democracy” turns on the claim that political leaders can essentially dissociate themselves from their constituencies once elevated in the office, and pursue private agendas without being held back by mechanisms instilling responsibility and accountability to the democratic sovereign– the people”. [O'Donnell 1993].

This explanation best describes the current state of the Albanian democracy. Political parties are supposed to be channels of representation of citizen's interests. Current Albanian political parties represent more specific clans and groups of interests, with often non-compatible interests, who, once in power have only one intention in mind: how to strengthen their economic interests at the expenses of the state. [Rama 2006]

### **6.3 Relations of Representation between Citizens and Parties**

The relations of representation between the citizens and political parties have continued to change due to psychological effects of electoral processes of 2001, 2005 and 2009 and the policy inputs of those who were chosen to govern. Initially Albanians were very involved in the politics and eager to participate in the political processes. With the passing of the years, especially in the latest elections of 2005, and 2009 an increasing apathy has been noticed, translated in a lower percentage of participation in the elections. With political parties continuously failing to deliver the electoral promises, what has determined how they vote, has been the way the Albanians perceive their reality. Seeing the lack of consideration for their expression of will through the ballots and the continuous pathologies of electoral processes,

Albanians are viewing the advantages of democracy, not based on what a democratic system represents, but on their own democratic experience.

This period was characterized by citizens' lost of trust in the political elite and their ability to deliver promises of the prosperity. Given the fact that the influence of the international factors increased with them becoming arbiters of the state institution functioning, it has created the general belief that the governments are not in general responsive to the needs and views of the Albanian citizens, but are primarily focused in meeting superficially the international prerequisites and conditions.

Although it is difficult to measure the psychological effect of the last parliamentary elections held in 2009, the prolonged political crisis which followed the elections, the boycott of parliament from the Socialist Party, the extreme polarization of political discourse, the nondemocratic ways of passing important laws from an Assembly which is contested, can be said as further deepening the disappointment with the status quo and undermining citizens' trust in the democratic system itself. The new electoral system further deepened the gap between the Albanian political parties, as channels of presentation and the Albanians.

#### **6.4 Citizens-State Linkage**

The second phase has seen contradicting developments. While no one in Albania, neither among citizens nor among the political actors, questions that the form of the regime should be the democracy, nonetheless the general opinion is that the Albanians live in an imperfect democracy.

While the first period of formation phase was characterized by a lost of public trust in the state organs, heavily influenced by a reminiscences of the identification of the state with the party, consequences of state-citizen linkage under the Communist party state, the second period did see an increase of the awareness of the state institutions and their division from the political parties in the understanding of the Albanian citizens.

According to Shinasi Rama, the linkage between the state and the citizens has developed in a better way. The Albanian citizens are getting tired of politics and feel

the lack of representation through the political parties. They feel that their influence to make the political elite accountable of its actions through elections is weak, and after the vote is cast, they are just outsiders of the political process. Nonetheless, there is an increase of the awareness of the citizens of the need for a strong state, which serves their interests, for independent and functioning legal institutions, for an institutionalized economy which would allow fair market competition. [Rama 2006]

### **6.5 Characteristics of State Administration and Bureaucratic Apparatus**

The characteristics of state administration and bureaucratic apparatus in the second period have been very similar to the formation phase. This period has seen an increase of corruption of state institutions, clientelism, nepotism and lack of professionalism, leading to further political alienation between the political elites and the citizens and to a crisis of representations. State continues to be the major employer in Albania. The Civil Code that was approved to prevent changes in the administration personnel in case of transfer of power hasn't been respected. The transfer of power has continued to be followed by a change of personnel of the state administration and the appointments of individuals connected to the groups of interests represented by the parties' in power.

One of the factors that mostly undermined the creation of a professional independent, strong and uncorrupted state administration has been the frequent recirculation of ministers. The manipulation of the electoral processes, the pathologies of the electoral systems have resulted in an artificial representation of small political parties, which otherwise would have no relevance in the system. Their support in the parliament, both in the parliamentary commissions, approval of laws, or the enabling of "stable" cabinets has been exchanged with ministerial positions or other important positions in the government. Although the governments have been "stable" in name only, they have been characterized by a frequent recirculation of ministers. It is estimated in the Albanian press, that the Socialist governments 1997-2005 have had about 80 ministers. The approximate length of a minister in his/her position has been 1 year, with exception of few ministries. Berisha's governments aren't remaining immune to this phenomenon.

After serving as Albania's president from 1992 to 1997, Sali Berisha returned to power as Prime Minister in 2005 on a "Clean Hands" platform, promising to rid the country of the corruption that has plagued it since the communist regime fell in 1991. However, his government has been marked by a series of high-profile scandals, reaching even the inner circle of his family.

## **6.6 The Involvement of the International Community**

A very important aspect of the consolidation phase has been the increasing involvement of the international community in the Albanian institutional building and state policies.

Shinasi Rama and Blendi Kajsii have given a particular importance to the role of international community in their respective researches. Following their analysis I will try to mention shortly what has been the result so far of the international involvement in Albania.

One of the major Albanian political experiments can be considered the pattern, almost historic in its length, of the involvement of the international community in the state formation and institutional building. As it has been seen in the analysis of the historical background of state formation, the Albanian state formation has been a result of Great Powers' decisions and interests at peace conferences.

Foreign interests, presented in both, the diplomatic level (foreign representatives in Albania) as well as through the international organizations or financial institutions (World Bank, IMF, OSCE/ODHIR, USAID, IFES etc), have been an important factor in the Albanian institutional building during the past two decades.

Closely monitoring the transition processes, institution building, the economic progress and developments in all state levels through different agreements, projects, financial assistance, training, as well as imposition of requirements and strategies, the role of international involvement in Albania can't be overlooked and has had both positive and negative consequences.

The positive consequences have been viable in setting the framework of standards and providing assistance, advice and financial support in the overall processes of meeting these standards. Using Albania's integration into international organizations such as NATO and EU, especially, has served as a guarantee and motivation for Albania's efforts towards democratic consolidation.

Przeworski in his report on the chances of democracy "Sustainable Democracy" predicted, that "the combination of an increasing inequality with reduced sovereignty is likely to exacerbate social conflicts and weaken the nascent democratic institutions." [Przeworski 1995]

According to both Kajsiu and Rama, foreign involvement in building the state and its institutions has on the other hand led to a limited sovereignty of the state. In an effort to both use different events as momentum for political gain such as Albania's NATO membership, any progress towards EU integration in forms of agreements, resolutions; or search desperately for legitimacy of the rule in the eyes of foreign institutions, despite it being disputed internally, the Albanian political elite has very often approved and signed antinational arrangements and multilateral agreements despite the fact of which party is in power. These have limited the independence of action of both the government and the Parliament and have subjugated Albanian national interests to often contradicting foreign interests, especially the political and economic interests of neighboring countries, leading to the transformation of Albania into an economic colony of neighboring countries.

Foreign involvement and its consequences in Albania can be subject to a broader research; however, following the main line of my analysis, which is the political consequences of electoral laws, in this chapter I will focus primarily on the involvement of the international community in institution building and electoral processes.

Using the international community as mediator of every internal political dispute or crisis has resulted in Albanian institutions' lack of credibility, both internally and abroad; it also has deepened and prolonged the transition phase. The reason is that

foreign mediation has only managed to help reach superficial agreements of the parties in conflict, which has led to a temporary solution of a situation or crisis and to the formation of a superficially viable and stable state. [Rama 2006], [Kajsiu; Bumçi; Rakipi: 2003]

Such compromises have been temporary, as they have been results of momentary interests of segments of political elite. They have no validity when these interests change or are touched by the other party. In most cases, the Albanian political elite follows primarily its own interests, and the price for such conflict of interests is paid by Albanian citizens. Given the fact that the solution of the crises is based on the perception of the parties in the conflict and the interests they follow or have, the subjection of the political life to the elite interests and the lack of institutional constraints which gives them freedom to do what they please, has led to a permanent crises without a viable end or a successful solution. [Rama 2006:336-385]

All the brooked agreements or crisis solutions are superficial and temporary solutions are not respected and disputed once they don't match the interests. The lack of political will to create a stable and strong state consequently has had a very strong involvement especially of the OSCE and EU in the institution design, giving them the role of mediators of political crisis and brokers of agreements between the majority in power and opposition since 1996, prolonging thus, the Albanian transition.

The involvement of the international community has been particularly strong in the periods between elections, during elections, and in post-election developments. Despite the international community involvement, the lack of the political will of the Albanian political elite has caused the failure to have free and fair elections which meet the international standards leading to political crisis and crisis of representation.

One of the most manipulative means of the political system has proven to be the electoral law. As mentioned earlier, in a state without economy, politics is an economy. Who wins the elections controls the state. That is why so much money is always spent in elections. [Rama 2006] However, Albania is one of the few countries where funds given to the political parties are not public.

The international involvement increased following the Dayton Agreement. Wars in former Yugoslavia saw a closer monitoring of political events in Albania, in view of its possibility of involvement in these conflicts. Post Milosevic area represented a much more critical situation for Albania, as the conflict was spread in the Albanian populated areas of the neighboring countries, both Macedonia and the Preševo Valley.

Political stability in the Balkans has been very necessary for the Albania's continuous efforts towards economic development and democratization.

Albania's strategic objective is integration into Euro- Atlantic structures. The Albanian leadership has been, therefore, at pains to be seen by the West as paying special attention to fostering good relations with Balkan neighbors and cooperating in regional integration initiatives. Albania has made great strides over the past years toward building strong relations with her immediate geographical neighbors, sometimes at the expense of alienating her ethnic kin. [ICG 2001a:4]

After the 1997 crises the international community has become an important player in the Albanian political scene, as indicated by the depth and spread of the OSCE presence not only in the capital but also in several major cities. This has happened due to the inability of the local actors to deal with domestic challenges and cooperate with each other.

In its initial phases the international community performed a mediatory role between the two major political parties that given the acute crises refused to cooperate with each other. Later on, since the domestic actors remained unable to find a common language in the continuous unstable political situation in Albania that required further presence of the international community, the latter's role was transformed from a mediator's into an arbitrator's. Such a transformation should be primarily attributed to the tense political climate in Albania since the 1997 crises. The confrontational nature of Albanian politics, the continuous inability of the Albanian political elites to cooperate with each other, the shortcomings of the electoral processes, the alienation of the opposition, as well as the internal crises in the Socialist Party, that has also been reflected in governance and the paralyzed the administration have created a climate in

which the verdict of the international community tends to be considered as final by both political parties. [Kajsiu;Bumci;Rakipi 2003:143]

During the second phase, the involvement of the European Union institutions, such as the Venice Committee has been present, not only with the analysis and recommendations with regards to institutional and electoral legislation but also with joint observation missions with the OSCE/ODHIR for the Albanian elections, both local and parliamentary elections. They have issued not only election reports, but also provided the Albanian factor with opinions on electoral legislations and constitutional amendments. They also have combined the suggestions of how to improve the flaws and ambiguities of the legislations with requests and conditions that Albania meets the international standards that lie at the core of these institutions.<sup>51</sup>

Following the June 2009 parliamentary elections, Albania has been in a political crisis with the opposition block led by the Socialist Party boycotting the parliament and contesting the elections won by the Democratic Party lead-coalition. This time, both political blocks have strong economic positions. This power relation where both parties are strong enough not to back from their original positions is causing a political deadlock. It is still unclear how the situation will evolve at this moment of analysis; however, again, in a rush to persuade the opposition to quit boycotting the parliament, part of the package offered by the Democratic Party is nothing else but the election law, giving to the opposition full right to modify it.

The latest political crisis has seen a very important involvement of all the international factors as mediators, especially European Union and OSCE. In the latest resolution on EU membership prospects of Albania, the European Parliament acknowledged Albania's progress on reform but stressed the need for further substantial efforts to consolidate democracy and the rule of law and foster the country's sustainable development including the reform of the judicial system and the fight against corruption, which is still a prevailing problem. The resolution also called for a solution to the current political stalemate following the parliamentary elections of June 2009. It

---

<sup>51</sup> For more information see the bibliography

notes that fully functioning institutions, especially the Parliament, are the backbone of a consolidated democratic system and (...) an important political criterion for EU integration. [European Parliament 2010a]

The European Parliament's Foreign Affairs Committee also called for an end to the visa requirement for Albanian citizens seeking to enter EU until the end of the year, provided that the benchmarks are met. "Despite all the domestic problems, Albania is on the good path. The EU must not leave the country on its own but needs to send a clear signal to strengthen the reform process. This includes visa-free travel for Albanian citizens in order to strengthen the acceptance for democracy and the rule of law". [European Parliament 2010b]

As in the earlier resolutions on the functioning of the democratic institutions, The Foreign Affairs Committee regretted the ongoing political crisis following the parliamentary elections of June 2009 and called on all parties to continue their dialogue, highlighting the position of the OSCE that the June 2009 elections were compatible with most international standards. "A functioning parliament is the backbone of any democratic system", the Committee said. It called on the Albanian opposition to take its work in Parliament seriously. [European Parliament 2010b]

The resolution also called for a solution to the current political stalemate following the parliamentary elections of June 2009. It noted that fully functioning institutions, especially the Parliament, are the backbone of a consolidated democratic system and an important political criterion for EU integration. It also stressed the reform of the judicial system, as another prerequisite for Albania's joining the EU, including the enforcement of court decisions and ensuring the separation of powers in a democratic society. "A transparent, impartial, and efficient judiciary independent of any political and other pressures or control, is fundamental to the rule of law" [European Parliament 2010b]

Despite its involvement and mediation the international community's involvement in the 2009 crisis failed to produce the expected outcomes, as it had been the case in the previous years.

## **6.7 Institutional Experiments and Electoral Reforms**

Because electoral reforms happened in specific situations, and are an integral part of bargaining over institutional design, it is important to mention the factors that lead to these changes in dimensions of electoral systems applied in Albania and the constellation of power of political parties during negotiations over electoral reforms in the second decade. Following the same pattern of analysis as in the previous chapter, I will try to bring into light what have been the constellations of power and what have been the political actor's strategies not only during the design of the electoral legislations, but also in the elections. In trying to do so, I will focus the attention in both parties as strategic actors in the electoral arena as well as in the realm of legislative and executive politics.

A firm grasp of players and processes in new democracies is an essential pre-condition for the subsequent analysis of democratic performance.

In all democracies, societal relations of power and preference shape the demands that are channeled into the political process. Thus, although democratic institutions filter what makes it into decision-making arenas, they do not determine the substance, scope, and intensity of demands that seek access to the community electoral laws may constrain how conflict alignments will be represented by parties in the legislature and what constituencies will make their voices heard in that arena. But such institutions do not determine the content and complexity of socio-economic and cultural alignments that seek political representation [Cox 1997: chap. 11].

In a similar vein, while electoral laws and the constitutionally prescribed interplay between legislatures and presidential executive may affect the extent to which parties are programmatically cohesive, within these constraints a range of non-institutional factors shape the actual linkage strategies between citizens and politicians.

Kitschelt identifies two further conditions that limit the explanatory power of formal institutions for the democratic process features in new democratic polities. First, there is the problem of *endogeneity*. Political actors choose institutions in light of subjective

expectations to maximize their own political leverage under the new rules of the game. Their demand for institutional arrangements thus is likely to be subjectively rational and can be explained in terms of their resource endowments and cognitive frameworks that may owe a great deal to their role inside and their experiences with the old regime politics. [Kitschelt 1999:11]

Whatever institutions result from the inter-play of power-oriented and more or less resourceful political actors, they are initially an effect, but not a cause, of power relations. Institutions become exogenous to power relations and thus an independent force impinging on democratic process features in two cases. First, actors may choose bargaining strategies over institutions that are *objectively* undercutting their interests, but actors *subjectively believe otherwise* because they have cognitive maps and an understanding of institutional effects that is simply wrong. In that case, institutions, once chosen, limit the permissible strategies of actors to accumulate power in the new polity and force them to adapt to the new rules. Even where institutional choices initially coincide with the interests of the dominant actors, however, over time such actor constellations change. While new powerful actors may wish to change institutional arrangements, institutions often stay in place because no set of players is capable of paying the transaction costs to modify the institutional status quo. Also in this case, institutions become exogenous to power configurations and independently shape democratic processes. [Kitschelt 1999:12]

Interesting enough in the Albanian case, institutions have remained in the endogenous phase of political bargaining strategies and have not become strong enough to impose the rules to the political actors.

Kitschelt also identifies that in the new democracies, the exogenous causal impact of new democratic institutions, is limited by a second condition that has to do with the actors' cognitive capabilities and experience with the game under new democratic institutions.

Institutions may have equilibrium effects that emerge once actors have repeatedly interacted under democratic rules and have acquired a firm knowledge of payoffs they

and their competitors derive from mutual choice of strategies in the existing power configuration. Before the political actors have gained such experience in repeated rounds of the game, however, democratic institutions may generate transitional effects that are quite different from their equilibrium effects. Actors may initially face too much uncertainty to choose what amounts to the best strategies under equilibrium conditions. If all actors face similar uncertainty about the payoffs of their own and their competitors' strategies, almost anything can happen. [Kitschelt 1999:12]

Democracies are regimes in which the peaceful rivalry for the exercise of power exists constitutionally, and the competition is peaceable. The legal exercise of power differs in nature from what we call the seizure of power. The exercise of power is, essentially temporary. The man who exercises power does not believe that he is destined to hold it indefinitely. It is a seizure of power when the man who has seized it will not give it back to his unlucky rival. According to the essence of democratic competition, the man who loses once is not doomed to lose for ever. When the winner prevents the loser from running again, democracy doesn't exist, because the opposition has been banned. The peaceable constitution of competition for the exercise of power finds its normal expression in elections. The essence of a regime is not limited to the method of designation of the holders of legitimate authority. The method of the exercise of power is no less important. Democratic regimes represent a combination of national understanding and contestation. [Aron 1968: 41-42]

Elections are important moments in the political life of a state. They decide who will govern, and as a result what economic policies, foreign policies, social policies, etc., will the government, which resulted from the election, follow till the upcoming elections. [Rama 2006]

All electoral processes are important in every stabilized democracy. When the state is unconsolidated, the economy lacks development and investments; when the political system is considered as not legitimate and highly corrupted by the majority of the population in the community, when deep cleavages are present as a result of different

interest groups embracing opposite values and ideas, the importance of elections in such a community is even is even higher. [Rama 2006]

With an ongoing crisis in every aspect of the Albanian state, the so far attempts and experiments to find solutions have followed some patterns. One of them is the imposition of the values of one group over the other. These political strategies, authoritarian in their nature, have been followed and applied vividly in Albania both under communism and under the past two decades. The extreme solution under this line of thought has consisted of a consistent attempt of moral and physical elimination of the clan opponents, or political opponents of the rulers. The results of such a policy in both periods are very clear and tragic for the society. The other experiment, the use of the international community as mediator, has been a pattern that can be considered historical in its presence in the state formation of Albania. [Rama 2006]

The tendency of political struggle is to change, manipulate and control the foundations of the institutional system that needs to be created in Albania. Frequent changes of the electoral system almost every two years are the most evident proof of the ongoing struggle of power and changes in the constellation of power. The period between 2001 and 2010 saw an increase in the number of political parties and a continuation of fragmentation of the political system. These political parties most of the time are considered as labels with little, if any consequence.

While the first decade saw an attempt to impose the will of the absolute majority in state structure and electoral legislation in a very autocratic manner, a practice which resulted in the crisis of 1997, the second decade can be said to have seen a sophistication of the intra party competition. This decade has been characterized as many by joint agreements between the two major parties, DP and SP on institutional design and electoral reforms, which have resulted in the subjugation of the legislation and institutions to the political will of these parties. Keeping in mind the strategy of maximizing the power, the shifts in the constellations of powers haven't changed much in the policy inputs of this decade. These agreements on have always appeared to be

temporary, as they faced contestation after the elections. I'll try to focus on the conduct of political actors prior to elections and after the elections.

### *6.7.1 2001 Elections and Political Parties' Strategies*

The June 24, 2001 elections were of particular importance since they were the first parliamentary elections held after the ones of 1997, which most of all represented a way out of the 1997 crises. They represented a major turning point in the life of a young and fragile democracy. The period since the last parliamentary elections in June 1997, saw a steady stabilization of the country, achieved with the active support of the international community, which enjoyed good cooperation with the authorities.

An important feature of the 2001 parliamentary elections was the decision of the SP, led by Fatos Nano, to break with its partners in the outgoing governing "Alliance for the State" coalition and contest the elections alone. Thus, the Social Democratic Party (SDP), the Human Rights Union Party (HRUP), the Agrarian Party (AP), and the Democratic Alliance Party (DAP) were without a major political ally and faced the likelihood of losing their seats in Parliament and their government posts. The Democratic Party (DP), led by former President of the Republic Sali Berisha, formed an electoral alliance with a number of smaller parties and campaigned as the Union for Victory (UV).<sup>52</sup> Following a split in the DP, at the beginning of 2001 some DP Members of Parliament formed the New Democrat Party, which contested the elections under the leadership of Genc Pollo as an alternative to both the SP and DP. [OSCE/ODHIR 2001]

The parliamentary elections were held under an electoral law adopted by Parliament in May 2000, and amended in May 2001. Although the electoral law provided a basis for democratic elections, challenges experienced during the 2001 elections and the delay

---

<sup>52</sup> The DP ran in the 2001 elections in coalition with the Republican Party (RP), the Liberal Union Party, the Legality Movement Party (LMP) and the National Front Party. In 2001, the New Democratic Party (NDP), also in opposition, ran separately.

in determining the final composition of Parliament indicated that it needed improvement in a number of areas. The Constitution established a specific “mixed” election system, with inter-related majoritarian and proportional components, calling for the election of 100 deputies in single-member constituencies (“zones”) and 40 deputies in a nationwide constituency based on party or coalition lists. A second round of voting was required in single-member constituencies if no candidate receives an absolute majority. Parties should receive at least 2.5% of the valid votes nationwide and coalitions 4% to participate in the allocation of the 40 mandates. Article 64 of the Constitution required that “the total number of deputies of a party or coalition shall be, to the closest possible extent, proportional to the valid votes won by them on the national scale in the first round...” on the other hand article 66 of the 2000 electoral law set out a formula that attempted to distribute the 40 mandates in a manner that “compensates” parties which have secured a share of the national vote, but were unable to win enough single-member constituencies to reflect their electoral support. [OSCE/ODHIR 2001]

The CEC registered 38 parties. Some did not submit candidate lists and others ran in coalitions. Thus, 28 parties and coalitions presented multi-name lists for the proportional ballot. In addition, some parties took part only in the single-member district contests.

The strategies that the political parties followed during the election process aimed at testing the law to its limit and securing the absolute majority needed in the parliament to secure the votes for the election of the president. In chapter 8 the seat allocation formula applied in the elections of 2001 will be explained in detail, however in this chapter an important aspect is needed to be mentioned to better understand the strategies of political parties and the pathologies of the elections. The relatively complex but European-standard rules implied in the seat allocation formulas were misused and abused, however, to produce the extraordinary spectacle of three run-offs or repeat votes, leading to a result that was contested by substantial parts of the electorate and, particularly, its political elite. The seat allocation formula for the compensatory seats could be circumvented if a candidate, who *de facto* represented a

political party, registered *de jure* as an “independent” candidate. Each voter had two ballots, and in a case where a voter casted his/her first ballot for the “independent” candidate and his/her second ballot for the political party that “supported” the “independent” candidate, this mandate would not be considered to have been won by the political party who supported the “independent” candidate. In this manner, the political party would be able to “inflate” its share of the 40 national mandates. The mandate allocation and use of pseudo “independent” candidates became the most contentious issues in the election campaign period.

Prior to the initial, 24 June vote, the two main parties sought to increase their prospects by fielding many nominally independent candidates in the direct mandate constituencies. Initially based on CEC there were 149 candidates registered as independent. The SP announced before the elections that it would field 80 SP candidates in the 100 SSDs and then support 20 independent candidates in the remaining zones. This move was successfully prevented by CEC and by 23 June only five of the original 112 “independent” candidates supported by political parties remained as “independents”. [OSCE/ODHIR 2001: 9]

After the failure of this strategy during the electoral process itself, the parties applied another strategy which resulted with major malapportionment, but in Albania became known as the Dushk phenomenon, based on the electoral district it was actualized.

The second case occurred in a re-run ordered by the CEC to be conducted two weeks after the Election Day in Zone 60. In that case, since the SP had already ensured a number of majority seats which would make the party ineligible to participate in the allocation of the 40 supplementary seats, its strategy was to ensure parliamentary seats for its *de facto* allies. To achieve this, the SP asked its supporters to cast their majority votes for the SP candidate registered in Zone 60 and cast their proportional votes for three of its *de facto* allies. The SP achieved this through decreasing its own proportional vote, thus acting contrary to the constitutional priority, requiring

proportionality “to the closest possible extent” as determined by Article 64.2.  
[ICG2001b: 8]<sup>53</sup>

The elections of 2001 had four rounds of voting. The result was nevertheless a decisive victory for the ruling Socialist Party (SP). The Socialists, who have held power since 1997, won 73 seats in the 140-member legislature, against 46 for the Union for Victory (UfV) coalition, led by the Democratic Party (DP). The remaining 21 seats were allocated among five small parties, each of which gained the necessary 2.5 per cent of votes, and two independent candidates who won direct mandates. The results gave the Socialists a sufficient majority to form a new government and, crucially, with the aid of likely allies, to elect a new president in 2002 when the term of the incumbent, Rexhep Meidani, expired. The formation of that government, however, was delayed further weeks until the SP’s General Steering Committee gave Meta an overwhelming victory in his bitter personal battle with the party chairman, Fatos Nano, who backed his own man for the prime minister’s chair. [ICG2001b: 9]

### *6.7.2 Elections Aftermath*

The 2001 parliamentary elections marked the beginning of a protracted political crisis in Albania. The contested elections resulted in the DP boycotting again the parliament until mid 2002. On the other hand both major parties, SP and DP, emerged from the

---

<sup>53</sup> Following the first round of the elections, the CEC decided to repeat, on 8 July, polling for the proportional ballot in some polling stations in six zones, because no elections had taken place in them on 24 June. The CEC also ordered repeat polling for all polling stations in Zone 60 (Lushnjë), where due to the interruption by police on 23 June of the distribution of election materials, no polling took place. In principle, voting for the proportional ballot should take place on a single, nationwide voting day. As a consequence of the CEC decision, some 36,500 voters were asked to cast ballots two weeks after their fellow citizens. The SP called upon its supporters to vote for the HRUP, the DAP and the AP, in an attempt to raise their total national vote above the 2.5% legal threshold required for representation in Parliament. Each of these parties was close to the threshold after the first round of voting, but none had passed it. In addition, through the repeat polling in Zone 60, the voters in Lushnjë were in a position to exercise a disproportionate influence on the outcome of the election as their votes could decide whether the HRUP, DAP, and AP would have members in Parliament. These circumstances led to a highly contested election in Zone 60. The result of the proportional contest in this zone raised the HRUP, DAP, and AP over the 2.5% threshold and into Parliament with three seats each. [OSCE/ODHIR 2001: 17]

elections with serious internal divisions. The Socialist Party experienced further tremors from the old power struggle between Meta and Nano. This power struggle resulted in a lack of governance and a total paralysis of the administration. Viewing his position as threatened, almost a month after the Meta II government was formed, Nano embarked on an anti-government campaign at the Socialist grass root levels. The major accusations that Nano directed against Meta and his government revolved around allegations of corruption and dilettantism at high government levels, such government ministers, and trafficking of votes within the Socialist structures. The campaign that was baptized Catharsis by Nano, in a move reflective of the latter's fondness for convoluted terminology, ended quite abruptly in a pact between Meta and Nano, after it brought down Meta II government and placed Majko at the head of the executive. It also resulted with the split of Meta and his group from the Sp and the creation of the Socialist Movement for Integration SMI. [Kajsiu;Bumci;Rakipi 2003:124]

Political stagnation characterized the first half of 2002 following the resignation in February of Prime Minister Pandeli Majko, after the ruling Socialist Party (SP) combined the posts of party chief and prime minister. SP Chairman Fatos Nano succeeded Majko, who himself had come to power in 1998 as the result of an internal power struggle between Nano and the previous Prime Minister, Ilir Meta. This lack of continuity in the government severely hampered development of the country's weak institutions. The country entered a phase of political dialogue, following an EU-brokered agreement in June 2002 that was intended to prevent the long-standing feud between Nano and the Democratic Party (DP) leader, Sali Berisha, from continuing to hinder the reform process. The EU, irritated by clannish Albanian politics, in effect ordered that a president be elected consensually. Also under international pressure, the two main parties reached an informal accord on the electoral reform of 2003. The European Parliament brokered an agreement between the main political parties led to the election of retired army general Alfred Moisiu as the consensus choice for president. [ICG 2003: 6]

Due to this agreement, after a long period of confrontation, the country entered a phase of political dialogue. The opposition Democratic Party (DP) ended its boycott of local

government institutions and began to work with the ruling Socialist Party (SP). In August 2002 parliament voted in a new Socialist-led government with the SP chairman, Fatos Nano, as Prime Minister for a third time. By early 2003, however, this unusual consensus appeared to have unraveled, returning politics to its more normal fractiousness. Political tensions saw a rise as October local elections approached. Albania's key foreign policy goal remained membership in the European Union and NATO. Preliminary negotiations with the EU on a Stabilization and Association Agreement began in February 2003. Albania tried to play as neutral a role as possible in the ethnic problems in Kosova, Southern Serbia and Macedonia, and sought to establish normal relations with its Slav neighbors. [ICG 2003: 8]

Although the political climate was somehow calmer, and stability was restored to most of the country, grave social and economic problems became the political problems for the elections of 2005. Albania's institutions were weakened and the reform process greatly hindered by endemic corruption and an inefficient public administration under SP led coalitions. Other negative factors included an increase in organized crime, a weak judiciary, high unemployment, low production, severe environmental problems, and an ongoing energy crisis. The government showed no signs of seriously tackling corruption or backing down in its confrontational stance with the media. While a degree of political, economic and social progress was clearly evident in Tirana and the major central and southern towns, the North remained largely unaffected. There the lack of infrastructure and investment, combined with extreme poverty, produced a constant migration, which in turn fueled the trade in human trafficking and contributes to the lagging social and economic development. [ICG 2003]

Based on the analysis above, contested electoral laws, irregularities in the voting process, violations of laws, intimidation of the population by the police, harassment of opposition members and journalists, vote fraud, irregularities in the voters lists, unclear rules over the competence, and procedures of electoral commissions, have been some of the shortcomings of the election processes, which continued in the future. The problems inherited by the elections of 2001 weren't resolved by the electoral reform of 2003. As mentioned earlier the second decade saw a stronger involvement of the

international community from a mediator to arbiter of the Albanian political scene. The elections of 2005 saw the application of the same strategies from the political parties which lead to major disproportionality and apparentment.

### *6.7.3 2005 Elections*

The 3 July 2005 parliamentary election complied, only in part, with OSCE commitments and other international standards for democratic elections, and marked some progress in the conduct of elections in Albania. It was a competitive contest and voters were offered a wide electoral choice from a range of political parties. Yet, the process was again protracted and at times uncertain.

According to OSCE/ODHIR's final report, the major political parties were yet to demonstrate political will and responsibility commensurate with the broad authority granted to them for the electoral process. This was particularly evident in the parties' approach to the election administration, the full respect for citizens' fundamental freedoms, and the implementation of electoral strategies to maximize electoral gains. These strategies undermined the constitutional objective of proportionality "to the closest possible extent" of the electoral system, which remains open to abuse and should be reformed in an inclusive manner. [OSCE/ODHIR 2005a]

The 3 July 2005 parliamentary elections were the sixth since the establishment of multi-party politics in Albania in 1991. Since then, the two largest parties, the Socialist Party (SP) and the Democratic Party (DP) had dominated the political scene. Frequently, their rivalry was intense, based on a mutual lack of trust, and at times antagonistic. As we saw, this rivalry caused political deadlocks, often resolved through the facilitation by international institutions, notably the OSCE.

Former SP Prime Minister Ilir Meta broke away from the socialist parliamentary group and founded the Socialist Movement for Integration (SMI). The SMI was then represented in parliament by 9 MPs elected in 2001 as candidates of the SP. Since 2004, the Legality Movement Party formed an alliance with the Renewed Democratic

Party, which led to the creation of the pro-monarchist Movement for National Development – Leka Zogu I (MND).

The new electoral law adopted in June 2003 was subsequently amended in October 2004 following the joint recommendations of the Venice Commission of the Council of Europe and OSCE/ODHIR, which were issued in 2004. The law was again amended in January 2005 and April 2005. The electoral system was simplified to some degree by removing from the Electoral Law provisions for a second round of voting for the majoritarian elections. This amendment was aimed at addressing earlier concerns regarding the complexity of the election system and its protracted implementation. The other amendments, some of which addressed the Joint Recommendations, brought about several changes, in particular concerning the election administration, the compilation of voter lists, the criteria for establishing electoral zones, the counting process and the handling of complaints and appeals. These changes were largely devised through a bi-partisan process comprising the SP and the DP. New boundaries for electoral zones were set out in a separate law (March 2005), resulting from a bi-partisan SP-DP political agreement. While the new election zones were an improvement over the previous boundaries, based on the voter lists produced for this election on election day a few zones did not meet legal requirements, in particular, some deviated excessively from the “average number of voters for an election zone [OSCE/ODIHR 2005a:4]

For the 2005 elections, the CEC first registered 57 parties as electoral subjects. Of the 57 parties registered as electoral subjects, 10 parties did not present any multi-name list for the national contest, 19 parties would be running as part of four coalitions, and 28 parties would be running separately for the national lists contest.

As mentioned earlier, apart from the major parties and their respective traditional allies, new political actors such as the Socialist Movement for Integration (SMI) and the Movement for National Development (MND) emerged. Lack of trust still prevailed among political actors and hampers the overall pre-election environment.

The second phase saw the establishment of a bi-partisan system between SP and DP, which defined the overall political environment in which all parties operated. Given the pathologies of the electoral systems and their consequences in the political party system, although the main Albanian political parties still represent some stable elements in the party system, the alliances around them are consistently marked by instability and a propensity for fragmentation. So far elections in Albania have failed to fully meet OSCE commitments and other international standards for democratic elections. In addition, electoral reforms have encountered difficulties, mostly due to an overall lack of trust and a general reluctance to make concessions. The international community, including in particular the OSCE Presence in Albania and ODIHR, has been substantially involved in supporting Albania's electoral reforms through the provision of specific expertise.

The constitutional framework for the elections of 2005 was the same as for the elections of 2001, and it represented the same openness to abuse by party strategies aiming at maximizing party interests via gerrymandering and malapportionment. The strategies of 2001 which led to a deviation from proportionality were applied widely in the elections of 2005. In view of the complication of the electoral system, the Albanian voter never understood completely how his/her votes were translated into seats. Therefore political parties new that they have still enough ground to apply successfully the "Mega Dushk" strategies, this time in a national level. "Mega-Dushk" schemes could generate, as the empirical results of chapter eight will show, variances between party votes and final numbers of seats that would go clearly beyond the variances inherent to the election system, and therefore contradict the constitutional objective of proportionality set out in art.64.2.

Implementation of party strategies prioritizing party interest over the constitutional requirement of Article 64.2 of the Constitution can be interpreted as lack of sufficient political will for honest implementation of the law. Such attempts to deliberately circumvent the constitutional objectives test the law beyond acceptable limits. The fact that they were repeated in the elections of 2005 clearly demonstrated the lack of the

political will to conduct genuine democratic elections and uphold achieved improvements.

Of the 28 parties which applied to run separately, eight were represented in the outgoing parliament and two additional parties were treated as such by the CEC. All remaining 18 parties running separately had to present lists of support signatures. The CEC disqualified 11 of them for defects in the signatures lists. The Electoral College overturned the CEC decision of disqualification for one party. In the end, of the 28 parties which had attempted to register multi-name national lists for the 40 supplemental mandates, 18 could run.

The lists submitted by coalitions had to go through the same two procedures. Of the 57 parties registered as electoral subjects by the CEC, 19 submitted four separate coalition agreements:

- Seven parties considered as being closed to the DP submitted a list forming the ‘Alliance for Freedom, Justice and Welfare’ (AFJW) coalition;
- Three parties (the LMP, the Renewed Democratic Party and the Conservative Party) formed a coalition called Movement for National Development – Leka Zogu I (MND);
- Four parties not represented in the outgoing parliament formed a coalition called Albanian Social Parties and National Unity Party (ASP + NUP);
- A coalition of five parties formed around the Democratic Movement for Integration (DMI).

Of the seven parties making the AFWJ coalition, 6 had parliamentary representation, and of the three parties making the MND coalition, two had parliamentary representation. In both cases, they had enough sitting MPs altogether to be exempted from the obligation of support signatures.

In the end, of the 19 parties which applied to run in coalitions, 14 could run in three coalitions. [OSCE/ODIHR 2005b:8]

As we can see from the empirical analysis of the 2005 elections, the strategies of the major political parties based on which they asked their voters to vote for them in the nominal tier, but to support their allies in the list tier lead to the victory of the DP and its allies, the coalition AFWJ, in which not all the parties gained seats from the proportional allocation. This coalition due to this deformation managed to gain 33% of the votes from the list tier, despite the fact that none of the individual parties passed the threshold. More detailed information on the results and their impact will be provided in the chapter 8.

#### *6.7.4 2009 Elections and their Aftermath*

Following the results of the elections of 2005, which in fact brought about a change in the constellations of power, Fatos Nano resigned from the position of the chairperson, which was then filled by Tirana's mayor Edi Rama. Edi Rama reemerged as a very strong rival for Sali Berisha, and as soon as the later created the cabinet-led coalition, clashes over the competences between the central government and the local government emerged. The political scene continued to be highly polarized, with the exception that the struggle for power was done within the institutions. Following the Gërdec tragedy, in which family members and close allies of Berisha were involved, but due to manipulations of the justice system weren't at the end held responsible, Edi Rama and Sali Berisha managed to strike a deal over very important institutional arrangements: the appointment of the Chief Prosecutor, the election of the president, electoral reform, and constitutional amendments, under which Albania's system of checks and balances was severely affected. The following chapter will explain in detail the main consequences of the institutional reform for the Albanian political system.

The hidden agreements between Berisha and Rama were opposed by the other small parties, which felt that their survival in the political scene would be in question. Another reason that I think prompted the selection of the electoral system, which favors the strong parties has been the situation created in the parliament where small political parties, which were allocated seats not because of their electoral weight, but thanks to the strategies DP during the elections, were blackmailing the premier for

cabinet positions. They created separated parliamentary groups, in opposition with the pre-electoral promises and configuration of support and were playing with the supports needed for the approval of different votes.

In an effort to satisfy their greed, Berisha's cabinet suffered by the same phenomena as Nano's cabinets: recirculation of ministers. The average time of a minister in his position was only a couple of months. The highly polarized political situation almost caused pre-term elections in 2007, which at the end weren't held. Facing internal and intra party struggle, in an aim to consolidate their positions as chairpersons of major parties, as well as in view of their illusions of what system would best proved a hold of power, Berisha and Rama achieved the consensus on the future institutional design.

The constitutional amendments were done in a very nondemocratic manner in spring of 2008. They allowed for very important changes concerning the electoral system, the relations between the president and the parliament, and most importantly they abrogated the CEC as a constitutional body and put it under the auspices of the parliament. The main amendments concerned the electoral system, which, besides being proportional, also become regional. According to the reform, the electoral districts should coincide with one of the administrative levels of the country. This means that the number of voters, of deputies, as well as the threshold allowing the election of a parliamentarian will vary from one electoral sector to another. Thus, in the most populous areas, the threshold for getting an elected official will be relatively low, while in areas where the density of population is less, it will be much higher.

The constitutional amendments paved the way for the new electoral law which was adopted in December 2008. This law proved to be highly criticized by the small political parties, because they were left out of the process of the electoral administration and decision making. In fact the seat allocation formulas adopted provided the same strong disproportional effects in representation and in the party system as plurality formulas. This led to DP and SP gaining the majority of the seats of the parliament in June 2009 elections. Only few seats allocated to smaller parties.

The June 2009 parliamentary elections were conducted under a legal framework that comprises provisions of the Constitution of Albania (last amended in April 2008) and a new Electoral Code adopted in December 2008. The constitutional amendments and the new Code resulted from electoral reforms launched after the 2007 local elections and addressed several recommendations previously offered by the OSCE/ODHIR. They brought about substantial improvements, in particular changing the electoral system and voter registration, but also related to the vote count and the complaints and appeals process. Overall, the legislation provides a thorough technical foundation for the conduct of democratic elections. However, these elections demonstrated once again that such conduct depends upon the political parties' commitment to respect and uphold the letter and the purpose of the law, which was at times missing.

[OSCE/ODHIR 2009:3]

The constitutional amendments and the new electoral law will be discussed in detail in the following chapter.

The elections took place in a highly polarized political environment. Many opposition parties expressed deep mistrust in the state authorities and the election administration. The reason for this was that the electoral reform initiated in 2007 and concluded in 2008, was characterized by the same fashion as in the first years of the second decade: consensus between two major parties DP and SP only. While meeting most OSCE commitments, these elections did not fully realize Albania's potential to adhere to the highest standards for democratic elections. [OSCE/ODHIR 2009: 2]

The new electoral provisions called for creation of large based coalitions. Almost all the political parties registered for the elections of 2009 allied themselves into coalitions. The Alliance for Change registered as a coalition made up of 17 parties, including the DP of Prime Minister Sali Berisha. Other parties in the coalition which were represented in the outgoing Parliament included the Republican Party, the Environmental Agrarian Party, the Democratic Alliance Party, and the Liberal Democratic Union. It also included the Party for Justice and Integration. The Union for Change coalition was made up of five parties, including the SP, as well as the Social

Democratic Party and the Social Democracy Party, which also had seats in the outgoing Parliament. The Human Rights Union Party participated in the previous

DP-led Government, but joined the SP-led coalition just before the deadline for the registration of coalitions. The Union for Change coalition also included a new party, G99, which was created by prominent civil-society figures.

The Socialist Alliance for Integration is a six-party coalition led by the Socialist Movement for Integration (SMI). It also included the Real Socialist Party '91, a party formed at the beginning of 2009 following a split within the SP. The six-party Freedom Pole, a centre-right coalition, was formed in April 2009. It included the Movement for National Development and the Demo-Christian Party, which was part of the DP-led bloc in the 2005 elections. [OSCE/ODIHR 2009:13]

In the elections of 2009 the DP gained 68 seats, the SP gained 65 seats, the SMI or Socialist Movement for Integration 4 seats and the Republican Party, Party for Justice and Integration, and the Union for Human Rights Party, each gained one seat.[ KQZ 2009]

Overall the DP and SP had a very close margin of seats and it was only thanks to the decision of the Socialist Movement for Integration to enter in coalition with the DP, in exchange of its 4 mandates that the Democratic Party achieved the majority needed in parliament. This move of SMI reflected the deep disagreement and uncompromising stances of two leading politicians of the left wing, Edi Rama and Ilir Meta.

It was mentioned above that the country entered a new political deadlock following the elections of 2009, which is still going on and it is very unclear how the parties are going to resolve it.

As a conclusion, the political inputs of the consolidation phase, although not directly influenced by the historical legacies as the ones in the formation phase, were developed in line with the cognitive legacies of the first period. Subject to frequent changes the state institutions were further weakened and the checks and balances

embodied in the constitution were shaken. As a result the state institutions failed to become independent variables that would fix the rules of the game. The last two years, in contradiction with the requirements and conditions of the membership of Albania in the Euro-Atlantic structures, saw a major setback in the quality of democratic processes and a sophistication of the strategies of the political elite. The last crises will either be resolved in an all overall consensus in view of Albania's integration to EU, or similar events to 1997 might happen again. The consequences would be beyond imagination.

The following chapters will analyze in detail the institutional and electoral engineering of the past decades and their political consequences.

## **Chapter Seven: Albanian Institutional Engineering**

This chapter will focus on the comparison and the analysis of institutional engineering expressed in the constitutional designs of 1994, 1998 and 2007/2008. The first post-communist institutional design was provided by the Law on Major Constitutional Provisions, which served as a temporary constitution until the adoption of the Albanian Constitution in 1998.

### **7.1 First Constitutional Provisions**

The Law on Major Constitutional Provisions, adopted in May 21, 1991 from the post-communist Assembly, abrogated the Communist constitution of 1976 and, for the first time in 45 years, provided the separation of the legislative, executive and judicial powers (Article 5). This law was supposed to be in force till the adoption of the constitution, which was set to be adopted in the first quarter of 1992. Nonetheless, this provisional law with some amendments, applied till 1998 when the constitution was finally adopted after it was approved in a national referendum.

The Law on Major Constitutional Provisions mentioned political pluralism as one of the fundamental conditions of democracy in the Albanian state. It stated that the political parties and other organizations could be created and exercise their activity according to

the law (Article 7). It also provided the prohibition of political parties in military units and some institutions such as the Ministry of Defense, the Ministry of the Interior, the Ministry for Foreign Affairs and diplomatic representations abroad, the attorney's offices, investigation offices, courts, etc. The departization and depoliticization of organs was supposed to be achieved by law.

The People's Assembly, as the highest organ of state power and the only law-making organ was made up of 250 deputies elected for a 4 year period. The president of the Republic of Albania was elected by the People's Assembly for 5 years, by a secret ballot, and by a two-thirds majority of the votes of all the deputies. In case the required majority was not ensured in the first ballot, a second voting was to be held in which the president of the Republic would be elected by the absolute majority all the deputies' votes. (Article 27)

The formulation of the Supreme Organs of the State Administration was interesting. According to the article 33 of the Law on Major Constitutional Provisions, the Council of Ministers was the highest executive and legislative organ. This was contradictory to the article 5 of the same law which provided the separation of executive, legislative and judicial powers.

## **7.2 Constitutional Designs: 1994, 1998 and 2007/8**

The first constitution was approved by the parliament in 1994, but was rejected in the national referendum held the same year. The Albanian constitution came into being only in 1998, after it got the “yes” vote in the national referendum for the constitution. It was amended in a very nondemocratic way in 2008, and a national referendum wasn't called to vote for these amendments.

I will comment some of the articles of the constitution of 1994 and compare them with the constitution of 1998 and the amendments of 2007/8. These comments will relate to:

1) the election of the Assembly, (Electoral systems and their variables embodied in the constitution, 2) the election of the President of the Republic, 3) the relationship of

confidence between the Assembly and the Council of Ministers, 5) Constitutional rules concerning Central Election Commission

It is worth mentioning some of the aspects of the attempted constitutional design, as they best show the tendencies of power concentration, which characterized the period from 1992-1996 and 2005- 2009, when the Democratic Party (DP) was in power.

There is a difference between the formulation of the division of the state power between 1994 and 1998 constitution. In the 1994 constitution according to article 4: “the organization of the state is based on the principle of the separation of powers into the legislative, executive and juridical.” The 1998 constitution states that: “The system of government in the Republic of Albania is based on the separation and balancing of legislative, executive and judicial powers.” (Article 7)

### *7.2.1 The Election of the Assembly*

The initial draft dating January 23, 1993 and proposed by the DP which held the majority in the parliament at that time, kept the flexibility of the Assembly’s size *with no less than 140 deputies*, as in the Law on Major Constitutional Provisions. However, it included the electoral system in one of the articles of the draft constitution. (Article 49) This draft article provided for *100 members* of the parliament to be elected *by majority vote*, but each district should contain *at least one constituency*. *The remaining seats* were to be distributed among parties *in proportion to the votes* cast for their candidates in the first round.

This definition was very ambiguous; it didn’t provide a clear electoral system.

It left open ground for a lot of bargaining with regards to the electoral district border design, district magnitude (the number of the MP that could be elected by the majority vote in each district); and seat allocation formulas for the proportional part. Also it didn’t provide clarity of how to resolve the cases when the candidates in the nominal tier would not win the majority of the votes.

*The 1994 constitution* which was presented in the referendum didn't specify the type of the electoral system. In contradiction, one of the important flows of the 1998 constitution was that the electoral system was included in the constitution via article 64, subjugating the fundamental body of a state to political bargaining and future nondemocratic amendments.

*Article 64 of 1998 constitution* set the size of the Assembly as composed of 140 deputies. It embodied a Mixed Member System where "one-hundred deputies were elected directly in single-member electoral zones with an approximate number of voters. Forty deputies were elected from the multi-name lists of parties or party coalitions according to their respective order. The total number of deputies of a party or a party coalition should be, to the closest possible extent, proportional to the valid votes won by them on the national scale in the first round of elections."

It also specified the electoral threshold 2.5 % for the parties and 4 % for the coalitions of the valid votes on the national scale in the first round of elections.

*The amended constitution of 2008* provides a proportional electoral system. According to the article 64 of the 2008 constitution "the Assembly is composed of 140 deputies, elected on proportional system with multi-names electoral zones. The multi-name electoral zone corresponds to the administrative division of one of the levels of the administrative-territorial organization. Criteria and rules on the implementation of the proportional electoral system, on the determination of electoral zones and on the number of seats to be obtained in each electoral zone shall be defined by the law on elections."

On my opinion the constitution of 1994 had a better setting with regards to the electoral system, because it didn't specify it in the constitution. If we consider the fact that the electoral reform, has been and continues to be the major source of conflicts, contested elections, political bargaining and strong international interference, the electoral system shouldn't have been included in the *amended constitution of 2008*. One of the reasons lies in the efforts of the Albanian political parties to control the electoral process in an

attempt to secure the majority in the parliament. It being embodied in the *constitution of 1998* didn't resolve any of the problems, because the political actors always found ways to use the ambiguity of the language and to bypass the constitution.

The 2008 constitutional amendments failed to bring an end to the institutional instability. The way they were discussed, approved and applied, without a general consensus of all the political parties represented in the parliament, without the approval of the population, based only on a mutual agreement between the chairperson of the DP Sali Berisha and of the SP Edi Rama, are bound to create an even greater instability and political crises. This stance was proved with the political crisis following the elections of 2009.

The constitutional amendments about the electoral system were required primarily by OSCE in the 2005 Final Elections Report and by the Venice Commission of the European Union in its Joint Recommendations on Albanian Election law of 2004.

An interesting factor is that the borders of the multi-member districts are defined in the 2008 amended constitution as corresponding to the territorial organization of the country. Albania is currently divided into 12 districts. This electoral district border definition embodied in the *amended constitution of 2008* for the proportional electoral system represents one of the pathologies of the electoral systems ***gerrymandering***, which was more widely applied in the electoral code of 2008.

Where as to the Mixed Member Systems the list tier and the nominal tier are given by the characteristics of the system, the Proportional electoral system can have a wide variety of electoral districts with their magnitude  $M$  ( the number of seats per districts) varies from  $M > 1$  to  $M = S$ , where  $S$  is the size of the Assembly. This particular provision of electoral district borders corresponding to the territorial organization of the country was specifically designed to the favor of the major parties DP and SP, in their attempt to eliminate potential political adversaries, strengthen the power and marginalize small parties blackmailing.

As Shinasi Rama has mentioned in his book “Albanian Political Problems”, in the internal politics, the Albanian state is divided in three cantons: the north, the metropolitan zone of central Albania between 4 major cities Durrës, Tirana, Fier and Vlorë, and the south of Albania. The north is purposely abandoned and is gradually falling under the influence and control of autonomous social structures both religious and clan based. The metropolitan zone is opened to many economic and political foreign interests. In this zone, the experiment of strengthening local structures in disfavor of the state has led to the establishment of economic monopoles, backed by different foreign powers and dominated by Albanian political clans. The south of Albania is totally giving away to Greek influence and control, not only economic, cultural, but also political. [Rama 2006]

In support to this assumption, the political party representing the Greek minority the Union of Human Rights Party (PBDNJ), has been a coalition member of all governments of Albania starting 1991, despite its lack of relevance (as Sartori would define it) as a coalition partner. Its members have held important posts in the government. This party has served as a bridge between Greek politics and the Albanian governments. The current proportional electoral system, which was applied in a regional tier, according to the electoral code of 2008, disfavored all small parties with exception to PBDNJ. PBDNJ managed to gain seats in the parliament due to its stronghold concentrated in the south of Albania, favored by the bipartisan gerrymandering of the electoral code.

It is unclear as to what extent did the Greek geopolitical interests influence the Albanian political factors, when they were designing the constitutional amendments and the electoral code of 2008. I can only come to this conclusion based on the mechanical effects of the latest electoral system and on the policies of Berisha’s government in favor of Greek interests. Worth mentioning was the mutual governmental agreement between Greece and Albania, which would favor the transfer of about 354 km<sup>2</sup> of Albanian coastal territory to Greece. This decision was approved by the Albanian parliament in September 2009 and was rejected in a decision of the Albanian Constitutional Court. Another very controversial move which was greatly debated in

the Albanian media for months during the last year was the initiative of the government to register the population of Albania based on religious backgrounds, which serves only Greek interests.

My assumption is that the results of the local elections held in 2007, which consolidated the strongholds of the Albanian political parties on the district level, were sources of inspiration for the bipartisan gerrymandering, which led to the above mentioned constitutional provision. The changes of the constitution dating 2007 and 2008 correspond with the period when the local elections were held in 2007. In fact, the 2007 changes of the constitution are related with the political strategies pursued for the local elections. Even the electoral code of the 2007 was hurriedly designed for these purposes.

The embodiment of the electoral district zones in the constitution of 2008 was also done under the illusion of the chairpersons of DP and SP over the actual support these respective parties enjoyed in the population. As I will explain in the following pages, the strategies followed by the major parties, the Democratic Party and the Socialist Party during the elections of 2001 and 2005 regarding the proportional seats allocation, and their coalition partners, already damaged them as channels of interests of the population. The gap between them and the electorate which they supposedly “represent” widened. Parties’ strategies during the elections led in many cases to *malapportionment* (meaning that some districts have too few or too many seats, compared to their population). The embodiment of the electoral district borders in the constitution doesn’t take in consideration the mobility of the population and it leaves room for a variety of interpretations, ambiguity and contestation. The amended 2008 constitution failed to provide provisions for the Albanians leaving abroad that can’t participate in the elections held in Albania for a variety of reasons.

Also, the amended 2008 constitution provides no specifications on the number of tiers, electoral thresholds for parties and coalitions, or that the seat allocation should be as close to the proportional as possible. It leaves it up to the election law to clearly specify these elements. Given the amount of possible combinations of the variables of the

electoral systems, I believe we will continue seeing electoral and institutional engineering experiments.

### *7.2.2 The Election of the President of the Republic*

The most interesting proposal of the 1993 draft constitution endorsed by DP was the election of the president, which, if approved, would transform Albania into a semi-presidential republic. Article 67 of the draft constitution provided for the president to be elected by secret vote of an electoral body, composed of the members of the parliament and two representatives elected from each district as provided by law. The president could be considered elected when a majority of all members of the electoral body had voted for him. It also provided a majority/plurality formula for the run off if the president wasn't elected in the first round.

However, in the final 1994 constitution which was voted for in the referendum, both these options were cancelled. The president was to be elected only by the legislature.

*The 1994 constitution* proposed up to *3 rounds* for the election of the president, always keeping the need of the absolute majority of the votes for the second and third round. The first round needed  $2/3$  of the votes of all the deputies. When there was more than one candidate for president of the republic, the second ballot would be held with only the two candidates, who gained the largest number of votes in the first ballot. The candidate who would win the absolute majority of votes would be considered elected. If no candidate achieved an absolute majority even at the third ballot, the president would dissolve the legislature. New elections would be held within 30 days. The new legislature would elect as president of the republic the candidate who won the most votes (Article 79).

In comparison with this, *the constitution of 1998* would allow for a long 5 rounds for the selection of the president before the legislation would be dissolved, due to unsuccessful election of the president. There was a change in the number of votes needed for the president to be considered elected from  *$2/3$  majority of all the deputies to a  $3/5$  majority of all deputies*. This majority was required in *all 5 rounds*, from the first and the second

Assembly if they failed to elect the president and would as a result be dissolved. Only the third Assembly could elect the president of the republic by only a majority of all its members.

“The President of the Republic is elected by secret vote and without debate by the Assembly by a majority of three-fifths of all its members. When this majority is not reached in the first voting, a second voting takes place within 7 days from the day of the first voting. When this majority is not reached even in the second voting, a third voting takes place within 7 days. When there is more than one candidate and none of them has received the required majority, within 7 days, a fourth voting takes place between the two candidates who have received the greatest number of votes. If even in the fourth voting neither of the two candidates has received the required majority, a fifth one takes place. If even in the fifth voting neither of the two candidates has received the required majority, the Assembly is dissolved and new general elections take place within 60 days. The new Assembly elects the President pursuant to the procedure contemplated by paragraphs 1 to 7 of this article. If even the new Assembly does not elect the President, the Assembly is dissolved and new general elections take place within 60 days. The subsequent Assembly elects the President of the Republic by a majority of all its members.” (Article 87)

*The amended constitution of 2008* provides important changes in the election of the president. Article 87 of the amended constitution not only changes the number of votes required for the election of the president in the 4<sup>th</sup> and 5<sup>th</sup> voting from a previous qualified majority of 3/5 of all the deputies to a simplified majority in the 4<sup>th</sup> and 5<sup>th</sup> round. Also it allows for new presidential candidates to run in the second, third and fourth voting. The dissolution of the Assembly happens after the fifth voting, in case there was no success in the election of the president. The subsequent Assembly elects the president by a majority of all its members. Article 87 has an ambiguous language which can lead to many possible interpretation of the constitution.

The dissolution of the Assembly if - after the fifth voting – the President is not elected can be an alternative which can favor choices aimed at avoiding the election of the

President in the fourth and fifth voting by more than half of the votes of all the members of the Assembly but not by a qualified majority. Apparently the solution helps an election supported by a popular majority larger than the parliamentary majority supporting the Prime Minister and the Council of Ministers, but it implies a major politicization of the election of the Chief of the State, his identification with a popular political majority and can have important effects on the system of government of the Republic of Albania. [Venice Commission 2008]

On the other side, when the suggestion for the presidential candidate is not accepted and new elections are called, the political parties will have the competition for the Presidency at the centre of the debate: the voters will express their vote not only according to their political preferences but also having in mind the election of the President. While – as a rule – the President has to be elected by the Assembly by secret vote and without debate (art. 87. 2), a popular election cannot avoid a public discussion on the political position of the candidates. As a matter of fact, after the elections the President will probably be elected on the basis of the choice of the voters. The result is certainly coherent with the democratic principles even if it can imply the substantial abandonment of the previous parliamentary Albanian system of government and an apparent approaching to a presidential system of government as far as it requires a direct or indirect election of the Chief of the State by the people. The relevance of the popular choice will have political effects, which have to be underlined: a Chief of the State who is – directly or indirectly - elected by the people will have a political authority which a President elected by the Parliament does not have. [Venice Commission 2008]

The presidential term also changed. The initial 5 year term of the 1993 draft constitution was substituted with a 4 year term in the 1994 constitution. The 1998 constitution changed the presidential term back to a 5 year term, which wasn't amended in the changes of 2008.

### *7.2.3 The Relationship of Confidence between the Assembly and the Council of Ministers*

The 1994 constitution did call for a strong president, but the state structure would remain a parliamentary republic. While the 1998 constitution didn't give to the President important political powers with exception of the functions of guarantee and safeguard of the constitutional rules, the constitutional amendments of 2008 made the presidential power much weaker. The president no longer has the power to dissolve the parliament. *According to article 104 of the amended 2008 constitution*, "The Prime Minister is entitled to present to the Assembly a motion of confidence towards the Council of Ministers. If the motion of confidence is voted by less than half of all the members of the Assembly, the Prime Minister, within 48 hours from the voting of the motion, requests the President of the Republic to dissolve the Assembly. The President dissolves the Assembly within 10 days from the receipt of the request."

This amendment gave the power to dissolve the parliament to the head of the government, which greatly complicates voting on a motion of no confidence. This provision strengthens the executive power towards the legislative power and sets the road to increasing lack of accountability of the government. It takes away from the Assembly the power to control the government, allowing a further concentration of power in the hands of the Prime Minister and the majority in the parliament. This is a clear violation of the balance of powers and of the principle of the "checks and balances", that is vital for the consolidation of the state structure. This is another argument that supports the fact that Albania's institutions are weak, because they are subjugated to political bi-partisan interests and agreements. It also provides enough proof of the lack of consensus and unified vision of the Albanian political elite over institution design.

I don't think that the debate over the constitution, as the most fundamental law of the state where the state structure and state institutions are embodied, will end with the amendments of 2008. They have produced a political deadlock for over a year and it is unclear at this moment how will the political crisis be resolved.

#### *7.2.4 Constitutional Provisions Concerning the Central Election Commission*

The Central Electoral Commission was created as an independent constitutional body only through the 1998 constitution. Until 1998, the electoral administration had been created ad hoc before the elections. The abrogation of the part of the 1998 constitution, dealing with the Central Elections Commission through the constitutional amendments of 2008 requires a special attention.

Articles 153 and 154 of the 1998 constitution embodied the Central Election Commission as a permanent, independent organ. They specified the procedures for the election and composition of the members of the CEC. They were elected in a 7 year term as follows: “The Commission consists of 7 members who are elected with a mandate of 7 years. Two members are elected by the Assembly, 2 by the President of the Republic, and 3 other members by the High Council of Justice. The membership of the Central Election Commission is renewed every three years pursuant to the procedure established by law. A member of the Commission enjoys the immunity of a member of the High Court.” (Article 154)

The other procedures regarding CEC, its election, composition, mandate and functioning were regulated by the election laws. The electoral administration, specifically the CEC, as the supreme body of this administration, has been subject of all the Albanian electoral from 1991 to the latest one of 2008. The consequences of latest provisions which set the CEC under the control of the Assembly will be discussed later, as they were arranged under the Election code of 2008. However, the removal of the position of CEC as an independent constitutional body; its subsequent control from the Assembly through election of all its members, has institutionalized the subjugation of the electoral process to the constellation of power in the parliament.

It has also marginalized all the small political parties from being associated with the organization of elections. This provision carries in itself the conflict and presets the contestation of the electoral process, no matter to what extent they would match the international standards of free and fair elections. Therefore the amendments of 2008

not only didn't contribute to the solution of the problems that had created ongoing political crisis in Albania, they opened the way for further instability of state institution and concentration of power in the hands of the majority in power.

### **Chapter Eight: Political Consequences of Electoral Systems**

This chapter on Albanian electoral systems is concerned with the institutional arrangements used to translate votes cast for political parties and/or candidates into seats, in elections to the national legislature. The foremost purpose is to analyze the political effects of electoral systems used in the parliamentary elections held in 2005 and 2009. The variables used in the analysis are the basic dimensions of electoral systems, measures of disproportionality, measures of multipartism and the production of majority parties. In order to explain the findings of the empirical data, as a first step I will explain the theoretical framework, descriptions and classification of electoral systems used as basis of analysis. Here I will identify the components of electoral systems, the effects of their interaction and combination, primarily 'mechanical effects'. I will then identify some of the aspects of electoral systems considered as pathologies. In the light of the theoretical framework, I will continue with a summary of the Albanian electoral laws of the past 20 years, focusing mainly on the changes in the main 'variables or dimensions': assembly size, district magnitude, seat allocation formula, ballot structure, as well as electoral thresholds. The empirical part will include a comparative multivariate analysis of the 2005 and 2009 Albanian parliamentary elections, which represent two different electoral systems in place in vote-seat relations and political party system. This will be followed by an attempt to analyze the psychological effects of elections and an overall conclusion of these political outputs on the democratic processes during the consolidation phase. An addendum to the dissertation will include the findings of the public survey I did prior to the 2005 parliamentary elections in Albania.

## **8.1 Theoretical Perspective of Electoral Systems**

Why electoral systems matter?

Electoral systems help determine how many parties a country has, how cohesive they are, who forms the government, and how long the government cabinets tend to last. They are a crucial link in the chain connecting the preferences of the citizens to the policy choices made by the governments. Electoral systems are expressed in election laws and their impact depends on the way politicians and voters make use of these laws. At times, flawed electoral laws can undo democracy or lead to staleness.

### *8.1.1 Components of Electoral Systems*

Electoral systems matter in democracies because elections are one way to determine who the leaders will be. This method is more peaceful than fighting it out. The supposed goal is to have the ‘people’ express their will. [Taagepera 2007:1]

By electoral system is understood the set of rules that specify how voters can express their preferences (ballot structure) and how the votes are translated into seats. The system must specify at least the number of areas where this translation takes place (electoral districts), the number of seats allocated in each of these areas (district magnitude), and the seat allocation formula. [Taagepera 2007:2]

There are important aspects of electoral laws which application determines the standard of elections, whether they can be considered as free and fair. As most frequently used in election reports can be mentioned:

- ease of registration of voters and candidates; ease of voter access to the electoral process (availability of ballots, polling hours, number and location of polling stations, enforcement of voter rights against intimidation);
- ease of party/candidate access to the political process (candidate eligibility requirements, signature gathering rules, nominating fees, party slating procedures, bans on anti-system parties);

- structure of political competition (e.g. partisan vs. non partisan);
- special features of ballot format ( e.g. office block vs. party check-off, machine vs. paper ballot, open vs. secret, sequencing rules for candidate/party ballot position);
- Electoral administration bodies;
- districting procedures;
- the timing of elections;
- campaign financing rules;
- media access and coverage, etc.

The main variables of the analysis will however be the components of the electoral systems. To allocate seats to candidates or parties, laws must specify at least the following: the total number of seats in the assembly (assembly size), the number of seats allocated in each electoral district (district magnitude), how these seats are allocated (allocation formula), how a voter can express her/his preferences (ballot structure). Translation of votes into seats by different electoral systems can lead to drastically different outcomes. [Grofman; Lijphart 1986]

Electoral districts are the areas within which popular votes are converted into assembly seats. The number of seats allocated within a district is called *district magnitude (M)*. Districts can be single-seat districts where  $M = 1$ , or multi-seat districts, where  $M > 1$ .

The limit is one nationwide district where district magnitude equals assembly size:  $M = S$ . All districts need not be of equal magnitude, and overlapping districts also occur. [Taagepera 2007:16]

The magnitude operationally is measured by the **arithmetic mean (average) of district magnitudes** under any electoral systems. This mean is figured by dividing the total number of seats by the total number of districts.

$M = S/D$ , where S stands for the total number of seats or the assembly size, and D stands for the total number of districts. [Rae 1971:19]

*Assembly size (S)* is usually fixed in advance, depending on the size of the population. If electoral systems are defined as methods of translating votes into seats, the total numbers of seats available for this translation appears to be an integral and legitimate part of the systems of translation.

### ***Ballot structure***

Voting is an act of choice and function of the ballot is to structure that choice. All ballots ask the voters to choose among the contestants in some way, but vary in the kind of choice they demand. Voters may have to voice unqualified support for one or several candidates '*categorical ballot*' or they may be able to rank candidates '*ordinal ballot*'. Categorical ballots channel each parcel of electoral strength into the grasp of a single party. While ordinal balloting may disperse each parcel of electoral strength among a number of competing parties, imposing no equivalent condensation of electoral success. [Taagepera 2007:16]

### ***Seat allocation formula***

The electoral process ends with the distribution of parliamentary seats among winning parties. The allocation formula stipulates how the resulting votes are to be converted into seats. This is closely tied in with ballot structure. Within each electoral district the voter may be given one or more votes. If only the first preferences are taken into account, the voter is asked to cast one or several categorical votes (*categorical ballot*). At the one extreme, all seats in the district may be given to the party with the most votes (plurality rule). At the other extreme, one could use a PR formula that favors the smallest parties and takes into account second preferences and support for specific candidates. [Taagepera 2007:16]

**Three main types of electoral formulas** and a large number of subtypes within each of these are usually distinguished:

- Majoritarian formulas (with plurality or first-past-the-post, two round majority-plurality formula, and the alternative vote as main subtype),

- PR formulas (classified further into largest remainders, highest averages, and single transferable vote formulas),
- Semi-proportional formulas (such as cumulative vote and the limited vote) [Lijphart 1994:11].

The plurality formula, often also called the First-Past-The-Post (FPTP) or relative majority method, stipulates that, in single-member districts, voters can cast one vote each and that the candidate with the most votes wins. (In two-member districts, voters have two votes and the two candidates with the most votes win; and so on.)

Two-round majority –plurality formula has as a rule that a majority (that is an absolute majority- more than half of the valid votes) is required for election on the first round; if the first round doesn't produce a winner, a second round is conducted and the candidate with the most votes wins, even if he or she wins only a plurality of the votes. Usually the second round is a contest between two principal candidates of the first round. In the case of majority-run off formula the second round of the elections is restricted only to the top two candidates from the first round. [Lijphart 1994:18]

The simple seat allocation formulas used in PR are D'Hondt and Sainte-Laguë of highest average (divisors) and Hare quota plus largest remainders.

D'Hondt formula uses the divisor series (1, 2, 3, 4, etc). The pure Sainte-Laguë formula uses the odd-integer divisor series (1, 3, 5, 7 etc).

Sainte-Laguë formula is rarely used in its pure form. Instead, a modified Sainte-Laguë formula is used in practice, in which the first divisor is raised from 1 to 1.4.

The oldest and best known of the largest remainders' (LR) systems uses the Hare quota, which is the total number of valid votes cast ( $V$ ) divided by the district magnitude ( $M$ , the number of seats available in the district)  $H=V/M$ . Parties are given as many seats as they have won quotas, and any remaining seats are given to the parties with the largest remainder of votes. Other LR formulas are the Droop quota which uses  $M+1$ , the normal Imperiali quota which uses  $M+2$  and the reinforced Imperiali quota which uses

M+3 as the denominator. Another formula that is being used in PR systems is the single transferable vote STV, which always uses the Droop quota.

The highest averages and largest remainders LR are list PR systems in which voters vote for lists of candidates, ( although they may be also be able to express a preference for one or more candidates within their preferred list), in contrast with STV in which they cast a preferential vote for individual candidates. [Lijphart 1994:23]

Another important dimension of the electoral system is the **electoral threshold** for minimum representation. Electoral threshold is usually applied at a national level, but may also be imposed at the district, or at an in-between, regional level, and the minimum may be defined in terms of a certain number of votes, a percentage of the votes or some other criterion such as winning of at least one seat in a lower-level district in order to be eligible for seats in the higher-level districts. [Lijphart 1994:11]

**Assembly size, district magnitude and seat allocation formula** (plus the corresponding **ballot structure**) are indispensable features regarding which a choice cannot be avoided if one wants to allocate seats on the basis of votes.

### *8.1.2 Mixed Member Systems*

It has long been conventional to divide electoral systems into two broad categories, majoritarian and proportional. Majoritarian systems usually employ exclusively single-seat districts with plurality rule (or sometimes a two-round majority formula) and tend to give greater representation to the two parties that receive the most votes. Proportional systems employ multi-seat districts, usually with party lists, and typically produce parliamentary representation that largely mirrors the vote shares of multiple parties. Although the effect on party systems may be arrayed on a continuum ranging from fully proportional to highly disproportional [Taagepera and Shugart, 1989], designers of electoral systems have nonetheless tended to operate with either a "plurality principle" or a "proportional principle" in mind.

In the beginning of the twenty-first century a compromise system started to spread throughout the world which offered the promise of providing the best of both the dominant nineteenth – and twentieth-century worlds of electoral systems. These systems can be best labeled as mixed member electoral systems. They offer voters a direct role in choosing an elected representative for their localities, but also provide for some element of proportional representation. Mixed member systems come in a variety of options, with the most important choices being how seats and /or votes are linked between the two tiers. In the prototype of a mixed-member system, half of the seats in a legislative chamber are elected in single-seat districts while the other half are elected from party lists allocated by proportional representation (PR). Yet, there are numerous variations within the general class of mixed member systems. [Shugart; Wattenberg 2001: 9-10]

What most distinguishes mixed member electoral systems is, as stated above, the mixing of competing majoritarian/plurality and proportional principles in the same chamber.

Massicotte and Blais (1999) review a broad range of what they call "mixed" systems, which entail some combination of PR and plurality or majority. Shugart and Wattenberg (2001) consider mixed member electoral systems as a subset of the broader category of multiple-tier electoral systems. An electoral system employs multiple tiers, if seats are allocated in two (or more) overlapping sets of districts, such that every voter may cast one or more votes that are employed to allocate seats in more than one tier.

Mixed member systems are thus a variant of such multiple-tier systems, with the specific proviso that one tier must entail allocation of seats nominally whereas the other must entail allocation of seats by lists. The distinction between nominal and list voting is based on the nature of the vote cast by the voter and how it is employed to allocate seats. Under nominal voting, voters cast votes for candidates by name and seats are allocated to individual candidates on the basis of the votes they receive. List votes, on the other hand, “pool” among multiple candidates nominated on a list submitted prior to

the election by a party, alliance, or other political organization. [Shugart; Wattenberg: 2001]

### *Variables of Mixed Member Systems*

Apart from the variables mentioned above: district magnitude, assembly size, seat allocation formula, ballot structure, electoral threshold, there are some other variables of particular importance to the mixed member systems. They play a major role in the differentiation of outcomes and classification of MMS subtypes: level and number of tiers, linkage between tiers, number of ballots the voter can cast, percentage of seats left aside for the list tier, etc. The dimensions of electoral threshold and district magnitude are important only for the list tier.

### **The Nominal Tier**

Usually the nominal tier consists of single seat districts (SSDs). Within SSDs the allocation formula is usually plurality, though in some systems there is a run-off required in any district in which there is no first-round majority as in Albania with 1992 electoral system. Nominal formulas are usually majoritarian, but they need not be. For example, the single nontransferable vote (SNTV) is a purely nominal formula, but one that is described in the literature as semi proportional, because of its tendency to permit some seats to be won by relatively small parties.[Lijphart 1999:10]

### **The List Tier**

A mixed member electoral system must also contain a tier of members elected from party lists, which overlays the nominal tier. Most list systems employ a PR formula, such as D'Hondt divisors or the simple quota and largest remainder.

### **Majoritarian or Proportional: Linkage between Nominal and List Tiers**

As noted, mixed member systems combine the majoritarian and proportional principles in one electoral system. However, notwithstanding the mixture of principles, most mixed member systems tend to "lean" towards either majoritarian or proportional in

their overall effects. Thus, two broad subtypes are identified, which are called mixed member majoritarian (MMM) and mixed member proportional (MMP). [Shugart; Wattenberg 2001:16-19]

Linkage refers to whether votes are transferred from the nominal tier to the list tier, or whether the number of list seats a party receives, is based in some way on how many nominal tier seats it has won. At one extreme, the two tiers are *parallel*; i.e., there is no linkage between tiers in the allocation of seats to parties. Thus, parties' list votes and seats are not adjusted in any way on the basis of votes cast or seats won in the nominal tier.

A party in a *parallel mixed member system* simply takes its seats in the nominal tier and adds to them whatever number of seats it wins in the list tier. If seats are linked, the number of seats a party takes from its list is determined partially by the number of seats it has won from the nominal tier. In these systems a formula is applied to the two tiers combined-either in the whole territory of a jurisdiction, or in regional subdivisions of it.

The formula establishes a party's total seat allocation; then list seats are allocated to bring the party's representation up to that total. The form of seat linkage that is the most common is the *compensatory type*, which produces a *mixed member proportional system* (MMP). [Shugart; Wattenberg 2001:16-19]

Mixed member systems provide the voter with two votes. Probably the most important choice that designers of a mixed member system must make is how proportional they would like their system to be. In making that choice, it is the variable of linkage between tiers that is most crucial, as it was discussed above. Seat linkage largely determines whether the resulting system is MMP or MMM. [Shugart; Wattenberg 2001:16-19]

Turning to other variables in mixed member systems, a very important one is the percentage of seats set aside in the list tier. In the case of MMP systems, the seats set aside for compensatory allocation must be a sufficient percentage of the total for a high degree of proportionality to be achieved. Taagepera and Shugart [1989:131] note that

full compensation is achieved if the percentage of seats set aside for this purpose is at least the same percentage as the deviation from proportionality resulting from the lower-tier allocation.

Under the MMM format, the percentage of seats allocated from the list tier is an even more important variable than under MMP, given the non-compensatory nature of the PR allocation. However, a few have far less than half the seats allocated in the list tier. Another variable of great importance is the magnitude of the list tier. In MMP systems the compensatory seat linkage applies the proportional formula to all seats within an allocation district. Where list seats were allocated in a single nationwide district, the magnitude of the district in which allocation takes place is actually the same as the size of the entire assembly. As for the nominal tier number of seats and formulas, all the systems have a nominal tier of exclusively SSDs. The plurality (first-past-the-post) formula is by far the most common, though several systems require a run off in the event that no candidate obtains a majority of votes in the first round.

A final variable of the list tier is the threshold that a party must reach in order to participate in PR allocation. Typically a threshold is a wide district. The most common threshold is 5% of the national list vote. [Shugart; Wattenberg 2001:16-19]

### *8.1.3 Effects of the Dimensions' Combinations in Vote-Seat Translation*

Electoral systems matter because they make a big difference to the shape of the party system, to the nature of the government (coalition or single-party), to the kind of choices facing voters at elections, to the ability of voters to hold their representative(s) personally accountable, to the behavior of parliamentarians, to the degree to which a parliament contains people from all walks of life and backgrounds, to the extent of democracy and cohesion within political parties, and of course, to the quality of government, and hence to the quality of life of the citizens ruled by that government. [Gallagher; Mitchell 2005]

Translation of votes into seats by different electoral systems can lead to drastically different outcomes.

### *Effects of the electoral systems on party systems*

Maurice Duverger was the first who tried to explore the influence of electoral systems on party systems. The 'Duvergerian agenda', has dominated the electoral studies for the past half-century as the attempt to express the impact of the main features of electoral systems on representation and party system.

Duverger's law in his own formulation is the proposition: "the simple majority single-ballot system favors the two party system". He called this sentence a true sociological law. Related to this sentence is another which he considers a hypothesis "The simple-majority system with a second-ballot and proportional representation favors multipartism". [Duverger 1963:217&239]

These propositions distinguish among three kinds of electoral systems which, although far from a complete list of the systems in current use, are the only ones used widely enough to admit the observation of their relationship with the number of political parties:

1. Plurality voting (misleadingly called the simple majority, single ballot system by Duverger), in which the election's winner is the candidate with the most votes. With 2 candidates or less, the winner has a simple majority of the votes cast. With three or more candidates, the winner may have only a plurality.
2. Run-off majority voting among three or more candidates with 2 ballots, in which, at the first ballot, the winners are the two candidates with the largest and the second largest number of votes, respectively, and, at the second ballot between exactly these two, the winner is the candidate with a simple majority. Coupled with the two-ballot system, are various alternative vote methods in which counting, rather than voting, occurs twice, using the same definition of winning as in the two-ballot system.
3. Proportional representation, in which the winners are those candidates who obtain some quota of votes, usually  $(v/(s+1))$  or  $[(v/(s+1))+1]$ , where  $v$  is the number of votes

cast and  $s$  is the number of winners to be selected. Since  $s > 1$ , some winners must have less than a plurality. [Riker 1986]

Rae reformulated Duverger's law from the theory that "the simple-majority, single-ballot system favors the two-party system", to "plurality formulae are always associated with two-party competition, except, where strong local minority parties exist". [Rae 1971:95]

His book has served as a pivotal study about the electoral systems and their links to political issues and regime stability, from a quantitative point of view.

Duverger also offered two theoretical reasons for the plurality rule to destroy third parties: 1) a "mechanical effect" of under representing losing parties and 2) a "psychological factor" of voters not wishing to waste their votes on losers. Both these reasons derive from a view of both politicians and voters as rational actors, expected utility maximizers. [Riker 1986]

#### *Effects of electoral systems on vote-seat proportionality*

Allocation rules as mentioned above have "**mechanical effects**" in penalizing the small parties and giving bonus to the large parties; even in proportional representation systems.

This mechanical effect of electoral rules leads to a **deviation from proportionality** between seat and vote shares for the system as a whole. This may lead to a "**psychological**" effect by which voters resist from "wasting their vote" on losing or under represented parties in the future. As a result, the effective number of parties is reduced; formation of single-party or coalition governments made easier and cabinet durability may increase. [Taagepera; Shugart 1989]

One of the best findings of Rae's 'The political Consequences of Electoral Laws' - the first systematic comparative analysis of the *2 effects of electoral systems on*

*disproportionality and multipartism*, is the extremely strong influence of district magnitude. [Rae 1971:16]

### *The effect of district magnitude*

The decisive point in PR is the size [magnitude] of the constituencies: the larger the constituency, that is, the greater the number of members which it elects, the more closely will the result approximate to proportionality. Most disproportions in the allocation of seats advantage large parties and disadvantage small parties. Therefore small district magnitudes will tend to concentrate seats in the already strong parties. Large district magnitudes will not have the concentrating effect, leaving seats relatively dispersed among smaller parties. [Rae 1971:21]

The effect of magnitude is reversed when a PR formula is used. One comes closest to ideal PR when the entire country forms a single huge district. Here, a decreasing district magnitude increases the large party advantage and hurts small parties. Proportionality is the least when a PR rule is applied in a single-seat district. Here, the plurality and PR rules meet and lead to the same outcomes. [Taagepera 2007:17]

With these formulas, the larger the district magnitude, the more proportional the seat shares are to the vote shares, and the more parties may be represented. The smaller the district magnitude, the larger the seat share of the largest party tends to be, and one-party cabinets become more likely. [Taagepera 2007: 23]

A mix of district magnitudes and allocation formulas can also be introduced to a variety of systems. Several rounds of voting can be used. Several tiers of seat allocation can be used. Seats can be allocated on the basis of votes for party lists or votes for individual candidates. The two options can be mixed.

### *The effect of the allocation formulas*

Plurality formulas are inherently unfavorable for small parties, and they don't need- don't use- electoral thresholds. With the first-past-the-post system, FPTP, most voters in

most countries tend to vote for the largest nationwide parties. Single-seat districts may look simple, but they still offer several choices for seat allocation. In multi-seat districts the options multiply. Seat allocation can be made on the basis of votes for individual candidates, or votes for party lists. Voters can have only one vote or as many as M, the number of seats at stake. When party lists are used (usually with one vote per voter) the basic choice is between plurality rule and one of the many PR seat allocation formulas. [Taagepera 2007:17]

Among the highest averages formulas, the D'Hondt method (is the least proportional and systematically favors larger parties. It contrasts with the pure Sainte-Laguë formula which approximates proportionality very closely and treats large and small parties in a perfectly even-handed way. In practice, the Sainte-Laguë formula is used only in a modified form in which the first divisor is raised from 1 to 1.4, thereby making it harder for small parties to gain their first seats- and hence reducing the proportionality of the election result to some extent. [Lijphart 1994:23]

The Hare quota is impartial as between small and large parties and tends to yield closely proportional results. Less proportional outcomes are produced by Droop quota or Imperiali quotas. The use of these lower quotas means that there will be fewer remaining seats to be allocated and hence also more wastage of remaining votes, which is especially harmful to the small parties and results in decrease of proportionality. To sum up, as far as their effects on the proportionality of the electoral outcome and on the multipartism are concerned, the differences cut across the broad categories of divisor, quota and STV systems. The D'Hondt and LR-Imperiali systems are the least proportional and systematically favor the larger parties; modified Sainte-Laguë, LR-Droop, and STV form an intermediate category; and the LR-Hare is the most proportional formula. [Lijphart 1994:23-24]

### *The effect of electoral thresholds*

The most explicit barrier to proportionality is the use of thresholds. Virtually every PR system employs some kind of threshold that prevents the smallest parties getting their

“fair” share of the seats. High thresholds, which discriminate against small parties and their supporters, are usually justified in terms of preventing excessive fragmentation and thereby making it easier to form stable governments, a particular concern where there is a weakly structured party system. Non PR systems generally do not have rules specifying a threshold, mainly because they do not need to. [Gallagher; Mitchell 2005]

Low magnitudes have the same effect as high thresholds: both limit proportionality and the opportunities for small parties to win seats. As magnitudes increase and thresholds decrease, proportionality and the chances for small parties improve. In other words, legal thresholds and district magnitudes can be seen as two sides of the same coin, so Lijphart uses them as one variable: *the effective threshold*, stated in terms of percentage of the total national vote. [Lijphart 1994:11]

#### *The effects of variables in Mixed Member Systems*

The primary variable in mixed member systems that separates MMM and MMP systems is the presence or absence of a linkage between tiers. If the tiers are not linked, then, the typical majoritarian boost received by a large party in the nominal tier, is not likely to be wiped away by proportional allocation from the list tier. Thus, the principle behind majoritarian systems giving an advantage to large parties remains in MMM systems. On the other hand, MMP systems prioritize the list PR tier, such that large parties do not receive a boost in overall seat allocation, or receive a smaller one than they would in an otherwise similar MMM system. [Shugart; Wattenberg, 2001:13]

Whereas MMM systems add seats from the list tier in parallel, even for parties that are already over-represented in the nominal tier, systems with compensatory seat linkage provide list seats to compensate parties that are under-represented in nominal-tier allocation. These MMP systems ensure that the total number of seats in an allocation district is allocated proportionally. However different observations have lead to a general rule for MMP: the more disproportional the nominal tier allocation is likely to be, the greater the share of list-tier seats that needs to be set aside if full compensation is desired. [Shugart; Wattenberg, 2001:19]

The above mentioned dimensions provide the framework for the description and classification of the electoral systems in this chapter, and will also be the main independent variables in analysis of the effects of these electoral systems.

#### *8.1.4 Pathologies of Electoral Systems*

In his analysis of the proportional or disproportional effects of different electoral formulas, Michael Gallagher warns that other dimensions of electoral systems may also affect the degree of proportionality of election outcomes: in addition to district magnitude and thresholds (he does not mention the factor of assembly size), he points to 'the possibility of *malapportionment*'. Malapportionment means that some districts have too few or too many seats, compared to their population. In single-member district systems, *malapportionment* means that the districts have substantially unequal voting populations; malapportioned multi member districts have magnitudes that are not commensurate with their voting populations. Obviously malapportionment may systematically favor one or more parties and therefore contribute to *electoral disproportionality*. Malapportionment often takes the form of rural or regional overrepresentation. [Lijphart 1994:16]

*Gerrymander* means drawing single seat district borders in a way that assures safe districts to the party that is in charge of districting, while leaving the other major party with wastefully large losing minorities in these districts and with wastefully huge winning majorities in other districts. *Bipartisan gerrymandering* is a development in recent decades: the two major parties agree to divide the state into districts safe for either of them. Effectively, voters no longer choose the assembly members, but the assembly members choose their voters. [Taagepera 2007:43]

Another variable that I shall take in consideration pertains especially to PR systems in which voters choose among competing party lists. In several of these, parties are allowed formally to link or connect their lists, which mean that their combined vote total will be used in the initial allocation of seats. A set of such inter-party connected lists is usually referred to by the French term *apparentment*. Since most electoral

systems including PR in practice favor larger parties, to some extent the question whether or not apportionment is permitted can be of great importance to the smaller parties. [Lijphart 1994:15]

The pathologies of electoral practices such as malapportionment and gerrymandering, except for pointing out which electoral systems are more conducive to such manipulation, have strong impact in the disproportionality between votes and seats.

## **8.2 Albanian Electoral Engineering**

The first election law was adopted from the Assembly of the Republic of Albania, which was elected in the elections of 1991.

### *8.2.1 The Election Law of 1992*

The Law No. 7556 “On Elections for the People’s Assembly of the Republic of Albania” was adopted on 4 February 1992.

This election law provided important changes in electoral system. The system was changed from a pure majority system, applied in the elections of 1991 to a hybrid mixed member system. It is however difficult to put Albania’s system under this category. The reason is that although it displays a mixture of majority and proportional aspects of seat allocations, the Albanian voter had only one vote. Usually in the mixed member systems the voters have two ballots which they cast in the nominal tier for the candidates elected in the single member districts (SSDs), while the second ballot is cast in the list tier for the party lists.

The electoral reforms of the following years provided more clear mixed member systems.

Based on the 1992 election law Albania was divided into two tiers, a nominal tier of 100 SSDs and a nation wide list tier. However the voters voted only in the nominal tier and the seat allocation of the compensatory mandates of the list tier was done based on the votes the parties won in the nominal tier.

The Assembly size changed from 250 MPs to no less than 140 MPs (Article 6). 100 of the MPs were elected based on a two-round majority system in single-member districts, whereas the supplementary mandates were granted to the candidates who were on the national lists of the parties, proportionally on the basis of the national-wide results of the first balloting. A majority/ plurality seat allocation formula was applied for the SSDs' elections, where the winner was the candidate who would get more than half of the valid votes in a SSD. In case of a run off, two candidates who won the greatest number of votes in the first round, run in the second round. To win the second round a plurality formula of the largest number of votes was needed for the candidate to be elected as a deputy in the People's Assembly (Article 6). In case of an equal number of the votes for the candidates in the second round, the winner was then selected through lot.

The 1992 election law provided for the following distribution of the supplementary mandates:

“a) The total percentage of votes that each party has won in the first round of the elections in single member zones through its candidates on the national level shall be calculated.

b) Each party shall receive a number of seats from its multi-candidate list in such a way that the total number of seats in the People's Assembly shall equal the number of seats that belong to it on the basis of the percentage won and that the number of deputies shall be as small as possible. This shall be done according to the calculations presented in attachment one. [Not attached -- this is a table of mathematical calculations for the determination of the number of supplementary mandates].

The designation of the winners from the multi-candidate list shall be made according to their order in the list.” (Article 15)

The electoral threshold for the parties eligible for the supplementary seats was set as 4% on the national level. Another interesting condition for the parties to be eligible to present lists for up to 100 candidates for supplemental seats according to proportion,

was that they had to have nominated candidates in at least 33 single member districts distributed in at least 9 of the country's 27 districts (Article 15).

An interesting worth mentioning fact was that the assembly size was flexible and the total number of compensatory seats could exceed the lower limit of 40 to the extent necessary to achieve overall proportional representation.

The provisions of the election law stated that if the parties achieved greater than the required threshold of 4% of the total votes cast nationwide, they would be eligible to hold a proportion of the total number of seat in the final legislative body, equal to the share of the initial vote their party's candidates received cumulatively nationwide in the first round. They would gain these seats through the mathematical distribution of the compensatory seats. The second round could have an influence on the eventual total number of seats making up the parliament even though the proportions were based on first-round results. It should also be noted that when final results and distributions of supplemental seats would be awarded, the overall percentage of seats held by a party could appear to be higher or lower than their actual share of the first round vote. That is because the shares of votes earned by parties failing to achieve the 4% threshold were not projected into the distribution of proportional seats. When the final number of legislative seats was known and the distribution of supplemental seats was accomplished, the proportion of seats actually held by the parties falling below the threshold would be smaller than their apparent share after the first-round results. The size of the legislature may have increased with the compensatory seats, however their number of seats will not have increased, leaving them with a smaller share of the larger body which has resulted. [IFES 1992:38]

Based on mathematical calculations the assembly size which resulted from the elections of 1992 was of 140 MPs.

The future election laws would play frequently with the formulas of seat allocation from the proportional part of the system, the electoral thresholds for parties and coalitions for them to be eligible for the additional seats allocation.

A major ‘apple of argument’ and perhaps the mostly reviewed and changed through the electoral reforms has been the composition of the electoral administration commissions. The election law of 1992 opened the road for the future politicization of the electoral administration with allowing the composition of all the levels of the electoral administration commissions to be proposed by the political parties. Initially this was done in an effort to include all the political parties in the process of the elections for their results to be accepted. However this political opportunity has been widely abused by all the political parties that have held the power in the past 20 years.

The failure to set up an independent non politicized permanent electoral administration has been one of the major pathologies of the electoral systems in Albania. The changes of the electoral administration in the following years have affected not only the procedures of electoral administration, but also the composition, size, competencies, veto rights of the commissions, level of vote counting, procedures of complaints and appeal rights, electoral courts, voters’ lists, media coverage, district border design, electoral campaigns and funding for political parties, gender participation etc. It is not the aim of this dissertation to analyze and compare all the changes of the election laws. However, aside from the variables of the election laws, some other aspects of elections will also be mentioned along the analysis, as they have represented the main topics of political bargaining during electoral reforms and the main conditions set up by the international community for the elections to be recognized and accepted.

It is true that the 1992 elections are the only elections of the past 20 years that haven’t been contested by the political parties and their results recognized. In the elections of March 22 and 29, 1992, the seat distribution among the political parties was as follows:

Democratic Party 92, Socialist Party 38, Social Democratic Party 7, Human Rights Union Party 2, Republican Party 1 [IFES 1992:Appendix B]

After the failure of the constitution in 1994, the experiments of electoral design continued.

### 8.2.2 *The Election Law of 1996*

The Law No.8055, dated February 1 1996, which amended the 1992 election law lowered the age of eligibility to vote for the citizens from 19, as it was previously, to 18 years old; while the eligible age to be voted in the People's Assembly from 21 years as previously, was lowered to 18 years old as well.

One of the preconditions to be elected as a Member of the Parliament was the fulfillment of the requirements of two very controversial laws:

1. Law No. 8001 dated September 22, 1995 "On genocide and crimes against humanity committed in Albania during the Communist regime for political, ideological and religious motives"
2. Law No. 8043 dated November 30, 1995 "On the verification of the character of officials and other persons connected with the defense of the democratic state". (Article 2)

The Assembly size remained the same, but the percentage of total seat allocation via majoritarian formulas and proportional formulas changed. This gave to the system a more majoritarian character transforming it to a Mixed Member Majoritarian. The definition hybrid which referred to "one voter one vote", as from the 1992 election law is no longer applicable. According to this law the voters cast 2 ballots, one for the candidates in the SSD, one for the party lists.

According to article 6 of this law, out of 140 deputies of the Assembly, 115 were elected in single member zones, while 25 other supplementary mandates were given to the candidates who were in the party lists in the national level, on the basis of the votes won in the first round according to the rules set out in article 11 (from 71 % in 1992 to 82%).

As we will see, the 1996 law added an electoral threshold for party coalitions based on the number of the parties. "Only parties, which on the national level have not less than 4 per cent of the votes, and electoral groupings of two parties that have not less than 8 per

cent of the votes, shall benefit from the division of the 25 supplementary mandates. When the electoral grouping consists of three or more parties, the percentage limitation rises by four per cent for each party” (Article 11 a).

The supplementary seats allocation formula changed from the 1992 election law.

The rules set out in article 11 represent a major contradiction to the concept of the PR allocation formulas. For the Hare Quota of the largest remainders the total number of valid votes cast ( $V$ ) are divided by the district magnitude ( $M$ , the number of seats available in the district)  $H=V/M$ . Parties are given as many seats as they have won quotas, and any remaining seats are given to the parties with the largest remainder of votes. [Lijphart 1994: 23]

The first Albanian complication, which proves lack of knowledge of electoral rules, and a desire to add to disproportionality between the votes and seats, by allocating more supplementary mandates to the winning parties from the elections in the SSDs, lies in the concept of the number of the votes counted for the allocation of the supplementary seats. Instead of considering as the total number of votes for the allocation of the supplementary seats the votes cast in the list tier (which I am considering as  $V_p$ ), where the electoral threshold conditions would apply, it considers the votes cast for the parties on the first round of the elections in the nominal tier (which I'm considering as  $V_m$ ). The quota to allocate the supplementary seats is then determined as follows:

$$V_{mi}/V_{pi} \times M, \text{ where } M=25$$

$V_m$  are the votes of the parties that passed the electoral thresholds in the nominal tier, and  $i$  stands for the party. Each party has a different quota for the seat allocation. This formula clearly favors the parties that won more votes in the nominal tier.

“The number of valid votes cast in the first round is counted for the supplemental mandates for the parties. Then, the number of valid votes cast for each of the parties that meet the condition of point "a" is found. The number of valid votes of each of these parties is then divided by the total number of valid votes cast for the supplementary

mandates, and the resulting fraction is multiplied by the number, 25, of the supplementary mandates.” (Article 11 b)

Secondly, the allocation of the unallocated remaining seats goes to the party that won the greatest number of seats in the elections of the nominal tier. This represents another deviation from the concept of the largest remainders.

“Each party list receives as many seats as the whole number that belongs to it from the acts carried out according to point "b". The places that remain unallocated are given to the party that has won the greatest number of seats from the elections in the zones of elections.” (Article 11 c)

Another deviation is the allocation of the votes that the party won from the list tier to the nominal tier as follows:

“When the number of candidates on the list is smaller than the number of seats that belong to the party, then the candidate presented by the party in one of the zones of elections who, among all of the candidates of that party in the zones of elections who have not won in the respective zone, has collected the greatest number of votes, shall be designated the winner. When there are two such candidates, then lots shall be used.  
“(Article 11 e)

As for the seat allocation from the nominal tier, the law didn't change the two round majoritarian concept that was provided in the 1992 election law. The only amendment was a part of the article 8 which provided the following: “If three or more candidates receive an equal number of votes in the first round, then the two candidates to take part in the second round shall be designated by lot; if one candidate has received the greatest number of votes but after him two or more other candidates receive an equal number of votes in the first round, then the other candidate shall be designated by lot”.

Another change from the 1992 election law was the right to present up to 100 candidates for the supplementary mandates, which was given only to the parties that

nominated candidates in no less than 38 election zones and in 12 districts of the country. (Article 15) Note that the language used is unclear.

Following the 1997 crisis, the election law drafted by the DP was amended.

### *8.2.3 The Election law of 1997*

The Law no.8218, dated May 16 1997, changed some of the variables of the electoral system. Article 6 of the law provided that: “the People’s Assembly consisted of 155 deputies, of which 115 were elected directly in single member zones, while 40 other supplementary mandates were given to the candidates who were on the lists of parties [subjects] on the national level, on the basis of the votes won during the first round of voting, according to the rule set out in article 11”.

Article 11 substantially changed from the same article of the 1996 law. First the electoral threshold needed from the parties to benefit from the allocation of the supplementary seats was lowered to 2%. There was no electoral threshold required for coalitions. It also applied a totally different formula for the additional seat allocation. This formula divides the parties into groups, where the first group includes 2 of the parties with the largest number of valid votes and the second group includes all the other parties that passed the electoral threshold. The formula applied is much more proportional and favored the small parties. The deviation from the proportional seat allocation which existed in the 1996 election law persists. The total number of votes used in the supplementary seats allocation formula, is considered the total number of votes won by each subject during the first round. However this formula would force pre-electoral coalitions and a coalition government.

It first allocates the seats to the parties who had won the greatest number of the votes according to the following formula:

**$Va/(Va+Vb) \times 10$  and  $Vb/(Va+Vb) \times 10$** , where Va and Vb are the votes of the two major parties. 10 seats were pre-allocated to them.

The rest of the seats, were divided under the same logic, among the other parties that pass 2% threshold. However the seats pre-allocated to the smallest parties were 30 of the total 40 seats. The formula for the allocation of the seats for each of the rest of the parties would be:

$V_n / (\sum V_n) \times 30$ , where  $V_n$  would be each of the remaining parties.

The seats left over were allocated to the subjects with the largest decimal reminders.

“Only subjects that have no less than 2% of the votes on the national scale benefit from the division of the 40 supplementary mandates. After counting the valid votes on the national scale, won by each subject during the first round the following acts are performed:

a) The number of valid votes of each of the two parties that have won the greatest number of votes is divided by the sum of their valid votes, and the fraction that results is multiplied by the number 10. Initially, each of these parties takes as many seats as the whole number resulting from the acts carried out as above. The seat that remains to complete the number 10 is given to the subject with the larger decimal remainder. Lots shall be cast in the case of equality.

b) The number of valid votes of each of the other subjects who fulfill the condition of the first paragraph is divided by the sum of their valid votes, and the fraction that results is multiplied by the number 30. Initially, each of these subjects takes as many seats as the whole number resulting from the acts carried out as above. The seats left over to complete the number 30 are distributed to these subjects according to the size of their decimal remainders. Lots shall be cast in the case of equality.

c) The designation of winners from the multi-name list is done according to their order in the list. When the number of candidates on the list is less than the number of seats belonging to it, then the winner is that candidate presented by the subject in one of the electoral zones, who among all the candidates of this subject in the electoral zones who have not won in the respective zones and do not appear on the list, has collected the

greatest number of votes. When there are two such candidates, lots shall be cast.”  
(Article 11)

The other change concerned Article 15. It specified that only electoral subjects that run candidates in no less than 25 electoral zones and in no less than 10 districts of the country had the right to submit lists for supplementary mandates. These lists could contain up to 100 names. The 2 controversial laws of 1996 on Genocide and on the verification of public figures were left in the new election law as preconditions with certain amendments.

“All those who on the date of the elections have reached the age of 18, are Albanian citizens, have had a permanent residence in the Republic of Albania for a period of time not shorter than six months, and fulfill the requirements of Law No. 8001 dated September 22, 1995 “On genocide and crimes against humanity committed in Albania during the Communist regime for political, ideological and religious motives”, amended by Law no. 8215 dated May 13, 1997, as well as Law no. 8043 dated November 30, 1995 “On the verification of the character of officials and other persons connected with the defense of the democratic state”, amended by Law no. 8220 dated May 13, 1997, have the right to be elected a deputy in the People’s Assembly”. (Article 2)

The undeserved support given to the small parties by the seat allocation formula from the 1997 election law gave birth to the new phenomena, which would continue for the rest of the decades: the emergence of insignificant small parties as electoral subjects aligned primarily to the two major political parties : the Democratic Party and the Socialist Party.

#### *8.2.4 The Election Law of 2000*

The electoral system of Albania was officially included in the Constitution of Albania, approved in 1998. Article 64 of the Constitution provided a Mixed Member Proportional system, with a fixed assembly size of 140 MPs, 100 of which were elected directly in single-member electoral zones with an approximate number of voters. Forty deputies were elected from the multi-name lists of parties or party coalitions according

to their respective order. The second point of Article 64 of the constitution provided that the total number of deputies of a party or a party coalition should be, to the closest possible extent, proportional to the valid votes won by them on the national scale in the first round of elections. Article 64 also provided the electoral threshold for the political parties and party coalitions. Only parties that received more than 2.5 per cent and party coalitions that received more than 4 per cent, of the valid votes on the national scale in the first round of elections, benefitted seat allocation from their respective multi-name lists.

The election laws of Albania in this decade were amended and changed frequently. The electoral reforms took place in the year 2000, 2001, 2003, 2005, 2007 and 2008, in relation to the article 64 of the constitution. However the election laws of 2000, 2003 and 2005 didn't bring major changes in the variables of my analysis. The changes were mostly related to the procedural aspect of the elections and reflected shifts in the constellations of power between the two major parties of Albania- the Democratic Party and the Socialist Party.

I will start with the analysis of the election law approved in May 8, 2000.

The Election Law No. 8609, adopted on May 8, 2000 was designed in line with article 64 of the Constitution. The Assembly size changed from 155 to a permanent so far of 140 deputies. 100 of them were elected in single member districts based on a two rounds majority system. The majority-plurality formula was applied for the candidates elected in the single member districts didn't change from the year 1997. The number of SSDs changed from 115 in 1997 to 100 in the electoral reform of 2000, where 100 candidates would be elected directly. The number of the compensatory seats didn't change. What changed was the electoral threshold for the parties and the introduction of an electoral threshold for the coalition, although it is the same for coalitions composed by different numbers of parties. The 2000 election law introduced a 2.5 % threshold for the political parties, which is higher than the year 1997 and a 4 % threshold for the coalitions. The thresholds were applied to the total number of votes the political parties would gain in the first round of elections. The ballot structure didn't change as well

from the 1997 law. For elections to the Assembly, the voter voted with **two separate ballots** of different colors, one ballot for the candidates who were competing directly in the SSD and the other for the political parties that were competing in the elections. The ballot for electoral subjects was the same for all electoral zones.

The country was again divided into two tiers, where the list tier was a nation wide district, and nominal tier was divided into 100 SSDs. District magnitude didn't change from the 1997 law. The electoral districts were designed in such way that the percentage deviation from the average number of votes for each zone wouldn't be more than 5 %.

The third major change that the electoral reform of the year 2000 brought was the seat allocation formula which will be discussed below. A novelty was the notion of joint multi-name lists and joint candidates for the coalitions and political parties. Article 65 of the Election law No. 8609, approved in May 2000 provided that the political parties registered in the CEC had the right to nominate joint candidates for deputy, where as coalitions of political parties registered in the CEC could submit joint multi-name lists of candidates. Article 66 provided the formula of the allocation of the compensatory mandates as follows:

First the parties and coalition that crossed the respective electoral thresholds were selected. Parties that won less than 2.5% and coalitions that won less than 4% of the valid votes in the whole country in the first round did not benefit from compensatory seats.

The confusion and the complication of the Albanian Mixed Member Proportional system proposed by the election law of 2000, lies in the seat allocation formulas of the compensatory seats. There is a contradiction between the definition of the system and the concrete formulas applied, which make it very difficult or almost impossible for the voters to understand how their votes are translated into seats. Also, there is no clear cut on whether the system is a parallel or a compensatory one. In theory system's characteristics are supposed to be compensatory, because the number of list seats a

party receives, is based on how many nominal-tier seats it has won. Therefore the number of seats a party or coalition takes from its list is determined partially by the number of seats it has won from the nominal tier.

However, in Albania, as we will see, the compensatory part applies only for the small political parties which either win some seats in the SSDs but don't pass the threshold for the list tier, or they pass the threshold in the list tier but win no seats in the SSDs. A special formula which is applied after the initial seat allocation of the parties, and which finalizes the total seat allocation, gives the system parallel characteristics, because the major parties are exempt from winning additional seats from the compensatory mandates.

Based on the 2000 election law, the first formula is applied to the two tiers combined in the whole country. It is similar to the modified Hare Quota and the largest remainders, known in Germany as the Niemeyer quota, because the quota allocates the seats directly. However the quota is calculated differently from the Hare system. The modified Hare's quota, which allocates the seats is used as following  $Q_s = v(V/S)$ , where  $v$  are the votes of the party,  $V$  are the total votes cast and  $S$  is the total number of the seats. In Albania, the electoral quota of the votes that belong to one seat is determined as follows:

$$Q_s = [V_{pi} / \sum(V_n)] * S \quad (140)$$

where  $Q_s$  is the electoral quota for a seat,  $V_{pi}$  represents the votes won by each of the parties and coalitions meeting the respective thresholds and the  $\sum V_n$  is the sum of the valid votes of all parties that passed the threshold on the national level and  $S$  represents the total number of seats in the assembly: 140 deputies.

Each of these parties and coalitions are allocated initially as many seats ( $S_n$ ) in total as  $Q_s$  obtained by the above-mentioned calculation. The remaining seats are allocated based on the largest remainder formula, to the subjects with the larger remainders. In case the remainders for the last seat are equal, lots are drawn.

This application of the formula creates the illusion that the determining tier for the seat distribution in the Assembly is the higher tier (list tier). However, based on the constitution the list tier distributes 28.6 of the seats. The decisive tier is the lower tier which distributes 72.4 % of the seats from the SSDs.

The second complication of the Albanian system lies in the fact that the initial allocation of the seats from the formula above is not the final one.

In order to determine the number of compensatory seats to be allocated to each party or coalition ( $S_{pi}$ ), the number of seats won in single-member districts ( $S_{ssd}$ ) is deducted from  $S_n$ .

$$S_{pi} = S_n - S_{ssd}$$

If  $S_{pi} < \text{or} = 0$ , the party or coalition keeps only the mandates won in single-member zones.

If the difference is positive it means that: 1) either independent candidates are elected in one or more single-member zones; 2) parties or coalitions that do not meet the respective threshold win seats in one or more single-member zones; or 3) parties or coalitions that meet the respective threshold win more seats in single-member zones than they are entitled to on the basis of the above mentioned calculations.

In this case, the formula to allocate the compensatory seats to parties or coalitions for which  $S_{pi} > 0$  is:

$$N = (S_{pi} - S_{ssd}) * [40 / (40 + C)]$$

where  $N$  is the number of compensatory seats of each party or coalition,  $S_{pi}$  is the number of seats allocated initially to each party or coalition,  $S_{ssd}$  is the number of seats it won in single-member zones, and  $C$  is the total number of seats won according to points "1," "2," and "3" of the previous paragraph. Each of these parties and coalitions are allocated initially as many seats as the full number obtained by this calculation. The

seats that remain are allocated to the subjects with the larger remainders, in descending order. In case the remainders for the last seat are equal, lots are drawn.

If a single-member zone deputy was elected as a joint candidate of two or more parties not in a coalition, for purposes of the calculation of letter "C," his seat is considered to have been won by the party among those nominating him that gained the greatest number of votes in the whole country in the first round, unless the parties have agreed otherwise.

Another deviation that leads to a further unclarity of the system is the reallocation unfilled seats. If the number of candidates on a multi-name list of a political party or coalition is smaller than the number of seats to which that party or coalition is entitled, according to this article, the unfilled seats are divided among the other parties and coalitions of parties that exceed the respective threshold in accordance with the following formula:

“The number of valid votes won by each of the above parties or coalitions is divided by the total of the valid votes won by them, and the result is multiplied by the number of unfilled seats. A number of compensatory seats is initially allocated to each of these parties or coalitions equal to the full number that results from the above calculation. The seats that remain are allocated to the parties or coalitions with the largest decimal remainders. If the decimal remainders for the last seat are equal, lots are drawn” (Article 66).

#### *Outcomes of the Election Law of 2000*

The compensatory seat allocation formula application has had not only negative mechanical effects, but also negative psychological effects, which continued in the coming years.

The allocation of the seats to the small political parties, lead not only to a further fragmentation of the political party system, but it created ground for the emergence of “mushroom” parties and the traffic of votes among the political parties. In 2001, there

were about 38 political parties registered with the Central Electoral Commission, out of which, 31 political parties and coalitions took part in the parliamentary elections of 2001. In 2005, there were 57 political parties and 4 coalitions registered with CEC, of which 35 political parties and coalitions took part in the parliamentary elections of 2005. Until 2009 about 80 political parties have been registered with CEC, 34 of which took part in the elections of 2009, most of which aligned in 2 coalitions. These parties were either breakaway parties of the existing ones, or political parties simply registered, but with no clear structure or a firm electoral base, mostly identified only with the chairperson. The legislation for the political parties and their finances, as well as the provisioning of the election laws provided sufficient conditions for them to multiply after every election. The electoral reforms of this decade have sought to change the criteria of conditions of registration for the candidates and political parties. Only the reform of 2008 managed to somehow strengthen the rules of parties and coalition registration for the entitlement to take part in the elections. In fact, out of all these registered parties, the Albanian political scene has crystallized only about 12 political parties.

The election law of 2000 as applied in Albania deepened the pathologies created by the electoral reform of 1997, in adding a false electoral value to small parties that had no weight in national representation. The strategies applied by the 2 major political parties of Albania, the Democratic Party and the Socialist Party, together with the provision of joint candidates and joint multi-lists created the phenomena of **apparentment**, which wasn't eliminated in the following electoral reforms. Apparentment was further institutionalized, together with **gerrymandering** and **malapportionment**, which in Albania is known as the *Dushk phenomena*.

The electoral reform of 2000 brought another major change in the electoral administration. The Central Electoral Commission was created as an independent institution guaranteed by the Constitution. It was composed by 7 members and they were selected pursuant to the article 154 of the Constitution. The President of the Republic appointed two members of the CEC after consultations with groups representing a broad spectrum of society; the Assembly elected two members of the

CEC on the basis of proposals of the Bureau of the Assembly, which draws up two lists with three names each proposed by the groups of the opposition and the parliamentary majority; three members were elected by the High Council of Justice by secret ballot, on the basis of proposals from the National Judicial Conference and individual applications. All proposals and applications were made public. The National Judicial Conference nominated 6 jurists, at least one of whom was elected a CEC member. (Article 17)

CEC and the electoral administration commissions, their composition and membership selection, veto procedures etc, have been the important aspects of the election laws that were submitted to frequent changes in all the electoral reforms of the 2000's. The electoral reforms of the 2000's were based primarily on joint agreements of the two major parties: DP and SP, which subjugated the whole electoral administration to their will. The amendments of the constitution of 2007/2008 took place in the same fashion. They also paved the way for the electoral reform which started in 2007 and ended with the election law of 2008, which introduced a new electoral system to Albania.

Under the election law of 2008, the CEC was abrogated as a constitutional institution and was put under the competences of the Parliament, with its members selected from and based only on the major political parties' proposals. It is not the aim of this analysis to analyze the changes in the electoral administration process, because they don't represent the main variables of the electoral systems. This was only a brief introduction on the institutionalization of the politicization of the electoral process in Albania which has been one of the major reasons of election manipulation and contestation, leading to the lack of legitimacy and instability of the state institutions.

#### *8.2.4 The Election Laws of 2003 and 2005*

The Election Law No. 9087, dated 19.6.2003, amended by the Law No. 9297 dated 21.10.2004 and by the law no. 9341, dated 10.1.2005 didn't change much from the analysis of the variables of the election law of 2000.

The only major change of the election law of 2003 was the abrogation of the two round majority/plurality system for the elections in the nominal tier and the application instead of the First Past The Post plurality formula for the election of the candidates competing in the single- member districts. On the other hand, the 2003 amendment to the election law removing the requirement of a second round of voting in the event no candidate in a single member zone won an absolute majority of valid votes in the zone, represented a constitutional issue because there were two references in Article 64 of the Constitution to “first round” of elections.

The election law of 2005 made the system more complex and difficult for a voter or observer to understand. It used “composed multi-name” lists and “joint multi-name” lists instead of a single list of candidates presented by a political party or coalition. Article 68 added other allocation formulas for the supplemental mandates to the parties and coalitions with composed multi-name lists. There were several provisions in the election law that raised concern as to the degree of transparency for the awarding of list mandates to candidates. There was also ambiguity in some of the provisions, which especially would permit political parties and coalitions to change the order of candidates on a list after elections.

This, as a result allowed maximum bargaining among political parties for coalition cabinets composition leading to crystallization of the phenomena inherited from 1997 and 2001- recirculation of the posts of cabinet ministers among small coalition parties, in view of having the required number of votes in the parliament to secure government’s stability and hold of power, to approve laws in the parliamentary commissions and the Assembly. This also resulted with the focus of political parties not in the platforms, representation of citizen’s interests, as well as in the implementation of policies that would improve the quality of life and wellbeing of the citizens, but in looking for favors from DP’s and SP’s chairpersons and in using the political parties as channels of representation of narrow clan interests.

The linkage between the political parties and the citizens was damaged and their actual electoral weight transfigured. It is a basic democratic principle that a voter is entitled to

know the consequences of his/her vote. It is also a basic democratic principle that a vote be counted for the candidate for whom the voter marks his/her ballot. When closed lists of candidates are involved, this requires that a vote for the list first benefit the first ranked candidate on the list. The applications of the election law of 2005 would permit a re-ranking or “final” ranking of candidates to occur after a voter casts the ballot. (Article 84) and also the seat allocation formula of 2005 which was the same as that of 2000 and 2003, provided for the transfer of votes casts by the voters among political parties after the elections.

The election law of 2005 added to the malapportionment, because the electoral district borders designed by the political parties, allowed for an official 10% deviation from the average of the voters per districts, a deviation which many times was more than 10 percent.

#### *8.2.5 The Election Law of 2008 and Its Outcomes*

The Election Law of Albania, Law No. 10019 dated 29 December 2008, changed the electoral system of Albania and the electoral administration fully. Article 64 of the amended constitution provides that the 140 members of the Assembly are elected based on a proportional system with multi-names electoral zones. The election law of 2008 provided a regional proportional system where the seats would be allocated to the political parties and coalitions on a regional level.

In line with the regional proportional electoral system, the second major change of the electoral law of 2008 in comparison with the previous laws was the design of the electoral districts. According to the constitution, the electoral districts of Albania would correspond to the administrative divisions “of one of the levels of the administrative territorial organization. Thus Albania was divided into 12 electoral districts, corresponding to the 12 administrative territories of the country. Article 27 of the electoral law 2008 embodies ***gerrymandering*** by allowing a *strong deviation from the average number of the citizens with the right to vote per districts*.

According to article 27, “districts that have more than 70 000 citizens with the right to vote are divided by the CEC into more than one Electoral Administration Zone (EAZ), while municipalities that have more than 40 000 citizens with the right to vote constitute a EAZ of their own if the total number of the citizens with the right to vote at the district level is greater than 70 000. In municipalities that have more than 100 000 citizens with the right to vote, the CEC may establish two EAZs with the same number of voters while also maintaining the contiguity and compactness of the territory of the polling units. For the Municipality of Tirana, each of the boroughs constituted an EAZ of its own. Tirana’s municipality has 11 boroughs.” (Article 27)

On the other hand, according to Annex I of the Electoral Code, the estimated voting populations of the twelve electoral zones ranged from 78,770 to 748,322, with an average of 264,396. Depending on the population of a region, the number of seats to be distributed generated a natural threshold, understood as the percentage of votes needed to get one seat, as high as – or higher than – the legal thresholds imposed by Article 162 of the Electoral Code for political parties and coalitions. While this phenomenon is not unusual for this type of electoral system, it must be noted that the combined effect of the natural and legal thresholds may reduce the number of mandates won in the Assembly by smaller political parties and candidates supported by groups of voters (“independent candidates”). [Venice Commission; OSCE 2009]

For example Tirana region was divided into 16 Electoral Administration Zones, with a number of voters ranging from about 23 000 to about 63 000 voters; where as Vlora region was divided into 6 EAZ with a number of voters ranging from about 24,000 to 100,000 voters per EAZ. (See Electoral Code of Albania 2008, Annex 1)

The reason for the above mentioned deviations from the average number of the voters per region lies in the fact that the criteria for determining the number of the seats per districts are based not on the number of the people with *the right to vote*, but *on the total number of the populations of the districts*. This led to **malapportionment** and **gerrymandering** because districts have different densities of voting populations, as

mentioned above. Another interesting characteristic of the allocation of mandates to each electoral district is that the concept of the formula of the largest remainders is applied.

Article 75 of the election law of 2008 provides the criteria and the procedure for determining the number of seats as follows: “1) The number of seats for each electoral zone is determined in proportion to the number of citizens in each electoral zone. Each seat represents an approximately equal number of citizens. 2) The total number of citizens according to the National Civil Status Register is divided by the number 140 of the Assembly seats, thus determining the average number of citizens for each assembly seat. 3) The number of seats for each electoral zone is determined by dividing the number of citizens with a residence in the electoral zone by the average number obtained according to point 2 of this article. 4) Each electoral zone is initially allocated a number of seats equal to the full number obtained through the division in accordance with point 3 of this article. 5) If, upon the conclusion of the calculation made in accordance with point 4 of this article, one or more seats remain unallocated, these seats are allocated to the zones based on the largest decimal remainder obtained from the division under point 3 of this article. Allocation of the remaining seats is carried out in descending order, starting from the zone with the largest decimal remainder.” (Article 75)

The average district magnitude  $M$  for the elections of 2009 was 11.66.

The other major changes from the previous election laws (2000, 2003 and 2005) concerned the electoral threshold, ballot structures and number of tiers. The election law of 2008 raised the threshold for political parties into 3% from the previous 2.5 % and for coalitions to 5 % instead of the previous 4%, but applied it to a regional tier, instead of a national one. Also the code provided only one tier, regional tier for the allocation of the seats. The voter cast only one ballot for the multi-name lists of political parties or coalitions. These legal thresholds combined with natural thresholds for a seat per district led to the elimination of the small parties in the elections of 2009, although they favored

the creation of large coalitions. The political parties in the elections of 2009 were aligned into 4 major coalitions. Only one political party competed alone in the elections.

The seat allocation formulas provided in the electoral law of 2008 are D'Hondt and pure Sainte-Laguë divisors. The formula for allocation of mandates in each regional constituency is stated in Articles 162 and 163 of the election law. Mandates are allocated in a regional constituency to political contestants using D'Hondt divisors (1, 2, 3, 4, 5, et seq.) for the initial allocation and Sainte-Laguë divisors (1, 3, 5, 7, 9, et seq.) for allocating mandates to political parties within a coalition. The vote totals of electoral contestants are divided by the divisors to arrive at a series of quotients for each political subject. Mandates are allocated to the highest quotients in sequential order.

As mentioned in the theoretical part, among the highest averages formulas, *the D'Hondt method is the least proportional and systematically favors larger parties*. It contrasts with the pure Sainte-Laguë formula which approximates proportionality very closely and treats large and small parties in a perfectly even-handed way. On the other hand the higher the district magnitude, the higher the proportionality of votes towards seats. Nonetheless the combination of the D'Hondt divisors with the high legal thresholds, combined with the natural thresholds created by gerrymandering, favors only major parties, eliminates small parties and creates disproportional results. Overall, in the elections of the 2009 the Socialist Party gained more votes in the national level than the Democratic Party. However, the number of seats allocated to the SP based on the code was lower than the number of seats allocated to the DP.

The other major changes were related to the Electoral Administration. All the members of the commissions of the Electoral Administration are proposed by the political parties, maximizing the politicization of the electoral process.

Following the abrogation of the CEC as a constitutional body, the election law of 2008 put the CEC, composed of 7 members with a 4 year mandate as opposed to the previous 7 year mandate, under full control of the parliament. According to article 14 of the law,

the Assembly of Albania elects the CEC members in accordance with the following procedure:

“2 members are proposed by the party that has the largest number of seats among the parties of the parliamentary majority and 2 members by the party of the parliamentary opposition which has the largest number of seats in the Assembly of Albania. The fifth member of the CEC is elected from among the candidacies proposed by groupings of deputies of parliamentary majority parties other than the largest party of the majority grouping. The sixth member of the CEC is elected from among the candidacies proposed by groupings of deputies of the parliamentary opposition parties, with the exception of the largest party of the opposition. The CEC chairman and deputy chairman are elected based on the proposals of the 2 major parties in the parliament.

Article 15 specifies the election of the seventh member of CEC who is the CEC Chairman. Before the selection of the CEC chairman and Secretary were internal decisions of CEC members. With article 15, the seventh member and, at the same time, the CEC Chairman, is elected based on the candidacies submitted by the parliamentary groups of the majority and opposition in the parliament with more than half of the votes of all the Assembly deputies. While based on article 16, the deputy chairman of CEC is selected by all the members of CEC from the CEC members proposed by the major parties with 5 out of 7 votes. This selection of the CEC membership put the Central Electoral Commission under full control of the two political parties holding the majority of the seats in the parliament, further undermining the independence and the integrity of the electoral process.

The election law of 2008 disfavors the creation of the new political parties. The criteria for the registration of electoral subjects are regulated under part 4 of the law. Article 68 provides the criteria for the lists of political parties and coalitions that have no seats in the Assembly. According to this article, the lists of candidates for the Assembly submitted by political parties that do not have any seats in the Assembly must be supported by no fewer than 10 000 voters. In case of an electoral coalition, the lists must be supported by no fewer than 15 000 voters. Article 69 provides the criteria for

the candidates proposed by the voters. According to this article, a candidate for deputy can be registered only if he/she has gathered support from a number of voters that corresponds to no less than 1% of the voter list of that electoral zone.

The electoral law provides special treatment for the chairpersons of political parties. This was another negative development, because it grants special candidacy rights to the chairpersons of political parties. To protect the candidacies of political party chairpersons, the electoral law of 2008 allows the chairpersons of political parties – and chairpersons only – the right to run on the political party’s list in each of the twelve electoral zones for the National Assembly. Article 67(3) of the election law 2008 states: “The chairpersons of political parties which are running either on their own or as part of a coalition are exempt from this rule, and they can candidate in one or more electoral zones for the elections to the Assembly.”

This special treatment for the chairpersons of political parties violates the fundamental principle of equality and of non-discrimination and is contrary to international and European standards. [Venice Commission; OSCE 2009]

The closed lists of candidates, together with the Single Non transferrable vote of the voter, who is not allowed a preference rating of the candidates of the lists, combined with the provisions for the chairpersons, gave them much more power to decide on the composition of the lists of candidates for every region. It strengthened their oligarchic power within the political parties.

The application of the electoral law of 2008 in the elections of 2009 led to both positive and negative developments. The positive developments as we will see from the analysis of the empirical part, was the consolidation of the political party system and the elimination of mushroom parties. On the other hand, because it was designed only by the cooperation of DP and SP, without the participation of the other political parties, it was highly contested. Because of the pathologies of **gerrymandering** and **malapportionment** embodied in the electoral law, combined with all the other regulations and violations during the process, the results of the elections were different

from what the Socialist Party expected. Therefore it contested the elections, boycotted the parliament and Albania has been in a political deadlock since June 2009, which hasn't been resolved yet.

Therefore, despite major improvements in the infrastructure of the elections, the lack of the political will to hold free and fair elections deepened the political crises and will continue to provoke future electoral reforms and constitutional amendments.

### **8.3 Empirical analysis: Albanian parliamentary elections of 2005 and 2009 and their consequences**

In this part will attempt to measure and compare the mechanical effects of the elections of 2005 and 2009 which were based on two different electoral systems.

The elections of 2005 were based on a Mixed Member Proportional system, where out of 140 seats of the Assembly, 100 were seats were allocated based on the single-member plurality system (or else known as First Past the Post) in 100 single-member districts and 40 seats were allocated proportionally to the political parties based on their votes on a national level.

The elections of 2009 were based on a regional proportional system, where the seats were allocated to the political parties and coalitions on a regional level based on a combination of D'Hondt and Saint Laguë divisors.

#### *8.3.1 Indexes of Fragmentation and Disproportionality*

##### *Effective number of parties*

The concept of Effective Number of Parties was devised by Laakso and Taagepera (1979) as an attempt to summarize the degree of fragmentation of a party system. It builds on Douglas Rae measure of fractionalization and is usually known in the electoral system literature as  $N$  ( $N_v$  indicating the effective number looking at the system in terms of votes, known as the effective number of elective parties;  $N_s$  being

the figure when we calculate based on the seat distribution, the effective number of the legislative parties). It is calculated as follows:

$$N_v = 1 / \sum (P_v)^2$$

where  $P_v$  is each party's proportion of the total votes.

#### *Deviation from proportionality*

The least square index which measures deviation from proportionality between parties' shares of the votes and shares of the seats was devised by Gallagher (1991). It emerged as the most widely employed measure. It was employed as the main measure of disproportionality by Lijphart in his 1994 study of electoral systems too. [Lijphart 1994:62]

The least squares index is calculated as follows:

$$LSq = \sqrt{(\sum (S_i - V_i)^2) / 2}$$

Where  $S_i$  is the percentage share of seats and  $V_i$  is the percentage share of votes for each party

#### *8.3.2 Parliamentary Elections of 2005*

I will use the Albanian acronyms for the names of the political parties

Partia Socialdemokrate e Shqipërisë (Social Democratic Party of Albania)	PSD
Partia Socialiste e Shqipërisë (Socialist Party of Albania)	PSSH
Lëvizja Socialiste për Integrim (Socialist Movement for Integration)	LSI
Partia Demokratike e Shqipërisë (Democratic Party of Albania)	PD
Partia Agrare Ambientaliste (Environmental Agrarian Party)	PAA
Aleanca Demokratike (Democratic Alliance Party)	AD
Partia Demokracia Sociale e Shqipërisë (Social Democracy Party of Albania)	PDSSH
Partia Bashkimi për të Drejtat e Njeriut (Unity for Human Rights Party)	PBDNJ

Aleanca për Liri, Drejtësi dhe Mirëqenie (Alliance for Freedom, Justice and Welfare) (PDR+PR+PDK+BLD+PBDK+BDSH+LDLNJ)	ALDM
Partia Republikane (Republican Party)	PR
Partia Demokratike e Re (New Democratic Party)	PDR
Partia Demokratike e Shqipërisë (Christian Democratic Party of Albania)	PDK
Bashkimi Liberal Demokrat (Liberal Democratic Union)	BLD
Lëvizja për të Drejtat dhe Liritë e Njeriut (Movement for Human Rights and Freedoms)	LDLNJ
Partia Balli Kombëtar Demokrat (National Democratic Front Party)	PBDK
Partia Bashkimi Demokrat Shqiptar (Albanian Democratic Union Party)	BDSH

The Republican Party, the New Democratic Party, the Christian Democratic Party, the Liberal Democratic Union participated as part of a larger coalition named the *Alliance for Freedom, Justice and Welfare* (ALDM) which included other parties such as the National Democratic Front, the Albanian Democratic Union party, the Movement for Human Rights and Freedoms, which didn't gain any seats. This coalition was allying with the Democratic Party.

#### *Results of Parliamentary Elections of 2005*

INITIALS	List Tier	Nominal Tier	Total votes	% of TTL votes	SSD seats	List seats
PSD	174,103	18,365	192,468	7.04		7
PSSH	121,412	538,906	660,318	24.16	42	0
LSI	114,798	112,449	227,247	8.31	1	4
PD	104,796	602,066	706,862	25.86	56	0
PAA	89,635	9,988	99,623	3.65		4
AD	65,093	10,649	75,742	2.77		3
PDSSH	57,998	8,514	66,512	2.43		2

PBDNJ	56,403	12,171	68,574	2.51		2
ALDM*			457,143*	33.83*		18*
PR	272,746		272,746	9.98		11
PDR	101,373		101,373	3.71		4
PDK	44,576		44,576	1.63		2
BLD	14,418		14,418	0.53		1
LDLNJ	9,027		9,027	0.33		
PBDK	7,632		7,632	0.28		
BDSH	7,371		7,371	0.27		
Independent		5,234	5,234	0.19	1	0
Others	125,966	48,435				
Total votes	1,367,347	1,366,777		Total seats	100	40
Total votes cast	2,734,124.00					

\*Source: Komisioni Qëndror i Zgjedhjeve: Bulletin i zgjedhjeve për Kuvend 2005

\*\* Alliance for Freedom, Justice and Welfare has the total votes and seats as a coalition and the votes and seat allocation for its individual parties

The effective number of parties for the elections of 2005 is:

$$N_v = 6.573945$$

The election law of 2005 as the previous ones created a highly fragmented political party system. The party system behaves as if it is composed of 6 major parties of equal electoral weight, and a party which can be small but influential in cabinet coalitions (with bargaining power). This number is the closest possible based on the election results. It should be taken in consideration that based on the strategies of the political parties, the voters were asked to vote in the list tier for the allies of the major parties DP

and SP. Therefore, as we see from the above table, the number of the votes cast for the Democratic Party and Socialist Party in the list tier was very low in comparison with the nominal tier. However the final seat allocation led to a strong fragmentation of the political party system.

The deviation from proportionality for the elections of 2005 is

$$LSq= 11.60542$$

As the number shows, the deviation from proportionality between votes and seats is really high and the proportional part didn't adjust this deviation despite all the complicated seat allocation formulas and the allocation of the compensatory seats to all political parties that crossed the threshold, with exception to the major ones.

It is difficult to calculate the effective threshold and the effective district magnitude for the mixed member systems, because of their combination of 2 tiers and fixed district magnitudes. Therefore I will calculate them only for the elections of 2009.

### *8.3.3 Parliamentary elections of 2009*

The parliamentary elections of 2009 saw the participation of 34 political parties and one candidate proposed by a number of voters in Tirana. **The Alliance for Change**, a DP led coalition registered as a coalition made up of *17 parties*, including the Democratic Party. Other parties in the coalition which were represented in the outgoing Parliament included the Republican Party, the Environmental Agrarian Party, the Democratic Alliance Party, and the Liberal Democratic Union. It also included the Party for Justice and Integration (PDI) a newly formed party. **The Union for Change**, a SP led coalition was made up of *five parties*, including the Socialist Party, as well as the Social Democratic Party and the Social Democracy Party, which also had seats in the outgoing Parliament. The Human Rights Union Party participated in the previous DP-led Government, but joined the SP-led coalition just before the deadline for the registration of coalitions. The Union for Change coalition also included a new party, G99, which was created by prominent civil-society figures.

**The Socialist Alliance for Integration**, a LSI led coalition, was made up of six parties, including the Socialist Movement for Integration (LSI). It also included the Real Socialist Party '91, a party formed at the beginning of 2009 following a split within the SP.

**The Freedom Pole**, a six-party centre-right coalition, was formed in April 2009. It included the Movement for National Development and the Christian Democratic Party, which was part of the DP-led bloc in the 2005 elections.

The Party for Law and Justice, created by Spartak Ngjela was formed after he left the DP following a conflict with the DP chairperson Sali Berisha. It competed alone in the elections. The results that will be brought below will be those of the coalitions and final political parties that were allocated the seats after the application of D'Hondt and Saint Laguë divisors in the elections of 2009.

#### **Election results for the coalitions**

<b>Political party/coalition</b>	<b>Nr of Votes</b>	<b>% of votes</b>	<b>seats</b>
Independent	756.00	0.05	
Aleanca e Ndryshimit ( Alliance for Change)	713,150.00	46.93	70
Aleanca Poli i Lirisë ( Freedom Pole )	27,660.00	1.82	
Aleanca Socialiste për Integrim ( Social Alliance for Integration)	84,410.00	5.55	4
Bashkimi për Ndryshim ( Union for Change)	688,768.00	45.33	66
Partia Ligj dhe Drejtësi ( Party for Law and Justice)	4,865.00	0.32	
<b>Total</b>	<b>1,519,609.00</b>	<b>100</b>	<b>140</b>

\* Source: Komisioni Qëndror i Zgjedhjeve: Buletini i Zgjedhjeve për Kuvend 2009

### Election results for the individual parties

Political Parties		% votes	Seats
PD	610,463.00	40.18	68
PR	31,990.00	2.11	1
PDI	4,477.00	0.95	1
PS	20,586.00	40.85	65
PBDNJ	8,078.00	1.19	1
LSI	3,678.00	4.85	4
Total Votes	1,519,176.00		140

\* Source: Komisioni Qëndror i Zgjedhjeve: Buletini i Zgjedhjeve për Kuvend 2009

### Distribution of seats per district

Districts	Seats	M
Berat	8	8
Diber	6	6
Durres	13	13
Elbasan	14	14
Fier	16	16
Gjirokaster	5	5
Korce	12	12
Kukes	4	4
Lezhe	7	7

Shkoder	11	11
Tirane	32	32
Vlore	12	12
Total	140	
<b>Average District Magnitude</b>	<b>11.66</b>	

\* Source: Komisioni Qëndror i Zgjedhjeve: Buletini i Zgjedhjeve për Kuvend 2009

### *Effective number of parties*

The effective number of parties for the elections of 2009 is as follows

**N<sub>v</sub> = 2.325581** for the coalitions in a national level

Where as for the individual political parties which gained seats in the final results of the elections:

**N<sub>v</sub> = 3.018004**

The numbers are very close. The coalitions' results show that there are 2 major coalitions, which in Albania would represent the DP and SP led coalition and one smaller coalition with a bargaining potential, which would represent the LSI-led coalition. In fact, the Socialist Movement for Integration LSI was the only party in its coalition that won 4 seats, becoming thus the decisive political party for the cabinet creation. After strong debates and clashes between the SP chairperson Edi Rama and the LSI chairperson Ilir Meta, LSI abandoned its pre electoral promises and orientation and gave its support to the DP led coalition, by becoming part of the coalition cabinet.

The elections of 2009 resulted in a consolidation of the political party system, dominated by 3 political parties. This is a positive development from the fragmentation of the system as a result of the electoral law of 2005 and the parties' strategies during the elections.

#### *Deviation from proportionality*

The deviation from proportionality between seats and votes is:

$$\mathbf{LSq = 7.33399}$$

As the number shows, the deviation from proportionality between votes and seats is really high, although it is a proportional system. As explained in the interpretation of the electoral law of 2008, the combination of the D'Hondt divisors with uneven district magnitudes, high electoral thresholds and the natural thresholds resulted from gerrymandering on a regional level favored the major parties and eliminated the smaller parties. Nonetheless the deviation from proportionality in these elections is smaller than the previous ones.

If we compare the number of seats won by the individual political parties, LSI has almost no volatility. The seats belonging to DP and SP increased, where as the seats belonging to PR from 11 decreased to 1 and for PBDNJ from 2 decreased to 1 seat. Overall the 2009 elections contributed to a major clarification of the channeling of electoral weight and significance of individual political parties.

I think that had the thresholds been applied on a national level, we would have seen more political parties in the final configuration of seats.

#### **Effective Threshold and Effective Magnitude**

The district magnitude and the formal threshold are both clear and straightforward concepts. However they are linked. Depriving the small parties of accurate or any representation can be done just as well by low district magnitude as by imposing a formal threshold. The strong relationship between these two variables of electoral

systems gives rise to the concepts of “effective threshold” and “effective magnitude” (concepts introduced in Taagepera and Shugart 1989:126-41 and elaborated in Lijphart 1994: 25-29)

A formal threshold has more or less equivalent effect to a certain district magnitude that we call effective magnitude and vice versa. If the share of the vote of a political party falls short of the effective threshold, it is likely that the party is substantially underrepresented, but that doesn't mean it may fail to win any seats at all.

Effective threshold in a constituency level is measured as follows:

$$t_{eff} = 75\% / (m + 1),$$

where  $t_{eff}$  is the effective threshold and  $m$  is the average district magnitude.

The concrete distribution of the effective thresholds for each constituency as in 2009 elections would be:

Districts	<b>m</b>	<b>t</b>
Berat	8	8.333333
Dibë	6	10.71429
Durrë	13	5.357143
Elbasan	14	5
Fier	16	4.411765
Gjirokastë	5	12.5
Korçë	12	5.769231
Kukës	4	15
Lezhë	7	9.375
Shkodër	11	6.25

Tiranë	32	2.272727
Vlorë	12	5.769231

As we see, the effective thresholds are way higher than the legal thresholds that the political parties need based on the election law 2008. With exception of Tirana, where the threshold is lower than the formal 3.5% and the smaller parties would have higher chances to pass the threshold, in all other districts, parties would need to have from 5% to 15% of the votes in order to be allocated seats in the constituencies. The system clearly favors major parties.

What would change if the threshold was applied nation wide?

On a national level, where M would be the average district magnitude, S total assembly size and E number of electoral districts, based on Taagepera (2002:390) the nationwide effective thresholds  $T_{eff}$  can be best approximated by

$$T_{eff} = 75\% / \{(S/E) + 1\} * \sqrt{E}$$

In Albania S=140, E=12, and  $T_{eff} = 1.70926$  for the current number of electoral districts. As the formula suggests, the parties winning precisely this level of support would have a 50-50 chance of securing representation in parliament. This would lead to a maximum fragmentation of the political scene.

The effective district magnitude on a national level would be approximated by

$$M_{eff} = M * (1 + \log(E))$$

where E is the number of electoral districts.

The effective district magnitude in Albania on a national level would be:

$$M_{eff} = 24.24325$$

If we were to find the effective nationwide threshold for the above  $M_{eff}=24$ , based on the above mentioned formula,  $t_{eff}=75\% / (m+1)$ ,  $t_{eff}=3$ .

This suggests that if Albania were to be divided into about 5.8 districts with a fixed magnitude of 24 seats per district, than the system would be very proportional and the effective threshold nationwide would be  $T_{eff}=3$ .

However, this would create much more **malapportionment** and **overrepresentation** than the current system, considering the distribution of density of the voting population among the regions of Albania.

Based on all these findings, the current electoral system, with the current provisions, favors the major parties and applies in reality different natural thresholds for the political parties on a constituency level. These thresholds vary from 5% to 15% and eliminate the chances of small parties to gain representation in the parliament. Although it is a proportional system, the seat allocation formulas create a similar deviation from the proportionality as the previous Mixed Member Proportional system applied in Albania.

It is early to validate the effects of election law of 2008 in the political party systems, because the last year has seen changes in their internal structure, or negotiations among the opposition parties, not only SP but the small electoral parties of the SP –led coalition that didn't gain representation in the elections of 2009 to merge under the institution of the Socialist Party and to create a stronger opposition to the Democratic Party.

The positive impact of the election law of 2008 is the crystallization of the political party system. This can enable strong governmental cabinets and a consolidated majority in the parliament. The other side of the coin is that the polarization of the political elite has reached the peak of 1996, creating a political stalemate that so far hasn't had any solutions despite the mediation of the international community. The other side effect is that it has increased the gap between the citizens and the political elite and the lack of accountability of the later towards the citizens. Citizens don't have a say in the

composition of the parliament, as the selection of the candidates lies in the hands of the chairpersons of the political parties, especially those that lead the coalitions. However, in the future, the political parties would need to present much more concrete platforms and perform well in order to appeal to the citizens, whose votes they need. The citizens' on the other hand have gained awareness that they need a strong and viable state. Therefore they are closely following policy inputs and outputs of the current political elite in power. It is too early to mention the psychological effect of the last elections, as only one year has gone by. So far it can only be said that the choice of LSI, which belongs to the central left, to enter into a cabinet coalition with the Democratic Party, which belongs to the center right will for sure impact its electoral support. To what extent we will see in the future.

## **ADDENDUM**

### **Report on the Results of the Public Opinion Survey Regarding the 2005 Parliamentary Elections in Albania**

#### **Statement**

Considering the fact that elections represent the most sensitive problem for the Albanian society, I conducted a public opinion survey ahead of the parliamentary elections of 2005. The survey was supported financially by the Regional Institute of Evaluation and Accreditation (RIEA) in Tirana.

Following the main line of analysis of my dissertation: the political consequences of electoral laws in representation and party system, I wanted to measure the public opinion with regards to central topics related to this analysis. The survey was conducted primarily in Tirana and its suburbs.

#### **Samplings**

Regarding the methodology of samplings, the samplings consisted of 1555 persons from 4 main age groups of Albanian voters with a rapport as follows: 35 % of samplings were 18-25 years old (first age group), 25 % were 26-35 years old (second age group), 25% were 36-50 years old (third age group) and 15 % were above 50 years old. I was particularly interested in knowing the opinions of young voters who represent the most relevant number of abstention in the election process. On the other hand, the smallest percentage of the fourth age group represents a population, which is used to vote in a disciplined way, and the level of abstentions from this age group is the lowest.

I am of the opinion that this sample population gives quite a good scale of representation of pre-electoral opinions of Albanian voters.

Based on the gender component of samplings, women represented 52% of the participants and men 48 %.

I focused on gathering the opinions from 5 main social groups: unemployed, workers, employees, students, and retired people. This would make possible to have a clearer picture of reaction from different social groups, age groups, and genders regarding the current key problems of Albanian political scene. Sampling was based on a method of random selection, such as stratifying random selection. From this point of view, I am aware that the application of the method of random selection on individual level couldn't be realized in this phase, especially due to the lack of necessary funds that would increase the number of questioned people.

### ***Research Questions***

The questionnaire used in the survey sought to gather opinions and standpoints regarding some of key problems related to the 2005 parliamentary elections. It contained eight items which were considered as priorities in elections' context, and which allowed the necessary correlation between the phenomena that characterize this process.

In general the questionnaire was of two or multiple choices with affirmative, negative, and neutral options of answers.

The survey brought into light the need to sophisticate the questions leaving more alternatives of choices, especially in the 1<sup>st</sup> and 4<sup>th</sup> items, identifying undecided people and those with neutral standpoints or in overcoming unreal answers given due to lack of habit with the surveys.

The content of the questionnaire focused on the following key issues:

1. Study of standpoints regarding participation in the elections.
2. Study of political preferences of survey's participants.
3. Study of the level of knowledge of electoral law and of the priorities the proportional system offers toward the current corrected majority system of the conditions in Albania.

4. Study of citizens' view regarding the possibility of holding free elections according to international standards.
5. Study of the electorate's experience with the previous elections.
6. Analysis of the casualty of some of the factors, which have conditioned the contestation of the results of previous elections by the Albanian opposition, stigmatized as well from the international factor.

During the process of questionnaire compilation it was taken in consideration that the Albanian electorate lacks the survey culture in general, and that is more reserved in expressing individual standpoints toward elections and its political preferences. The questionnaire in general aimed at identifying the fundamental orientations that characterized the current pre-election problematic. For this reason, the composed items aimed at three points: first to be direct, simple, clear, and understandable; second to have a direct correlation with the following items in order to avoid fluctuation of answer; third to facilitate the procedures of processing statistical data with the SPSS program, and based on this to facilitate the analyses of survey's results and formulation of the conclusions.

### **A descriptive Analysis of the Survey's Results**

The following results give a sufficient statistical outline of standpoints and opinions of the participants in the survey according to specified age groups and social groups.

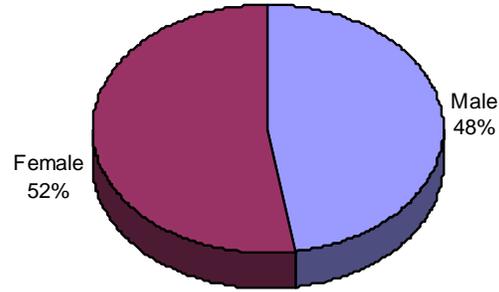
#### *The Overall Analysis*

After putting the data in Excel and clarifying every possible mistake, the 1555 samples' data were causally chosen and resulted as follows:

#### **Gender distribution (Table nr. 1):**

A.	740	(48%)	male
B.	815	(52%)	female

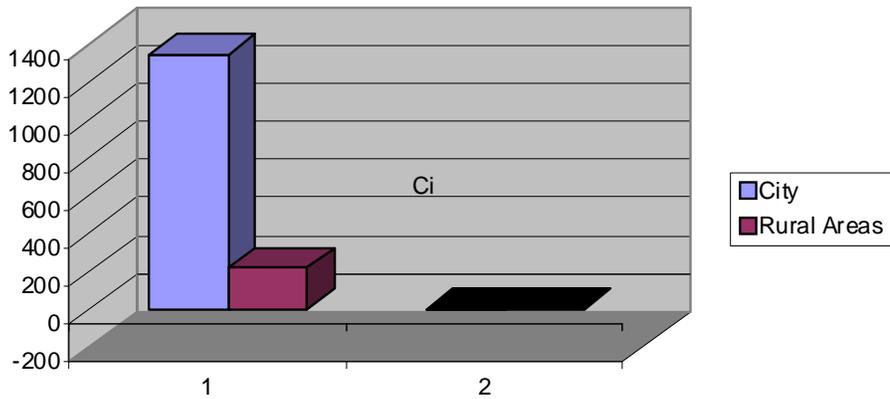
**Gender Distribution**



**Residence ( Table nr. 2):**

- A. 1338 (86%) in cities
- B. 217 (14%) in rural areas

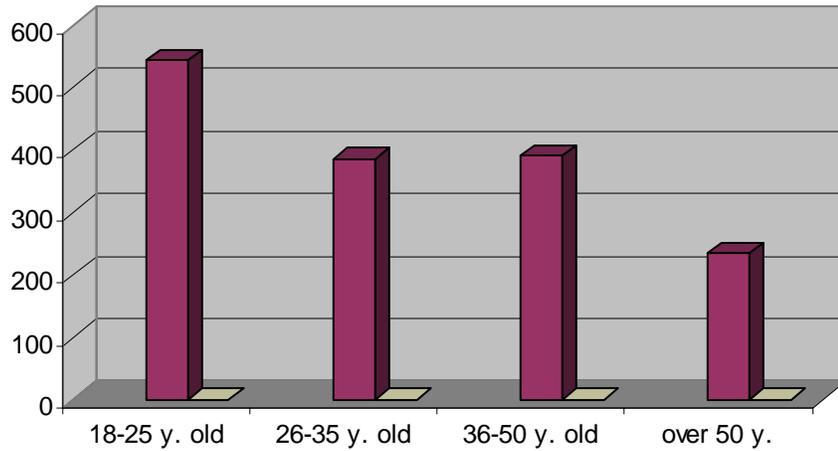
**Residence Distribution**



**Age distribution (Table nr. 3):**

- A. 544 (35%) 18-25 years old
- B. 386 (25%) 26-35 years old
- C. 390 (25%) 36-50 years old
- D. 235 (15%) over 50 years old

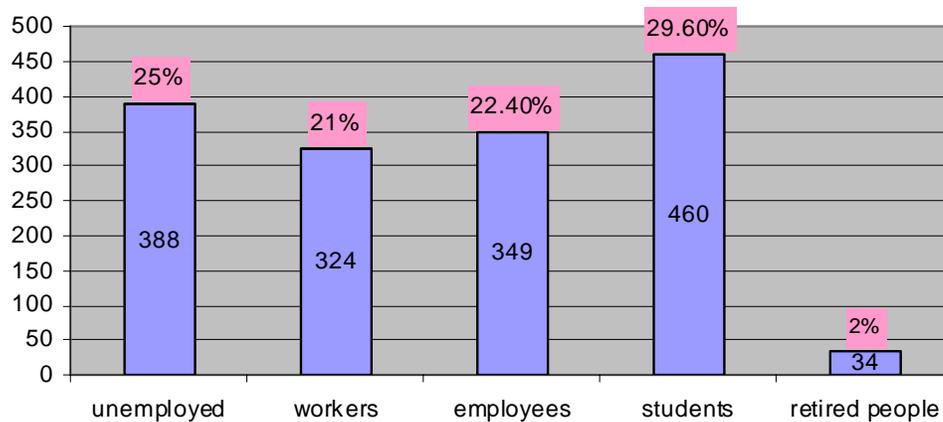
### Age Distribution



### Social groups distribution (Table nr. 4):

- A. 388 (25%) unemployed
- B. 324 (21%) workers
- C. 349 (22,4%) employees
- D. 460 (29.6%) students
- E. 34 (2%) retired people

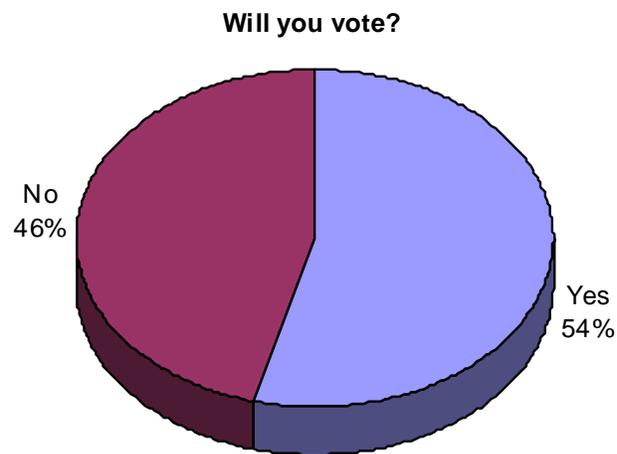
### Social groups distribution



1. Based on the total number of participants, the answer to the question whether they will vote or not was as follows: **(Table nr. 5):**

844 (54%) will vote

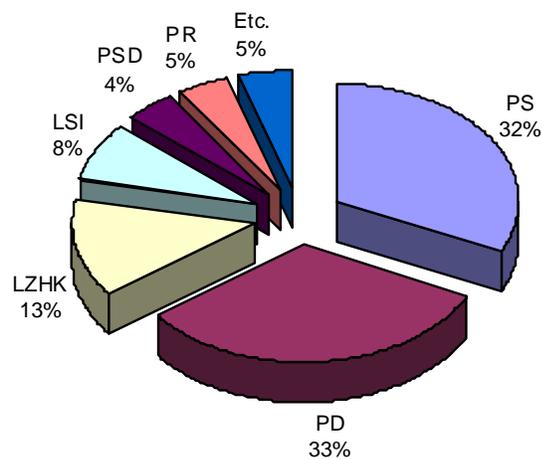
711 (46%) will not vote



2. Those who will participate in elections (844 samples) said that they will vote for the following political subjects (**Table nr. 6**):

PS	PD	LZHK	LSI	PSD	PR	Etc.
272	275	113	70	36	38	40
32%	33%	13%	8%	4%	5%	5%

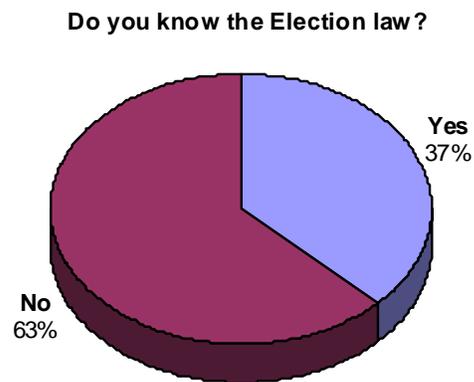
**Distribution of political preferences**



3. Regarding the knowledge about the Election Law (**Table nr.7**)

580 (37%) knew it

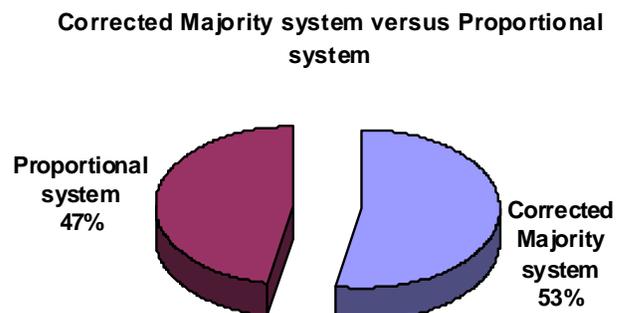
975 (63%) didn't know it



4. From 580 of participants who knew the election law (**Table nr. 8**):

309 (53%) were in favor of the corrected majority system

271 (47%) were in favor of proportional system

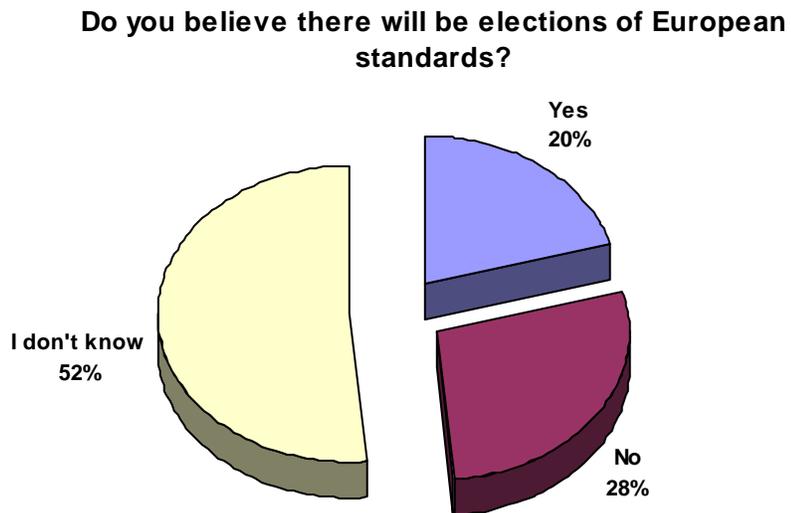


5. Regarding the elections' standard (**Table nr. 9**):

20% think there will be free elections

28% don't have faith that there will be elections according to the European standards

51% were doubtful regarding the credibility of elections' results

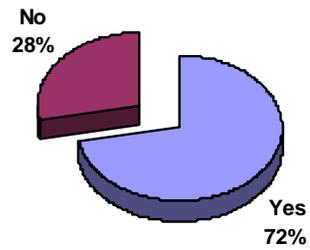


6. Regarding previous elections (**Table nr.10**):

1119 (72%) had voted

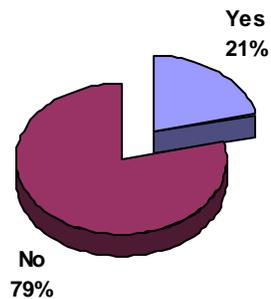
436 (28%) hadn't voted

Have you voted before?



7. From the 1119 samplings that voted before, only 239 (21% of them or 15% of total samplings) faced problems in the previous parliamentary elections (**Table nr. 11**)

Have you faced problems in the previous parliamentary elections?



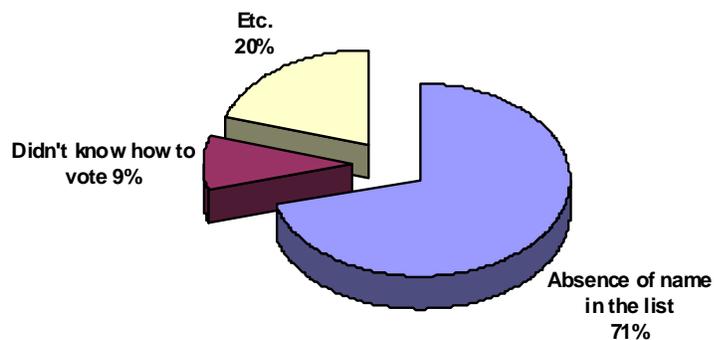
8. The 239 samplings faced problems in the previous elections for the following reasons (**Table nr. 12**):

71% lacked their names in the list of voters

9% didn't know how to vote

20% other reasons

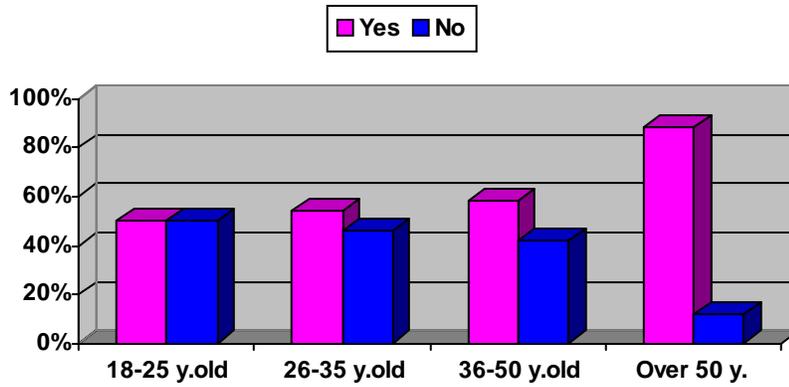
### Reasons of problems in previous elections?



### *Findings*

As far as participations in elections is concerned, with the rise of age, there is a greater willingness to go voting (**Table nr.12**)

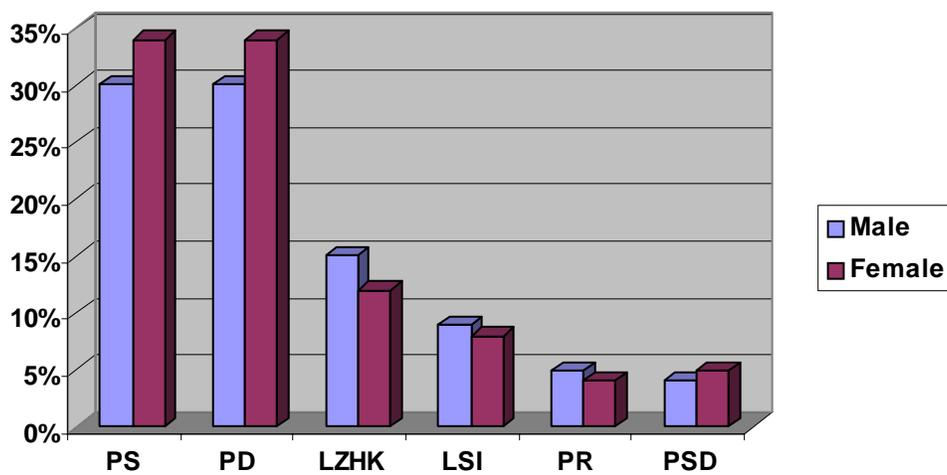
Age Groups	Samplings	Yes	No
18-25 years old	544	50%	50%
26-35 years old	386	54%	46%
36-50 years old	390	58%	42%
Above 50 years old	235	88%	12%



Gender Distribution of Political Preferences (Table nr. 13)

Political Subjects	Male	Female
PS	30%	34 %
PD	30%	34 %
LZHK	15%	12 %
LSI	9%	8 %
PR	5%	4%
PSD	4%	5%

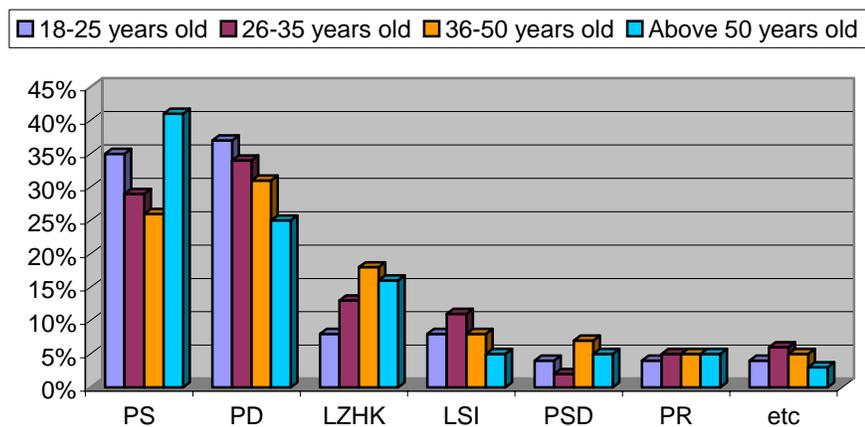
Gender distribution of political preferences



Age Groups' Distribution of Political Preferences (Table nr. 14):

	Samplings that will vote	PS	PD	LZHK	LSI	PSD	PR	etc
18-25 years old	255	35%	37%	8%	8%	4%	4%	4%
26-35 years old	209	29%	34%	13%	11%	2%	5%	6%
36-50 years old	227	26%	31%	18%	8%	7%	5%	5%
Above 50 years old	153	41%	25%	16%	5%	5%	5%	3%

Age groups distribution of political preferences

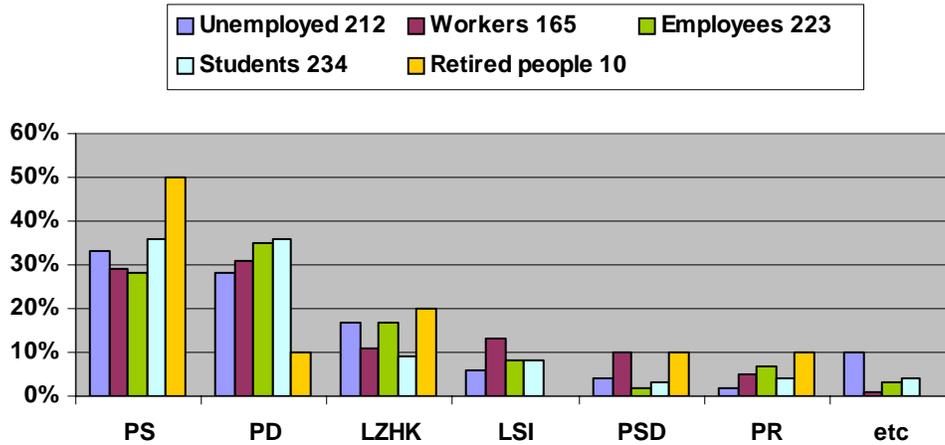


Social groups' distribution of political preferences (Table nr. 15):

	Samplings that will vote	PS	PD	LZHK	LSI	PSD	PR	etc
Unemployed	212	33%	28%	17%	6%	4%	2%	10%
Workers	165	29%	31%	11%	13%	10%	5%	1%
Employees	223	28%	35%	17%	8%	2%	7%	3%
Students	234	36%	36%	9%	8%	3%	4%	4%

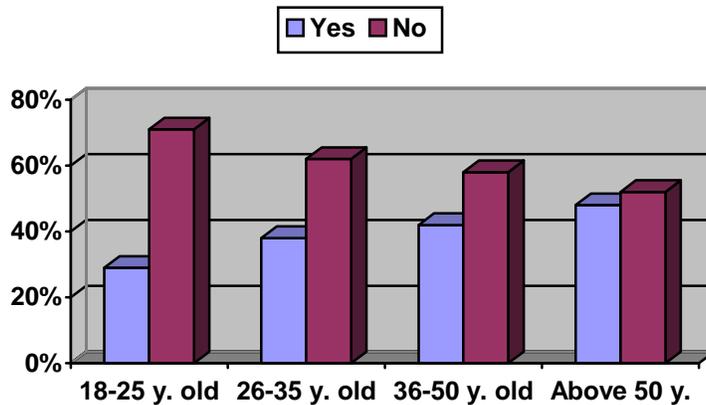
Retired people	10	50%	10%	20%	0%	10%	10%	0%
----------------	----	-----	-----	-----	----	-----	-----	----

Social Groups distribution of political preferences



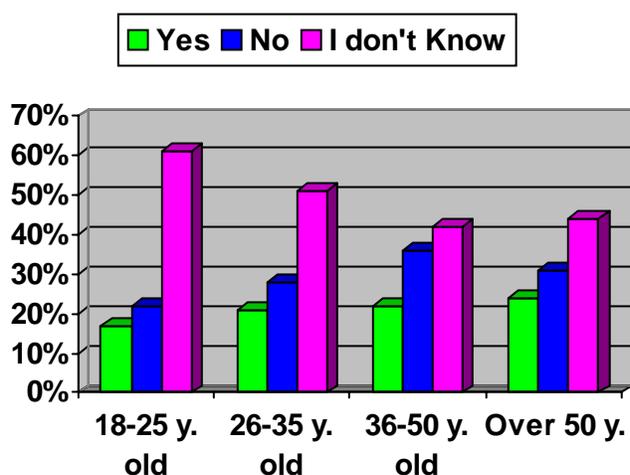
With age, there was a greater knowledge about the Election Law (Table nr. 16):

Age Group	Samplings	Yes	No
18-25 years old	544	29%	71%
26-35 years old	386	38%	62%
36-50 years old	390	42%	58%
Above 50 years old	235	48%	52%



The distribution of the belief regarding the international standards of Albanian upcoming elections was as follows (**Table nr.17**):

Age	Samplings	Yes	No	I don't know
18-25 years old	544	17%	22%	61%
26-35 years old	386	21%	28%	51%
36-50 years old	390	22%	36%	42%
Over 50 years old	235	24%	31%	44%



### **Discussions of Findings**

1. Regarding participation in the 2005 parliamentary elections, the survey's results revealed a very important fact that an important part of the Albanian voters, 46 % of the participants (**See table Nr. 5**), abstain from their constitutional right to express through voting their will for the continuity of current government or its replacement. This can be interpreted as a lack of democratic culture, where a part of population doesn't know what to do with the fundamental rights and freedoms guaranteed by the constitution, failing thus to use the opportunity to chose who will govern the country expressed

through elections. It can also be interpreted as phenomena of deep mistrust of this part of electorate towards the possibility of holding free and fair elections in Albania. The second factor will be analyzed below. The fact that abstention, as phenomena of emancipated societies, expresses the belief that none of the representatives of the political spectrum really represents the will of all the electorate shouldn't be left out. In Albanian conditions, where the hard and prolonged transition and poverty have reached critical parameters, the mistrust of a consistent part of electorate towards politics in general and toward elections, as a factor of policy making, is more than understandable.

2. The statistical distribution of participants' political preferences with positive approach towards participation in the 2005 elections revealed a slight advantage of the major opposition party, the Democratic Party (PD), in relation with the major party in power, the Socialist Party (PS). Despite the slight advantage of 1 % for PD versus PS, or respectively 33% versus 32 %, this was a clear signal for the possibility of a rotation of power in the upcoming elections. The full hierarchy of positions in the political spectrum that would possibly result from the 2005 elections, which was elaborated from the standpoints of 54% of survey's participants who will vote, is illustrated in **table nr. 6**.

6. In the Etc group were included for a facility of study the other parties of parliamentary spectrum (left, right, center) and independent individuals. I didn't consider as reasonable a more detailed list of electoral subjects given their irrelevant importance in the political and parliamentary life.

3. The gender distribution of political preferences in the case of 2 main political parties PS and PD was respectively 30% men and 34 % women. These equilibriums were disturbed in the preferences for the third parties and further. (**See table nr. 13**) From all three statistical outlines considered above, LZHK resulted as the third political party and LSI as the fourth political party with more importance in the new political spectrum after 2005 elections.

4. The survey, in which 1555 individuals took part, aimed at bringing out evidences of how familiar are Albanian citizens with the electoral law and the changes reflected in it given the emergency of realizing a free and uncontested electoral process. Given the

tradition, it was expected that the majority of samplings would be interested in these developments. The survey verified the opposite: 63 % of participants didn't know the electoral code of Albania, voted without knowing the rules, or didn't vote at all. (See **table nr. 7**). Here was included a group with a clear position of nonparticipation in the 2005 elections and also a group of 19 % of participants with a positive approach towards participation in these elections.

**5.** The major lack of interest regarding pre-electoral developments could as well be interpreted by the fact that despite being highly contested, the Mixed Member Proportional system of the time continued to be considered as more appropriate for country's conditions in relation to the proportional version: 53% versus 47% (See **table Nr. 8**). I used the term Corrected Majoritarian system instead of Mixed Member Proportional, as this is how it was widely, but wrongly, used in the media. The term Mixed Member Proportional was very unfamiliar to the Albanians. It seems that the Albanian citizens preferred to physically reach the candidates that result as winners from the Single Member districts, as opposed to selecting the party lists of candidates presented for the proportional part. They wanted to know who was their MP, whom they gave their vote to, who could they revote or contest, and who were the runner up candidates for Single Member Districts. Maybe this represents a specific factor for the social psychology of Albanian voters and it may be a clear indicator for political and electoral subjects that the electorate is more in favor of individual candidates rather than proportional lists of candidates for MP's. Another version can also apply and that the Albanians would like to know at whose door to knock, whom to address for their problems, whom to ask for help etc. Of course the MP of their electoral zone could be the most powerful representative for such a social environment.

**6.** To the question: "Do you think the elections will be held according to international standards?" , 28% of the samplings replied negatively, 52 % chose a neutral formula of expression giving the evasive answer of "I don't know", and only 20 % answered in an affirmative way (See **table nr.9**). In general 80 % of the survey's participants weren't convinced about the possibility that Albania's upcoming elections would meet the international standards. These data represented a manifestation of electorate convictions

that Albania is not yet able of holding free and democratic elections which results would be accepted from all the political subjects. This explained as well the high level of lack of interest to vote at 46 % of voters (**See table nr. 5**) when we know that in societies in transition, elections are the only means to improve the quality of governing and to fight the negative phenomena that accompanied the processes of transition. It seemed that the Albanian citizens continued to be preoccupied for their fortune which one way or the other was connected with the upcoming elections. This popular mistrust needed to be transplanted in the political elite which were given the opportunity to regain the lost trust of Albanians in the election process.

7. In the survey, the specific importance of students and employees was respectively 29.6% and 22.4% of the whole participants in the survey and taken together, 52.2% of all samplings (**See table nr. 4**). Normally it was expected a constant standpoint of this part toward elections, as a moment of direct participation in choosing the future representatives of the country. This tendency was not verified. In case that in 2001 parliamentary elections took part 72% of samplings (**See table nr. 10**), in the upcoming 2005 elections this level was to decrease in 54 %, (**See table nr. 5**) which meant 18 % less. This could be interpreted as a manifestation of disappointment even among the most educated part of the population, students and employees, toward 4 years of government and the parameters reached in the difficult way of Euro Atlantic integration.

8. 21% of samplings that took part in the 2001 elections admitted that they faced problems during the voting process. (**See table nr. 11**). This was an impressive percentage and more specifically 1/5 of those that had voted previously (72% of samplings; **See table nr.10**) or about 14% of the entire electoral population which participated in the survey. The electoral effect of such exclusion has been very sensitive considering the fact that those who were left out of the process belonged to the electorate of opposition. This was confirmed in all the relevant international reports for 2001 elections. This was one of the reasons of skepticism expressed from a very important part of electorate primarily that of center and right spectrum, of the possibility of holding free and fair elections in Albania.

9. Some of the reasons related to the problems of previous elections the voters faced, were primarily "the absence of name in the voters list" in 71% of the cases; the other reasons were of health or judicial character in 20% of cases and lack of knowledge how to vote in 9 % of the cases (**See table nr.12**). Naturally, the ones affected from such turbulence were the opposition and small parties of the parliamentary spectrum. It would be enough to minimize or eliminate the first factor, in order to minimize or eliminate the reasons of results contestation in 2005 elections.

10. In case of interpretation of the standpoints of age groups considered in the survey, 2 extreme age groups represent interest: the 18-25 years old and those over 50 years old. The first group represents the youth of survey composed mainly by students, who identify the Democratic Party in the first place with 37 % of their preferences and the Socialist Party in the second place with 35 % of preferences (**See table nr. 14**). It seemed that youth wanted a cardinal change in the current Albanian political spectrum while keeping untouched the necessary parliamentary equilibriums. In opposition to youth standpoints are the standpoints of elder people over 50 years old, a conservative age group, which belonged primarily to the left spectrum. For this group of voters, the Socialist Party was in the first place with 41 % of the preferences, at a time when the Democratic Party was in the second place with 25 % of their pre-electoral preferences. The preferences of this age group for the Movement for National Development (LZHK) represented a surprise, a preference that gave it the status of the third political party in the country with a 16 % support. The other parties considered in this survey were quite distanced in the level of preferences from the above-mentioned political parties (**See table nr. 14**).

11. Of special interest was the study of the tendencies of political preferences among different social groups identified as potential voters; therefore, for the participants who were unemployed the party that promised more was the Socialist Party, which in this statistical distribution was in the first place with 33 %. In the second place was the Democratic Party with 28 % and in the third and fourth place, respectively LZHK with 17% and LSI with 6 %. (**See table nr. 15**). There can be seen a spectacular growth of LZHK's importance in the pre-electoral political scene. Maybe this had to do with the

tendency of the Albanian electorate to prove a new alternative of the center according to the clear confirmed position of this new political movement.

**12.** The samplings workers, those of public and private sector, thought in a completely different way. According to them, the most authoritative political subject was the Democratic Party with 31 % and the Socialist Party come second with 29 %. The Socialist movement for Integration (LSI) appeared as the third political party with 13 %; LZHK was in the fourth place with 11 %, and in the fifth place was the Social Democratic Party with 10 %. **(See table nr. 15)** It can be noticed that this social group was left-oriented in its whole, if we consider the percentage of preferences for left wing parties in general PS, LSI, PSD, and that put all its hopes in an effective leftist coalition. From a typical formal standpoint, the workers belong to the left wing because they require from this wing of political spectrum their social protection. What was expressed here could be a clear orientation of the electorate according to the classic scheme. The leftwing parties should be promoters of aspiration of poor social classes and representatives of their will. In this survey, this tendency was manifested according to the standpoints of social group of unemployed as well.

**13.** The employees seemed to be more pragmatic; they changed the orientation of their standpoints as soon as they sensed the atmosphere of a possible change in the government route. Maybe this was connected with the element of security they have in the posts they wish to keep under a different government rather than the current one. This can be as well interpreted as eclectics of this class, relatively protected by the status of the employees. The support this group gave to the Democratic Party was a surprising 35 %, whereas to the Socialist Party only 28 %. LZHK was given an advanced position, with 17 % **(See table nr. 15)**, transforming this movement in a possible governmental element after the upcoming elections. Based on these results, a possible coalition of the left wing parties would not be enough to assure a government majority. The opinion of the employees, thus, has its impact on the orientation of the political preferences of the public who votes.

**14.** As a conclusion, it should be mentioned that the evaluation of the students about the Albanian political spectrum was the most equilibrated one: for those who desired to express their political will through the votes, both the Democratic Party and the Socialist Party had an equal weight and were evaluated with 36 %, LZHK and LSI as well kept more or less the same place in the pre-electoral configuration (**See table nr. 15**) and may be in the post-electoral one. Is it a case of casual preferences or of preferences not yet consolidated? May be both alternatives could be true explaining thus the statistical equilibrium in an age group that is in search of self-realization.

### **Conclusions**

1. The balance of political subjects was expected to change deeply in favor of political subjects of the center and the right wing.
2. There would be an end to the dominium of one political party and its rule.
3. There was to be expected a very interesting configuration of political parliamentary spectrum in which case the number of relevant parties could decrease quite a lot down to 6-7 of them.
4. The future government could be a coalition government in which each of the subjects of the coalition would have its absolute weight. The era of pseudo-coalitions would come to an end.
5. A flexible government and unstable ministerial posts were to be expected. The role of the parliament could increase in a considerable measure and every motion of distrust could possibly overthrow the government.
6. There would probably be no possibility of imposing neither project laws nor resolutions from an aggressive parliamentary majority.
7. The possibilities for political combinations could increase quite a lot. There were two new important governmental factors: the Movement for National Development and the Socialist Movement for Integration. They could be part of the left wing and right wing cabinets, given their position as political subjects that attract the undecided electorate.

8. The pre-electoral outline of the capital's citizens that took part in the survey showed how realist and prudent are the Albanian voters who see the change of their future and its improvement only through elections. This represented a kind of mature awareness of the capital's citizens, which in case it of confirmation in a national level, would lead to the deduction that the Albanian society had matured considerably from the democratic culture's point of view. The political elite should seriously think how to come to power and how to keep it.

9. Such a configuration of the political parliamentary spectrum would be a serious achievement in the struggle against reminiscences of a retrograded system, of corruption, political clientelism, nepotism, clans, as well as a healthy guarantee that Albania would fasten the dynamics of its integration into the European Union. The political will of the voters was expected to find the right embodiment even in their elected representatives in order to undertake cardinal reforms in reaching Euro-Atlantic standards.

A survey is not only a statistical virtual reality but as well a prognosis. This prognosis, in view of the manipulations of the electoral process, wasn't fulfilled in all its predictions, especially with regards to the LZHK's importance as a possible cabined coalition party. However the results showed to be very close with the official results of the parliamentary elections of 2005, in which the Democratic Party led coalition won the majority of the votes and formed the governmental coalition.

**Index of Political Parties:**

PD - Democratic Party

PS- Socialist Party

LZHK- Movement for National Development

LSI- Socialist Movement for Integration

PR- Republican Party

PSD- Social Democratic Party

## Conclusions

In this dissertation I assumed the responsibility of identifying the sources of the weakness of the Albanian democracy. I investigated the political consequences of the electoral laws and systems in the Albanian political system and party system, which in my opinion have been the primary sources of the fragility of the Albanian democracy and the current state of affairs. I submitted arguments, which prove: 1) why the Albanian political system cannot be considered as consolidated democratic regime; 2) the reasons why democracy isn't "the only game in town" for the Albanian political actors; 3) the set of factors that prevented the state institutions to become independent and strong enough to regulate the rules of the game. To strengthen my arguments I analyzed the psychological and mechanical effects of the Albanian electoral engineering and institutional experiments of the past 2 decades, focusing the empirical analysis of my arguments only in the comparison of the elections of 2005 and 2009, which represent two different electoral systems applied in Albania.

In order to prove my thesis I analyzed the political inputs and outputs of the democratic process through their 4 main variables: political system meaning the institutional sphere, political actors meaning political parties, political elite, and electoral laws/systems. Keeping in mind the causal nexus of correlation between the democratic processes and the policy inputs and outputs, I followed a sequential approach by first separating the remnants and historical legacies that shaped Albanian political actors' choices, strategies and initial institutional design after the fall of communism, from the policy inputs during the democratization process.

For this reason, *in the first three chapters* I traced the historical legacies inherited and transplanted through different regimes applied in Albania from the initial state formation period, which started at the end of 19<sup>th</sup> century and the beginning of 20<sup>th</sup> century to the fall of communism. *In the fourth chapter* I made a thorough analysis of the Albanian transition process, the factors that lead to the communist regime's crisis,

the constellations of power during the transition, how the transition took place and what were the outcomes of this process for the future of Albania.

For a better understanding, I considered dividing the analysis of the policy inputs and outputs of the process of democratization into two main periods. *The fifth chapter* analyzed the first period, which I called ‘the formation phase’ and which lasted from 1991-2001. The findings show that the policy inputs in the democratization process during this phase were heavily influenced by the outcomes of the legacies and the transition process. The outcome of these inputs was the breakdown of democracy in 2 major crises, the 1997 crisis that led to the fall of the state institutions and the attempted coup d’état of 1998.

*The sixth chapter* analyzed the second period, which I called ‘the consolidation phase’ and which lasted from 2001 up to 2010. Although this phase saw major improvements domestically and in the integration of Albania to the Euro-Atlantic structures (the NATO membership and the initiation of the process of Stabilization and Association with the EU), it continued to be characterized by lack of “checks and balances” and “separation of powers”, contested elections, political crises, crisis of representation, and subjugation of fundamental state institutions to the political will of individuals presenting very narrow interests.

To prove the findings of the fifth and sixth chapter, *in the seventh chapter* I presented a thorough analysis of the Albanian institutional experiments by comparing the constitutional designs of 1994, 1998 and 2008. The political and institutional actors spend significant resources attempting to achieve their objectives through non-democratic measures, which are very common and frequently applied in all levels of governance.

The political consequences of the Albanian electoral engineering that contributed to the weakness of the democracy were thoroughly analyzed *in the eighth chapter*. In this chapter I proved my arguments by a comparison of all the electoral laws and their mechanical and psychological effects in representation and political party system. To

prove my point empirically, I measured and compared the mechanical effects of two different electoral systems applied in Albania in the elections of 2005 and 2009. The addendum of the dissertation, which includes the results of a public opinion survey I conducted prior to the elections of 2005 in Tirana and its surroundings, provides further arguments in line not only with the findings of the electoral engineering analysis. In addition the findings of the survey proved to be very close to the final results of the elections of 2005.

Chapter one presented an overview of the background of state formation in a regional context. The Albanian problematic has always been an indivisible part of the historical, political, economic and social context of the developments in the Balkans. Being conditioned by external rival influences and internal pressures, this region represents an experimental territory for alternative systems. Thus in the last two centuries, the Balkans have served as a laboratory, where some of the most evasive aspects of liberal and national models of political organization and economic development have been observed.

The national movements leading to the formation of the modern states and the organization of the first independent or autonomous governments in the Balkans started evolving in the 19<sup>th</sup> century. Great Power politics decisively influenced the course of state formation and the institutional design of the new Balkan states. Western European models of constitutional monarchies became embodied in the first constitutions of the independent states. The Albanian independence was proclaimed on November 28, 1912 in Vlorë. However, the Great Powers in the Conference of Ambassadors in London made the final decisions with regards to the Albanian state in December 1912. The Albanian state was put under the Great Powers guarantee. Albania's form of government was to be a *constitutional monarchy* or as specifically proclaimed "an autonomous principality sovereign and hereditary by order of primogeniture." Its neutrality was guaranteed and control of its civil administration and budget was vested in an International Control Commission. The Great Powers as the head of the Albanian state chose Prince William of Wied, a thirty-five year old captain in the German army.

Chapter two analyzed the Albanian developments in the interwar period. The interwar period, despite being very short, represents the most important period in the efforts of creating, consolidating and modernizing the Albanian state. It signaled Albania's entrance in the international arena and its recognition as an independent state. Albania was pulled out of the fifteenth century feudalism and forced into the twentieth century developments and dynamics.

Although this period was characterized by internal instability, polarized political life, disagreements on the institutional design, continuous constitutional experiments, heavy Ottoman legacies in the state administration, and social-economic level coupled with the backwardness, the initial stage of a modern civilized state was finalized.

Smart foreign policies clearly neutralized the external threat, giving to the newly born Albanian state time to consolidate. The strong control over the state institutions was incited by external threat of invasion and internal political and social instability. The concentration of power in the hands of the head of the state managed to bring internal peace and unify the country. The vision to align Albania to the Western political systems and ideas gave birth to the parliamentary system, electoral processes, constitutional designs and rule of law. The state administration and judicial codes were designed based on Western models. Despite the flaws, an important aspect of the political developments was the need to legitimize the state institutions through elections.

This interwar period in the analysis was divided into two stages: the initial stage represented the period following the end of the First World War till mid 1920's, characterized by the emergence of the first political parties and the parliamentary life, as well as different political experiments in an attempt to establish a parliamentary democracy. During this initial period the various political factors paid homage to Western ideals of democracy by observing the parliamentary methods of opposition, but mainly as long as success by these means was anticipated. As soon as this was no longer the case, violence was readily used. It was a period of great internal instability, with frequent changes in the government. The parliamentary contest between the two

rival combinations brought about the formation of unstable coalition cabinets. It also saw the emergence of two archrivals Fan Noli and Ahmet Zogu. The later emerged as the most capable and energetic politician that was to play an important role in the future developments of the interwar period. Although Zog too, like all of his predecessors, would eventually fall to tribal warfare disguised by Western political garb, his administration was able to make modest strides towards national unity and the alleviation of Albania's appalling poverty and general lack of economic development, two of Albania's most pressing concerns of the time.

The attempts to turn Albania into a state based on the Western political model of parliamentary democracy, proved to be a failure. Both Noli's revolution and the attempt to build a democratic state in the conditions of Albania of that time, made it clear that the parliamentary democracy required first of all an enlightened, reasonably well off populace, willing and able to participate in the political process. This showed that in Albania, the time wasn't right for such a government. Ahmet Zogu didn't give up the idea of the Western political structure for Albania. However, he chose to apply a more authoritarian rule, while the long process of laying the groundwork for popular participation was begun. The following period till the verge of the Second World War and Italy's invasion in 1939 was characterized by continuous constitutional experiments firstly the proclamation of Albania as a parliamentary republic with a bicameral system, and secondly the proclamation of Albania as a kingdom with Zog as the King of all Albanians. It was also characterized by a strange combination of Oriental rule and Western reform.

The start of the Second World War interrupted the development of the reforms undertaken by King Zog for the modernization and consolidation of the state, according to Western models. Unfortunately at the end of war, with the communist victory, Albania fell under the influence of the Eastern Block. Despite the efforts that were made, manifestations of the remnants of the Ottoman rule, structural legacies, as well as of the political culture developed during the interwar period would be transplanted into the subsequent periods and regimes. Primarily the following phenomena: the feudal mentality of the rich class of landlords and chieftains; the

political system where all power was concentrated in the hands of one person that stimulated the “Cult of One”; corruption that emanated from nepotism and provincialism; the skipping of the normal stages of development of a society, by passing from the level of the 14<sup>th</sup> century into the problematic of the 20<sup>th</sup> century, without being ready for the challenges of the new system; the lack of the two most important classes of capitalism, the bourgeoisie and proletariat; the lack of development of parliamentary tradition and political pluralism, which remained in its early stage; the lack of civil society and the oppression of political adversaries.

Chapter three analyzed the characteristics of the communist regime and its legacies based on communism variables identified by Kitschelt that appear consequential for the transition to democracy and ultimately the quality of the democratic process in post-communist societies. Firstly, the extent to which communist regimes rely on a formal-rational bureaucratic state apparatus that rules out corruption and clientelism, as opposed to a patrimonial administration based on personal networks of loyalty and mutual exchange; combined with patronage, corruption and nepotism. Secondly, the mechanisms communist parties employed to instill compliance in the population or the extent to which communist rulers after Stalin's death and during the "post-totalitarian" transformation tolerated a modicum of economic or political pluralism under communist tutelage. The two main compliance mechanisms are repression and co-optation, negative or positive incentives to promote cooperative conduct. The analysis also explained the other communism variables identified by Aron: the ideology, party's objectives, methods used, and the society it wanted to create.

Based on the findings, the Albanian communist regime had the characteristics of what Kitschelt identifies as patrimonial communism. The patrimonial communism relied on vertical chains of personal dependence between party apparatus and their entourage, buttressed by extensive patronage and clientelist networks. The political power was concentrated around a small clique or an individual ruler worshiped by a personality cult. The level of rational-bureaucratic institutionalization in state and party remained low, because the ruling clique penetrated the apparatus through nepotistic appointments. In patrimonial systems, rulers firmly repressed any stirring of opposition

demanding rights to participation or they co-opted potentially resourceful challenges through selective incentives (office, material privilege).

The reason why Albanian communism had patrimonial characteristics was that the regime was influenced by the old patterns of state formation, economic development and political mobilization, which characterized the social and political institutions in the interwar period. The communist ideology was applied in Albanian local traditions, customs structural conditions, which gave it some specific characteristics and a patrimonial character. The analysis of the Albanian communist regime characteristics, structural conditions, Communist Party strategies, party organization, ideology, methods of insuring compliance also proved the classification of Albania's communist rule as patrimonial communism under Kitschelt's typology.

Aside from the typology, the Albanian Communist regime manifested characteristics specific to Albania. The Albanian communist regime, which was personified with Enver Hoxha's rule, during the 45 years of its existence, focused its overall attention only on the closest relations with one powerful communist country at a time. This phenomenon characterized the relations with the Tito's Yugoslavia until 1948, with the Soviet Union till 1962, and with Maoist China till 1976. After the interruption of relations with China, Hoxha chose the total isolation of the country from the rest of the world according to the formula "Neither East, nor West". The successive substitution of one powerful patron at a time, interested in making Albania a satellite through generous aid for the change of political orientation, was a typical characteristic of the regime.

More important was the fact that the sense of state was not further developed. In a one-party regime, the state is a party-state, inseparable from the party, which monopolizes legitimate political activity. The Constitution of 1976 gave the PLA officially what it had held since the beginning the monopoly of political activity.

For five decades only formal elections were held in Albania. The Albanians were forced to give their vote to candidates of the only political party in the country, the

Albanian Labor Party. All authority rested in the hands of a small group of men, the Politburo of the PLA. The citizens had no voice in electing their representatives. They simply headed to the polls to approve candidates previously hand-picked by the Party. Anyone who dared to oppose the Party candidates not only had his right to vote revoked, but was in danger of being arrested by the political police as an “enemy of the people”.

The communists viewed the elections as a tool to legitimize their rule, not as a means, through which the population expresses its will.

The party pretended to mobilize the masses wanting to create a solidarity movement in an international scale, but neglected the contradictions of everyday life that kept the party, even though it was communist, connected with the most powerful clan or group. Primarily of middle-class southern background, the Albanian communist ruling circles were not only tightly unified, but well known for their prevailing nepotism.

From a political point of view, Tirana’s communist regime remained the only Stalinist regime in Europe. This in itself represents another characteristic of the Albanian communism. Hoxha became an adept student of Stalinist techniques of rule through the elimination of his personal domestic rivals. His regime became very oppressive and vindictive, albeit stoutly committed to economic development and modernization.

Hoxha had never permitted Albania’s external gyrations- from the Yugoslav, to the Soviet, to the Chinese unequal alliances, and then to his latest phase of self-reliance- to spill over into any domestic relaxation of his repressive Stalinist system.

Hoxha coupled the periodic bleeding purges of the Albanian elite with an unrelenting hard line toward the masses, refusing any political relaxation, any modification of agricultural collectivization, any easing of consumption, any slowing of the pace of industrialization and any slackening of pressure against religion. He was convinced that this rigidity was politically functional as well as ideologically warranted.

Hoxha's methods never permitted a background for the development of dissident anticommunist groups. The PLA had absolute control of all popular organizations and associations in Albania. Through a large network of informers, the secret police (Sigurimi) controlled all aspects of life and terrorized the population. There was no room for any sort of activity outside Party control, or in opposition to the Marxist-Leninist line of the ALP. Even family life was under severe control with the assistance of Sigurimi informants, often infiltrated into the family nucleus, particularly among families that were not Communist and represented a threat to the regime.

The freedom of the media and some principle human and political rights were denied. The Communist party's goal was the elimination of every kind of resistance, the absolute conformity of masses with the official policy of the regime, and the prevention of any alternative threats that could undermine its overall control over Albanian society.

The legacies of the communist regime played an important part in the transition mode.

Chapter four focused on the transition period. The different paths of transition processes in Eastern Europe can be explained more in connection with the domestic distribution of political resources, mobilization capabilities and cognitive orientations that grew out of their experiences with different modes of communist rule. The cognitive orientations of the Albanians can be characterized as lacking the notion of a differentiation between the party and the state, the concept of democratic traditions, lack of knowledge about different economic systems aside from the communist one. They were also emphasized by a collective memory of class struggle and elimination of political adversaries. The centralized economic system applied in Albania, by the late 80's had already started showing signs of crisis. In an aim to avoid the legitimacy crisis, the nomenclature of the PLA started with some economic reforms that were recognizing in principle the market economy. Nonetheless the PLA was in denial of the events happening in the Eastern block at the end of the 80's. They thought that Albania, given the isolation of the country, and the stronghold of the party, would be immune from the impact of these events.

Out of all what was happening in Eastern Europe, the overthrow of Ceausescu was particularly influential in shaking the Albanian nomenclature to recognize certain reforms of the system were needed, however a full regime transformation never crossed their minds at that time.

At first, pressured by growing international demands to permit political pluralism, Ramiz Alia introduced the notion of “pluralism of ideas”, which meant that Albanians would be allowed to express their ideas but not to form other political parties. The initial measures clearly were aimed at improving the functioning of the communist system rather than changing it and also in creating its own reformators, given the fact that all the regime “enemies” were successfully eliminated during 45 years.

It would not be exactly true to define the Albanian transition as a transition instigated from above; similarly, it would be quite difficult to label it a "total" breakdown and a replacement of the communist regime. Following the characteristics of transition's typology, the best that can explain the Albanian transition are in my opinion Kitschelt's typology of transitions by preemptive strike and Przeworski's typology of transitions by extrication. These models provide that transitions from patrimonial communism start as a result of a preemptive strike from the side of the ruling elite, because it expects to better protect its long-term interests by quick a reform on its own terms. It was the Albanian Party of Labor which initiated the first signals of liberalization in an effort to gain time to better control the transition. Through different strategies Ramiz Alia, the successor of Enver Hoxha as the leader of the PLA, aimed at safeguarding the rule of the casts that he thought represented him in the political arena. One of the strategies was seen in the choice and appointment of the major opposition incumbents, who were involved later on in the first opposition party, the Democratic Party. Following the first signals of liberalization given by the Albanian Party of Labor, the first to be mobilized in protests in Albania were the students. Initial demands for better economic conditions were transformed into demands for political pluralism. The Student Movement carried out a historical mission, which aimed at securing the right for the pluralism of the political parties and for the change of the political system. The meeting of Students' representatives with Ramiz Alia and his

consequent agreement to political pluralism signaled the triumph of the student movement and the start of the transition in Albania in December 1990. The Albanian transition was negotiated with the regime and the democracy emerged from bargaining. The transition by extrication left institutional traces. Power configurations under the old system and in the transitions process, mediated by the actors' well understood self-interests and subjective cognitive maps shaped the initial institutions to a considerable extent. As we will see in the following chapter the emerging formal institutions of the Albanian democracy, codified in the first constitutional provisions and electoral laws, were endogenous to the bargaining process in which historical legacies asserted themselves. In part, they also reflected the choices of the PLA and of the opposition parties, in an environment with considerable uncertainty about the identity of collective political actors, their interests, and their strategic options.

The transition process proved to be a traumatic experience, thanks in large part to the immature political behavior of the leadership. In its élan to realize the process of reforms toward market economy, the Albanian democratic political leadership failed to take into consideration the specific conditions of Albania. Their choice to literally throw Albania into modernity proved to be not a very easy task even for them. An institutional product of one of the most autocratic totalitarian societies, the newly emerging political elite, independently of its education, political stance and democratic postures, was utterly unprepared to handle the situation and guide Albania through this difficult process. The emerging political elite failed protect Albania's interests in view of its opening towards international markets, and to unite the Albanians along the idea of nation and nation state.

The political, cultural, psychological and social legacies of communism prevented the establishment of a genuine democratic system. The economic factors were of key importance as well. Despite the fact that Albania, as did many other countries, lacked any experiences necessary to facilitate the process of transition from a centralized economy to a market economy, it also inherited from the communist period a totally backward and inefficient economy. In general, the new Albanian political scene, apart from the formal pluralist aspect, manifested apparent communist reminiscences. For

these reasons we can't label the Albanian transition as a total breakdown and a replacement of the Communist regime.

Chapter five focused on the formation phase, which I divided in a period from 1991-2001. Following a sequential model and keeping in mind the nexus of correlation between the policy inputs and outputs, I tried to separate the historical legacies from the policy inputs of the first decade. It can be said that the formation phase was characterized by the overall transformation of the society, economy and institutions following the fall of the communist regime. The weight of historical legacies heavily influenced the initial actor's choices and strategies. Surrounded by political instability and wars in former Yugoslavia, the integrity and the neutral role of Albania in the wars of neighboring countries has been of primary interest, leading to a toleration of authoritarian practices by the international community in expenses of neutrality and noninvolvement in the conflicts. The political inputs and choices in the democratization process during this phase lead to 2 major crisis, 1997 fall of pyramid schemes followed by a total state failure and civil unrest, and an attempted coup d'état in 1998.

Through a detailed analysis of the variables of the political sphere: political system meaning the institutional sphere, political actors meaning political parties, political elite, and electoral laws/systems, I provided enough arguments which proved how collective memories or cognitive maps of the past regimes, together with the structural and economic legacies influenced the initial years of the post communist period. Considering elections as one of the most important aspects of a democratic system, I focused on the constellation of powers in the bargaining of the institutions, strategies applied by the ruling elites once in power towards their political rivals, as well as the vision of the ruling elite of the state design implied in the institutional and electoral engineering. For this reason I analyzed pre-election situations, the electoral processes and their aftermaths in the political sphere. The periods analyzed in this chapter evolve around 1991, 1992, 1996, 1997 and 2001 parliamentary elections. The findings of the analysis show that the formation phase has been characterized by frequent electoral and institutional experiments aimed at securing the stronghold of the party in power,

which has resulted in a very conflictual power transition; unstable state institutions and legitimacy crises.

The initial post-communist institutional design and political inputs during the first 10 years when both Democratic Party and Socialist Party were in power, perpetuated the same tactics used by the PLA to mobilize the population based on counter ideology; to undermine state-citizen's linkage through identifying the state with the party in power, to strengthen the cleavages in the population inherited by the regime into a new class-struggle; to create a conflictual political culture, based on a maximum polarization of the whole society; to subjugate the state institutions to narrow clan interests, to create new Politburos; to eliminate factions and of opinions contrary to the those of the chairpersons of the parties; to eliminate morally or use violence on political adversaries, to create and support the creation of small satellite one person parties; to apply flawed economic and structural policies etc., which lead to the collapse of the state and civil unrest in 1997.

The first argument that can be given to explain this phenomenon is that during four years 1992-1996, the new institutions did not have strong democratic foundations. The informal power (informal economy, corruption, smuggling, nepotism, provincialism, etc.) controlled the important segments of the state. Democracy and public institutions were being undermined slowly from the inside. Free elections are the foundations of the democratic institutional building process. Their failure in 1996 indicated the first strong perturbation of this process. The issue of free and fair elections was not the only factor that led to fragile state institutions. Once in power the democratic forces failed to correctly implement the electoral promises and platforms, disappointing thus the hopes and trust of their electorate. The challenges mentioned before the elections remained incomplete: instead of the consolidation of democratic standards in institutional building and institutional practices of the state, step by step, it became clear that authoritarian practices proved to be more powerful as a reminiscence of the past. These legacies were not handled during the transition and influenced the political choices of the new democratic leaders.

A spoiled system without a clear division of powers and areas of power is always a source of conflict between political forces. The policy inputs of the formation phase clearly created a spoiled system which lacked the checks and balances, separation of powers. The country remained till 1998 without the fundamental law of a state, which establishes the legitimacy of the rules that all citizens are obliged to follow. Without a constitution, the separation of powers was difficult to apply, because there were ambiguities about the competences of each power and there existed serious interferences of the executive in the spheres of the judicial and legislative powers.

By overcoming the laws and creating a mentality that the lawmakers execute the laws themselves, (since the majority of ministers in different governments have been at the same time, deputies of the parliament) in Albania there has never been a real separation of powers. The outcomes of the elections and the authoritarian practices of the majority in power through the power of the 2/3 imposed a spoiled political system in Albania.

On the other hand, aside from the deformed party-state linkage, the main shortcoming of the Albanian political elite was that it never understood the real meaning of political pluralism and political consensus and never respected these fundamental standards. The political elite found it impossible to liberate itself from the authoritarian mentality and showed an inability to act in conditions of uncertainty and to make decisions in the absence of a routine practice sanctioned by a charismatic authority. As a result, the identification of the state with the party was parallel to the self identification of the leaders with the parties and the decision making process. The policy inputs in an institutional level combined with electoral provisions aiming at marginalizing the opponents and different opinions, as well as maximizing the power gain through the electoral processes, created a very polarized political scene with serious consequences in institutional building and in the political party system. These phenomena continued to exist and formed the cognitive maps of the political factors, which shaped the consolidation phase. The uncompromising approach of the Albanian political elite has led to a lack of political consensus even over very important national issues such as the constitution, type of political system and electoral law which resulted in many

institutional experiments and electoral reforms not only in the first phase, but also in the second decade.

Chapter six focused on the consolidation phase from the aftermath of the elections of 2001 till 2010. This phase saw a modernization of state infrastructure and legislation, economic recovery and development, attraction of foreign investments and an internal peace and stability. The close involvement of the international community and their support, combined with conditions in the building of the democratic institutions saw improvement of the standards of the electoral processes, and the introduction of very sophisticated electoral legislation. However, this was followed by a sophistication of the game of the political actors, who introduced several institutional design experiments to reach their close interests.

This phase has continued to be characterized by lack of “checks and balances”, separation of powers. There were many attempts from the politicians to interfere with the Office of the General Procurator, with the appointment of the judges in the highest positions of judicial system: High Council of Justice, Constitutional Court, etc.

Lack of respect for the judicial institutions was shown in the attempts to undermine their work at the light of major scandals of corruption and conflicts of interests that have characterized the DP-led government coalitions 1 and 2 (since 2005), as well as the Socialist-led government coalitions before them (2001-2005). The attitude of the prime ministers, the ministers of their cabinets, as well as MPs from their coalitions towards the judicial powers has been highly abusive, with verbal accusations, well as institutional manipulation to undermine investigations, and resolve the cases of corruption. Albania still lacks a strong, independent, uncorrupted judicial system.

The Albanian political system has undergone very frequent changes, which deepened the instability of the state institutions. The main cognitive legacies gained from the policy outputs of the democratic processes of the first phase evolved towards: political elite and political parties, electoral and institutional engineering, dynamics of intra party competition, relations of representations between citizens and parties, citizen-

state linkage, characteristics of state administration and bureaucratic apparatus. In this chapter I analyzed the characteristics of these dimensions in the second phase and the political inputs in the democratic processes. The analysis proved that despite the undeniable effort from the side of the Albanian governments during the second stage to find institutional ways of resolving the conflicts and clear attempts to practice democratic competition representation and policy making, Albania is still struggling with democracy becoming “the only game in town”.

Whether or not the democracy becomes ‘the only game in town’ depends on the quality of the democratic interactions and policy processes, the consequences of which affect the legitimacy of democracy in the eyes of the citizens and political elites. As it was mentioned in the previous chapter, the most central and indispensable aspect of democratic practice is the electoral competition for legislative office and the associated formation of political parties.

One of the most manipulative means of the political system has proven to be the electoral law. Because electoral reforms happened in specific situations, and are an integral part of bargaining over institutional design, I considered important to mention the factors that lead to these changes in dimensions of electoral systems applied in Albania and the constellation of power of political parties during negotiations over electoral reforms in the second decade. Following the same pattern of analysis as in the previous chapter, I focused on the electoral reforms that preceded the parliamentary elections, as well as the electoral processes themselves. I analyzed the constellations of power, the political actor’s strategies not only during the design of the electoral legislations, but also in the elections. In trying to do so, I focused the attention in both parties as strategic actors in the electoral arena as well as in the realm of legislative and executive politics.

The consolidation phase was characterized by interesting developments in the political scene. The first years of the second decade saw liberalization of political tensions and the start of an era dominated by bipartisan politics. However this decade also saw an increasing gap between the citizens and the political elite alias political parties. The

number of political parties significantly increased from a dozen to a couple dozens. The local significance of the Albanian political parties decreased and their actual weight in the political scene has been transfigured by frequent manipulations of elections.

On one hand, although most of the political parties that dominated the scene in the first decade didn't see a real circulation of their leaders they saw increasing fragmentation and breakaway factions of moderates within them, which represent the second generation of the political elite. This led to a higher fragmentation of the political scene with new political parties emerging, partly because of splits from the existing parties, partly as larger movements involving a number of small political parties. The major parties, the Democratic Party and the Socialist Party, were highly affected by the splits in their organizations. It is important to note that the electoral reforms and electoral laws of the second decade have had a major influence in the internal or vertical communication of the parties.

The political elite, representing different groups of interests, sought their economic strengthening through the control of the political power. One of the most manipulative means of the political system has proven to be the electoral law. Surprisingly, the second generation of politicians that was shaped and emerged during the past decade didn't bring new blood and new vision to the Albanian political life. The methods of co-optation or marginalization, without allowing shifts in power, were widely applied by the leaders of political parties. On the other hand the new generation of politicians eagerly embraced all the pathologies of behavior of political actors during the formation phase, such as corruption, clientelism, lack of respect for state institutions, prioritization of personal/clan interests, violent attitudes and lack of integrity. Having said this, the last years have seen a crisis of representation and a setback to the situation of the formative phase in the ideology, political bargaining and maneuvers to concentrate the power, subjugation of national interests to narrow interests of certain clans presented by the current holders of power, very provocative and incentive political discourse, lack of respect for the political adversaries as individuals and for their families, a very low level discourse in parliament and media, continuation of the

politicization of every sphere of the state institutions, an increase of clientelism, cleavages, fractions and corruption.

Albanian politics continued to be rough, rude, and potentially explosive and the political elite continued to manifest:

- Lack of political will to create a viable and strong state
- Lack of overall consensus over the institutional design and its functions
- Lack of consensus over national interests

The current state of the Albanian democracy is that of a delegative democracy. Political parties are supposed to be channels of representation of citizen's interests. Current Albanian political parties represent more specific clans and groups of interests, with often non-compatible interests, who, once in power have only one intention in mind: how to strengthen their economic interests at the expenses of the state.

All electoral processes are important in every stabilized democracy. When the state is unconsolidated, the economy lacks development and investments; when the political system is considered as not legitimate and highly corrupted by the majority of the population in the community, when deep cleavages are present as a result of different interest groups embracing opposite values and ideas, the importance of elections in such a community is even higher.

The tendency of political struggle in Albania, transplanted from the formation phase is to change, manipulate and control the foundations of the institutional system that needs to be created in Albania. Frequent changes of the electoral system almost every two years are the most evident proof of the ongoing struggle of power and changes in the constellation of power. While the first decade saw an attempt to impose the will of the absolute majority in state structure and electoral legislation in a very autocratic manner, a practice which resulted in the crisis of 1997, the second decade can be said to have seen a sophistication of the intra party competition. This decade has been

characterized as many by joint agreements between the two major parties, DP and SP on institutional design and electoral reforms, which have resulted in the subjugation of the legislation and institutions to the political will of these parties. Keeping in mind the strategy of maximizing the power, the shifts in the constellations of powers haven't changed much in the policy inputs of this decade. These agreements on have always appeared to be temporary, as they faced contestation after the elections.

The relations of representation between the citizens and political parties have continued to change due to psychological effects of electoral processes of 2001, 2005 and 2009 and the policy inputs of those who were chosen to govern. Initially Albanians were very involved in the politics and eager to participate in the political processes. With the passing of the years, especially in the latest elections of 2005, and 2009 an increasing apathy has been noticed, translated in a lower percentage of participation in the elections.

This period was characterized by citizens' lost of trust in the political elite and their ability to deliver promises of the prosperity. Given the fact that the influence of the international factors increased with them becoming arbiters of the state institution functioning, it has created the general belief that the governments are not in general responsive to the needs and views of the Albanian citizens, but are primarily focused in meeting superficially the international prerequisites and conditions.

While the first period of formation phase was characterized by a lost of public trust in the state organs, heavily influenced by a reminiscences of the identification of the state with the party, consequences of state-citizen linkage under the Communist party state, the second period did see an increase of the awareness of the state institutions and their division from the political parties in the understanding of the Albanian citizens.

The linkage between the state and the citizens has developed in a better way. There is an increase of the awareness of the citizens of the need for a strong state, which serves their interests, for independent and functioning legal institutions, for an institutionalized economy which would allow fair market competition.

The characteristics of state administration and bureaucratic apparatus in the second period have been very similar to the formation phase. This period has seen an increase of corruption of state institutions, clientelism, nepotism and lack of professionalism, leading to further political alienation between the political elites and the citizens and to a crisis of representations. The transfer of power has continued to be followed by a change of personnel of the state administration and the appointments of individuals connected to the groups of interests represented by the parties' in power.

One of the factors that mostly undermined the creation of a professional independent, strong and uncorrupted state administration has been the frequent recirculation of ministers. The manipulation of the electoral processes, the pathologies of the electoral systems have resulted in an artificial representation of small political parties, which otherwise would have no relevance in the system. Their support in the parliament, both in the parliamentary commissions, approval of laws, or the enabling of "stable" cabinets has been exchanged with ministerial positions or other important positions in the government. Although the governments have been "stable" in name only, they have been characterized by a frequent recirculation of ministers.

A very important aspect of the consolidation phase has been the increasing involvement of the international community in the Albanian institutional building and state policies.

One of the major Albanian political experiments can be considered the pattern, almost historic in its length, of the involvement of the international community in the state formation and institutional building.

The positive consequences have been viable in setting the framework of standards and providing assistance, advice and financial support in the overall processes of meeting these standards. Using Albania's integration into international organizations such as NATO and EU, especially, has served as a guarantee and motivation for Albania's efforts towards democratic consolidation.

Foreign involvement in building the state and its institutions has on the other hand, led to a limited sovereignty of the state. In an effort to both use different events as momentum for political gain such as Albania's NATO membership, any progress towards EU integration in forms of agreements, resolutions; or search desperately for legitimacy of the rule in the eyes of foreign institutions, despite it being disputed internally, the Albanian political elite has very often approved and signed antinational arrangements and multilateral agreements despite the fact of which party is in power. These have limited the independence of action of both the government and the Parliament and have subjugated Albanian national interests to often contradicting foreign interests, especially the political and economic interests of neighboring countries, leading to the transformation of Albania into an economic colony of neighboring countries.

Using the international community as mediator of every internal political dispute or crisis has resulted in Albanian institutions' lack of credibility, both internally and abroad; it also has deepened and prolonged the transition phase. Given the fact that the solution of the crises is based on the perception of the parties in the conflict and the interests they follow or have, the subjection of the political life to the elite interests and the lack of institutional constraints which gives them freedom to do what they please, has led to a permanent crises without a viable end or a successful solution. All the brooked agreements or crisis solutions are superficial and temporary solutions are not respected and disputed once they don't match the interests. The lack of political will to create a stable and strong state consequently has had a very strong involvement especially of the OSCE and EU in the institution design, giving them the role of mediators of political crisis and brokers of agreements between the majority in power and opposition since 1996, prolonging thus, the Albanian transition.

Chapter seven and eight provided a concrete qualitative and quantitative analysis of the political consequences of the Albanian institutional and electoral engineering in the past 2 decades. Chapter seven focused on the comparison of the constitutional design of 1994, 1998 and 2008 and their effect in the creation of the separation of powers and the system of checks and balances. Chapter eight brought into light the pathologies, as

well as the mechanical and psychological effects of the electoral laws/systems applied in Albania in the past two decades. This was realized by a thorough comparison of the changes in the variables of the electoral system: ballot structure, assembly size, seat allocation formula, district magnitude. The conclusions of the empirical comparison of the indexes of fragmentation and disproportionality of 2005 and 2009 elections, which represent two different electoral systems, respectively a mixed member proportional and a regional proportional, proved the findings of the analysis of chapters five and six.

Overall, the main thesis of the dissertation that the electoral laws/systems have been one of the major factors of the fragility of the Albanian democracy was proved both qualitatively and quantitatively. This was also supported by the results of the public opinion survey, I held prior to the 2005 elections in Tirana and its surroundings.

## Bibliography

### European Institutions Documents:

European Commission for Democracy through Law (Venice Commission, Council of Europe); OSCE/ODHIR. 2004. *Joint Recommendations on the Electoral Law and the Electoral Administration in Albania*. Warsaw/Strasbourg. 2 November 2004. [online] Opinion No. 273 / 2004, CLD-AD(2004)017. [Accessed 2010-06-10]. Available at: <http://www.venice.coe.int/docs/2004/CDL-AD%282004%29017-e.asp> >

European Commission for Democracy through Law (Venice Commission, Council of Europe); OSCE/ODHIR. 2007. *Joint Opinion on the Amendments of the Electoral Code of the Republic of Albania*. Strasbourg/Warsaw. 23 October 2007 [online]. Opinion No. 435 / 2007, CDL-AD(2007)035. [Accessed 2010-06-10]. Available at: <http://www.venice.coe.int/docs/2007/CDL-AD%282007%29035-e.asp>>

European Commission for Democracy through Law (Venice Commission, Council of Europe); OSCE/ODHIR. 2009. *Joint Opinion on the Electoral Code of the Republic of Albania*. Strasbourg/Warsaw. 13 March 2009 [online]. Opinion No. 513 / 2009, CDL-AD(2009)005. [Accessed 2010-06-10]. Available at: <<http://www.venice.coe.int/docs/2009/CDL-AD%282009%29005-e.asp>>

European Commission for Democracy through Law (Venice Commission, Council of Europe). 2008. *Opinion on the Amendments to the Constitution of the Republic of Albania*. Strasbourg, 15 December 2008 [online]. Opinion 491/2008, CDL-AD(2008)033. [Accessed 2010-06-10]. Available at: <http://www.venice.coe.int/docs/2008/CDL-AD%282008%29033-e.asp>

Parliamentary Assembly of Council of Europe (PACE). 2009. *Observation of the Parliamentary Elections in Albania, 28 June 2009*. Strasbourg. 16 September 2009. Doc. 12007 [online]. [Accessed 2010-06-10]. Available at: <http://aceproject.org/regions-en/countries-and-territories/AL/reports/observation-of-the-parliamentary-elections-in/view>

Parliamentary Assembly of Council of Europe (PACE). 2010a. *The Functioning of Democratic Institutions in Albania*. Assembly debate on 28 January 2010 (8th Sitting). Resolution 1709 [online]. [Accessed 2010-06-10]. Available at: <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta10/ERES1709.htm>

Parliamentary Assembly of Council of Europe (PACE). 2010b. *The Functioning of Democratic Institutions in Albania*. Strasbourg. 11 January 2010. Doc. 12113 [online]. [Accessed 2010-06-10]. Available at: <http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc10/EDOC12113.htm>

Parliamentary Assembly of Council of Europe (PACE). 2010c. *The Functioning of Democratic Institutions in Albania*. PACE Monitoring Committee draft resolution. Paris. 17 December 2009 [online]. [Accessed 2010-06-10]. Available at: [http://assembly.coe.int/CommitteeDocs/2009/20091217\\_Albania\\_E.pdf](http://assembly.coe.int/CommitteeDocs/2009/20091217_Albania_E.pdf)

European Parliament. 2010a. *EU Membership Prospects of Albania and Kosovo*. Press release, 23 June 2010 [online]. [Accessed 2010-06-10]. Available at: [http://www.europarl.europa.eu/news/expert/infopress\\_page/027-76431-172-06-26-903-20100621IPR76430-21-06-2010-2010-false/default\\_en.htm](http://www.europarl.europa.eu/news/expert/infopress_page/027-76431-172-06-26-903-20100621IPR76430-21-06-2010-2010-false/default_en.htm)

European Parliament. 2010b. *European Parliament's Foreign Affairs Committee Calls for End of Visa Requirements for Albanian Citizens until the End of 2010*. Press release, 23 June 2010 [online]. [Accessed 2010-06-10]. Available at: <http://www.eppgroup.eu/press/showPR.asp?PRControlDocTypeID=1&PRControlID=9498&PRContentID=16274&PRContentLg=en>

### **International Crisis Group documents:**

International Crisis Group (ICG).1999. *The State of Albania*. Europe Report No. 54, Brussels. 6 Jan 1999 [online]. [Accessed 2010-06-10]. Available at: <http://www.crisisgroup.org/en/regions/europe/balkans/albania.aspx>

International Crisis Group (ICG).2000. *Albania: State of the Nation*. Europe Report No.87, Brussels. 1 March 2000 [online]. [Accessed 2010-06-10]. Available at: <http://www.crisisgroup.org/en/regions/europe/balkans/albania.aspx>

International Crisis Group (ICG).2001a. *Albania: State of the Nation 2001*. Europe Report No.111, Brussels. 25 May 2001 [online]. [Accessed 2010-06-10]. Available at: <http://www.crisisgroup.org/en/regions/europe/balkans/albania.aspx>

International Crisis Group (ICG).2001b. *Albania's Parliamentary Elections 2001*. Europe Briefing No.22, Brussels. 23 August 2001 [online]. [Accessed 2010-06-10]. Available at: <http://www.crisisgroup.org/en/regions/europe/balkans/albania.aspx>

International Crisis Group (ICG).2003. *Albania: State of the Nation 2003*. Europe Report No.140, Brussels. 11 March 2003 [online]. [Accessed 2010-06-10]. Available at: <http://www.crisisgroup.org/en/regions/europe/balkans/albania.aspx>

### **OSCE Documents:**

CSCE. 1990. *The Copenhagen Meeting of the Conference on the Human Dimension of the CSCE*. Final document. Copenhagen. 29 June 1990[online]. [Accessed 2010-06-10]. Available at: [http://www.osce.org/documents/odihr/1990/06/13992\\_en.pdf](http://www.osce.org/documents/odihr/1990/06/13992_en.pdf)

OSCE/ODIHR. 1996. *Observations of the Parliamentary Election in Albania, 26 May and 2 June 1996*. OSCE/ODIHR Election Observation Mission Final Report. 2 July

1996 [online]. [Accessed 2010-06-10]. Available at: <<http://www.osce.org/odihr-elections/documents.html?lsi=true&src=6&grp=207&limit=10&pos=40>>

OSCE/ODIHR. 1997. *Final Report on Parliamentary Elections in Albania, 29 June and 6 July 1997*. OSCE/ODIHR Election Observation Mission Final Report. 6 August 1997 [online]. [Accessed 2010-06-10]. Available at: <<http://www.osce.org/odihr-elections/documents.html?lsi=true&limit=10&grp=207>>

OSCE/ODIHR. 2001. *Final Report on Parliamentary Election in Albania, 24 June - 19 August 2001*. OSCE/ODIHR Election Observation Mission Final Report. 11 October 2001 [online]. [Accessed 2010-06-10]. Available at: <<http://www.osce.org/odihr-elections/documents.html?lsi=true&src=6&grp=207&limit=10&pos=30>>

OSCE/ODIHR. 2003. *Local Government Elections in Albania 12 October 2003*. OSCE/ODHIR Needs Assessment Mission Report. 11-16 July 2003 [online]. [Accessed 2010-06-10]. Available at: <http://www.osce.org/odihr-elections/documents.html?lsi=true&src=6&grp=207&limit=10&pos=20>

OSCE/ODIHR. 2005. *Final Report on Parliamentary Election in Albania, 3 July 2005*. OSCE/ODIHR Election Observation Mission Final Report. 8 November 2005 [online]. [Accessed 2010-06-10]. Available at: <<http://www.osce.org/odihr-elections/documents.html?lsi=true&src=6&grp=207&limit=10&pos=30>>

OSCE/ODIHR. 2009. *Final report on the 28 June 2009 parliamentary elections in the Republic of Albania*. OSCE/ODIHR Election Observation Mission Final Report. 14 September 2009 [online]. [Accessed 2010-06-10]. Available at: <<http://www.osce.org/odihr-elections/documents.html?lsi=true&src=6&grp=207&limit=10&pos=0>>

## **IFES Documents**

International Foundation for Electoral Systems (IFES). *Republic of Albania: A Technical Assessment of the Election of the Peoples Assembly, March 9 - April 2, 1992*. [online] May 1992. [Accessed 2010-06-10]. Available at: <<http://www.ifes.org/Content/Publications/Reports/1992/Republic-of-Albania-A-Technical-Assessment-of-the-Election-of-the-Peoples-Assembly-March-9-April.aspxPDF>>

International Foundation for Electoral Systems (IFES). *Pre-Election Technical Assessment of the Republic of Albania, March 1996*. [online] April 1996. [Accessed 2010-06-10]. Available at: <http://www.ifes.org/Content/Publications/Reports/1996/Pre-Election-Technical-Assessment-of-the-Republic-of-Albania-March-1996.aspx>

International Foundation for Electoral Systems (IFES). *Technical Assistance Mission to the OSCE/ODHIR, Republic of Albania, May - July 1997*[online] August 1997. [Accessed 2010-06-10]. Available at: <http://www.ifes.org/Content/Publications/Reports/1997/Technical-Assistance-Mission-to-the-OSCEODHIR-Republic-of-Albania-May-July-1997.aspx>

International Foundation for Electoral Systems (IFES). *Albania Final Report: April 1998-September 2000*. [online] December 2000. [Accessed 2010-06-10]. Available at: <http://www.ifes.org/Content/Publications/Reports/2000/Albania-Final-Report-April-1998-September-2000.aspx>

### **Election Documents:**

Komisioni Qëndror i Zgjedhjeve. *Buletini i Zgjedhjeve për Kuvend 2005*. [cd-room]. Available at: <http://www.cec.org.al/>

Komisioni Qëndror i Zgjedhjeve. *Buletini i Zgjedhjeve për Kuvend 2009*. [cd-room]. Available at: <http://www.cec.org.al/>

### **Important Laws:**

The Constitution of the People's Socialist Republic of Albania. Adopted on December 28, 1976. [online]. [Accessed 2010-06-10]. Available at: <http://bjoerna.dk/dokumentation/Albanian-Constitution-1976.htm>

Republic of Albania, Law No 7491. *On Major Constitutional Provisions*, dated 29 April 1991 [online]. [Accessed 2010-06-10]. Available at: [http://www.servat.unibe.ch/law/icl/al00000\\_.html](http://www.servat.unibe.ch/law/icl/al00000_.html)

Draft Constitution for Albania, 1993 [online]. [Accessed 2010-06-10]. Available at: <http://www.ipls.org/constitution/draft93/cp3.html>

Draft Constitution of Albania 1994 [online]. [Accessed 2010-06-10]. Available at: <http://www.ipls.org/constitution/draft94/cp3.html#c2>

The Constitution of the Republic of Albania, approved by Referendum on 22 November 1998. [online]. [Accessed 2010-06-10]. Available at: <http://www.ipls.org/services/kusht/contents.html>

The Constitution of the Republic of Albania, Law No. 8417, dated 21 October 1998, approved by Referendum 22 November 2008, amended by Law No. 9675, dated 13 January 2007, and by Law No. 9904, dated 21 April 2008 [online]. [Accessed 2010-06-10]. Available at: [http://www.osce.org/documents/pia/1998/11/4321\\_en.pdf](http://www.osce.org/documents/pia/1998/11/4321_en.pdf)

ACE: Electoral Knowledge Network [online]. [Accessed 2010-06-10]. Available at: <http://aceproject.org/regions-en/countries-and-territories/AL>

Election Guide [online]. [Accessed 2010-06-10]. Available at:  
<http://www.electionguide.org/>

Legislation Albania. *In Lexadin: The World Law Guide*. [online]. [Accessed 2010-06-10]. Available at:  
<http://www.lexadin.nl/wlg/legis/nofr/eur/lxwealb.htm#Constitutional%20Law>

Republic of Albania, Law No. 7556, dated February, 1992. *On the Elections of the People's Assembly of the Republic of Albania*. Official Journal of the Republic of Albania, No. 1/1992, pp. 36-51.

Republic of Albania, Law No. 7556, dated February 4, 1992. *On the Elections of the People's Assembly of the Republic of Albania*, amended by Law No. 8055, dated February 1, 1996. [online]. [Accessed 2010-06-10]. Available at:  
<http://www1.law.nyu.edu/eecr/bycountryrefs/albania1996AmendmentsToElectCode.html>

Republic of Albania, Law No. 8218, dated May 16, 1997. *On Some Changes to Law No. 7556, dated February 4, 1992 "On the Elections of the People's Assembly of the Republic of Albania"*, amended by Law No. 8143, dated September 11, 1996. [online]. [Accessed 2010-06-10]. Available at:  
<http://www1.law.nyu.edu/eecr/bycountryrefs/albania1997AmendmentsToElectLaw.html>

The Electoral Code of the Republic of Albania. Law No.8609, dated May 8, 2000 [online]. [Accessed 2010-06-10]. Available at:  
<http://www1.law.nyu.edu/eecr/bycountryrefs/albaniaElectoralCode.html>

The Electoral Code of the Republic of Albania. Law No. 9087, dated 19 June 2003. [online] Opinion No. 273/2004, CDL-AD(2004)009. [Accessed 2010-06-10]. Available at: <http://www.venice.coe.int/docs/2004/CDL%282004%29009-e.asp>

The Electoral Code of the Republic of Albania. Approved by Law No. 9087, dated 19 June 2003, amended by Law No. 9297, dated 21 October 2004, by Law No. 9341, dated 10 January 2005, by Law No. 9371, dated 14 April 2005 and by Law No. 9676, dated 13 January 2007. [online]. Opinion No. 435 / 2007, CDL-EL(2007)009. [Accessed 2010-06-10]. Available at: <http://www.venice.coe.int/docs/2007/CDL-EL%282007%29009-e.asp>

The Electoral Code of the Republic of Albania. Law No. 10019, dated 29 December 2008. [online]. Opinion No. 513 / 2009, CDL(2009)005 [Accessed 2010-06-10]. Available at: <http://www.venice.coe.int/docs/2009/CDL%282009%29005-e.asp>

## Articles and Journals

BUGAJSKI, J. (2001). Facing the Future: The Balkans to the Year 2010. *Center for European Integration Studies ZEI Discussion Paper*, C. 86.

DELOY, C. (2009). Albania: General Elections of 28th June 2009 (Analysis). *Robert Schuman Foundation European Election Monitor* [online]. [Accessed 2010-06-10]. Available at: <http://www.robert-schuman.eu/oeo.php?num=576>

ELBASANI, A.(2008).Mixed Member Electoral Systems in Transition Contexts: How has the System Worked in Albania?. *CEU Political Science Journal*, Vol.3, No.1, pp. 72-92. Available at: [www.cceol.com](http://www.cceol.com)

GALLAGHER, M. (1991). Proportionality, Disproportionality and Electoral Systems. *Electoral studies*, Vol.10, pp 43.

JARVIS, C. (2000). The Rise and Fall of the Pyramid Schemes in Albania. *IMF Staff Papers*, Vol. 47, No.1.

KAJSIU, B. (2008). Nations in Transit. Country Report: Albania. *Freedom House Reports*. [online]. [Accessed 2010-06-10]. Available at: <http://www.freedomhouse.hu/pdffdocs/albania2005.pdf>

PANO, N. (1974). The Albanian Cultural Revolution. *Problems of Communism*, Vol. 23, No.4 (July- August), pp 50.

PAPA, E. (2007). Political Parties in Albania. *Albanian Journal of Politics*, Vol.3, No.2, pp. 149-171.

RAMA, SH. A.(1997). Failed Transition, Elite Fragmentation and the Parliamentary Election of June 29, 1997. *The International Journal of Albanian Studies*. Vol. 1, No. 1, pp. 82-125.

RAMA, SH. Interview. *Gazeta Shqiptare*, 5.11.2006b.

*Albanian Life*. Vol. 43, No.3, 1988, pp.37-40.

*Albanian Life*. Vol.47, No.1, 1990, pp.1-7.

*The Guardian*. 12 January 1990, p.10.

**Books:**

ARON, R. (1968). *Democracy and Totalitarianism*. London: Weidenfeld & Nicolson.

BARJABA, K. (2004). *Albania's Democratic Elections, 1991-1997: Analyses, Documents and Data*. Berlin: Edition Sigma.

BIAGINI, A.; GUIDA, F. (1994). *Mezzo Secolo di Socialismo Reale: L'Europa Centro-Orientale dal Secondo Conflitto Mondiale alla Caduta dei Regimi Comunisti*. Torino: G. Giappichelli.

BIBERAJ, E. (1998). *Albania in Transition: the Rocky Road to Democracy*. Boulder, Colo.: Westview Press.

BUGAJSKI, J.; POLLACK, M. (1989). *East European Fault Lines: Dissent, Opposition, and Social Activism*. Boulder: Westview Press.

BUGAJSKI, J. (1991). *Fourth World Conflicts: Communism and Rural Societies*. Boulder, Colo.: Westview Press.

BUGAJSKI, J. (1993). *Nations in Turmoil: Conflict and Cooperation in Eastern Europe*. Boulder: Westview Press.

BUGAJSKI, J. (2000). *Southeast European Reconstruction: Winning or Losing the Balkans*. Washington: Center for Strategic International Studies.

BUGAJSKI, J. (2002). *Political Parties of Eastern Europe: a Guide to Politics in the Post-Communist Era*. Armonk, N.Y.: M.E. Sharpe.

CASTELLAN, G. (1992). *History of the Balkans: from Mohammed the Conqueror to Stalin*. East European Monographs. Boulder, New York, N.Y: Distributed by Columbia University Press.

CENTRE FOR LIBERAL STRATEGIES (BULGARIA), INSTITUTE FOR MARKET ECONOMICS (BULGARIA) & NATIONAL ENDOWMENT FOR DEMOCRACY (U.S.) (2003). *The Inflexibility Trap: Frustrated Societies, Weak States and Democracy: the State of Democracy in the Balkans*. Sofia: Centre for Liberal Strategies.

COLOMER, J. M. (2004). *Handbook of Electoral System Choice*. Houndmills, Basingstoke, Hampshire; New York, N.Y.: Palgrave Macmillan.

DAWISHA, K.; PARROTT, B. (1997). *The Consolidation of Democracy in East-Central Europe*, Cambridge, U.K.; New York, N.Y.: Cambridge University Press.

DUVERGER, M. (1954). *Les Partis Politiques*. Paris: A. Colin.

- DUVERGER, M. (1963). *Political Parties; their Organization and Activity in the Modern State*. New York, N.Y.: Wiley.
- FISCHER, B.-J. R. (1984). *King Zog And The Struggle For Stability In Albania*. East European Monographs. Boulder, New York, N.Y.: Distributed by Columbia University Press.
- FRUCHT, R. C. (2000). *Encyclopedia of Eastern Europe: From the Congress of Vienna to the Fall of Communism*. New York, N.Y.: Garland Pub.
- GALLAGHER, T. (2000). Nationalism and Democracy in South-East Europe. In GALLAGHER, T; PRIDHAM, G. (eds.) *Experimenting with Democracy, Regime Change in the Balkans*. London: Routledge.
- GALLAGHER, M.; MITCHELL, P. (2005). *The Politics of Electoral Systems*. Oxford, U.K.; New York N.Y.: Oxford University Press.
- GLENNY, M. (1999). *The Balkans, 1804-1999: Nationalism, War and the Great Powers*. London: Granta Books.
- GROFMAN, B.; LIJPHART, A. (1986). *Electoral Laws and Their Political Consequences*. New York, N.Y.: Agathon Press.
- HUNTINGTON, S. P. (1991). *The Third Wave: Democratization in the Late Twentieth Century*. Norman: University of Oklahoma Press.
- JELAVICH, B. (1983). *History of the Balkans*. Cambridge, U.K.; New York N.Y.: Cambridge University Press.
- KAJSIU, B. (2004). *Political Parties in Albania - Amidst Dilemmas and Challenges*. Sofia: Friedrich Ebbert.
- KITSCHOLT, H. (1999). *Post-Communist Party Systems: Competition, Representation, and Inter-Party Cooperation*. Cambridge, U.K.; New York, N.Y.: Cambridge University Press.
- KRASNIQI, A. (2006). *Partitë Politike në Shqipëri 1920-2006: Historia dhe Tiparet e Partive, të Parlamenteve dhe të Zhvillimeve Politike*. Tiranë: Eurorilindja.
- KRASNIQI, A. (2008). *Partitë Politike dhe Sistemet Politike: Historia, Roli, Organizimi, Modelet dhe Tiparet e Partive dhe Sistemeve Politike*. Tiranë: Eurorilindja.
- LIJPHART, A. (1994). *Electoral Systems and Party Systems: A Study of Twenty-Seven Democracies, 1945-1990*. Oxford, U.K.; New York, N.Y.: Oxford University Press.

LIJPHART, A. (1999). *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*. New Haven, Conn.: Yale University Press.

LINZ, J. J.; STEPAN, A. C. (1996). *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*, Baltimore: Johns Hopkins University Press.

LINZ, J. J. (2000). *Totalitarian and Authoritarian Regimes*. Boulder: Col., Lynne Rienner Publishers.

OMARI, L. (2004). The Evolution of the Albanian Constitution. In BARJABA, K. (Ed.) *Founding Elections in Eastern Europe, Albania's Democratic Elections 1991-1997*. Berlin: Edition Sigma.

PANO, N. C. (1968). *The People's Republic of Albania*. Baltimore: Johns Hopkins Press.

PRIDHAM, G. & GALLAGHER, T. (2000). *Experimenting with Democracy: Regime Change in the Balkans*. London, U.K.; New York, N.Y.: Routledge.

PRIFTI, P. R. (2002). *Land of Albanians: A Crossroad of Pain and Pride*. Tiranë: Horizont.

PRZEWORSKI, A. (1991). *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America*. Cambridge, U.K.; New York, N.Y.: Cambridge University Press.

PRZEWORSKI, A. (1995). *Sustainable Democracy*. Cambridge, U.K.; New York, N.Y.: Cambridge University Press.

PRZEWORSKI, A., STOKES, S. C. & MANIN, B. (1999). *Democracy, Accountability, and Representation*. Cambridge, U.K.; New York, N.Y.: Cambridge University Press.

RAE, D. W. (1971). *The Political Consequences of Electoral Laws*. New Haven: Yale University Press.

RAMA, SH. A. (2006). *Probleme Politike Shqiptare: Përmbledhje me Analiza e Materiale*, Shkodër: Instituti i Studimeve Kombëtare Shqiptare.

RIKER, W. H. (1986). Duverger Law's Revisited. In GROFMAN, B.; LIJPHART, A. (eds.). *Electoral Laws and their Political Consequences*. New York, N.Y.: Agathon Press. pp 19-40.

ROTHSCHILD, J. (1989). *Return to Diversity: A Political History of East Central Europe since World War II*. New York, N.Y.: Oxford University Press.

SARTORI, G. (1962). *Democratic Theory*. Detroit: Wayne State University Press. 2nd ed.

SARTORI, G. (1976). *Parties and Party Systems: A Framework for Analysis*. Cambridge U.K.: Cambridge University Press.

SARTORI, G. (1986). The Influence of Electoral Systems: Faulty Laws or Faulty Methods?. In GROFMAN, B.; LIJPHART, A. (eds.). *Electoral Laws and their Political Consequences*. New York, N.Y.: Agathon Press. pp 43-68.

SARTORI, G. (1997). *Comparative Constitutional Engineering: An Inquiry into Structures, Incentives, and Outcomes*. Washington Square, N.Y.: New York University Press.

SHUGART, M. S.; WATTENBERG, M. P. (2001). *Mixed-Member Electoral Systems: The Best of both Worlds?*. Oxford, U.K.; New York, N.Y.: Oxford University Press.

SHUGART, M.S.; WATTENBERG, M. P. (2001). Introduction: The Electoral Reform of the Twenty-First Century. In SHUGART, M. S. ; WATTENBERG, M. P. (eds.) *Mixed-Member Electoral Systems: The Best of both Worlds?*. Oxford, U.K.; New York, N.Y.: Oxford University Press.

SHUGART, M. S.; WATTENBERG, M. P. (2001). Mixed- Member Electoral Systems a Definition and Typology. In SHUGART, M. S.; WATTENBERG, M. P. *Mixed-Member Electoral Systems: The Best of both Worlds?*. Oxford, U.K.; New York, N.Y.: Oxford University Press.

SKENDI, S. (1958). *Albania*. Mid-European Studies Center of the Free Europe Committee. New York, N.Y.: F.A. Praeger.

SCHNYTZER, A. (1992). Albania: The Purge of Stalinist Economic Ideology. In JEFFRIES, I.(ed.) *Industrial Reform in Socialist Countries: from Restructuring to Revolution*. Aldershot, U.K.: Elgar. pp.44-61.

TAAGEPERA, R. (2007). *Predicting Party Sizes: The Logic of Simple Electoral Systems*. Oxford, U.K.; New York, N.Y.: Oxford University Press.

TAAGEPERA, R.; SHUGART, M. S. (1989). *Seats and Votes: The Effects and Determinants of Electoral Systems*. New Haven: Yale University Press.

## Shrnutí

Téměř 20 let od pádu komunismu, v porovnání s ostatními bývalými komunistickými zeměmi v regionu, není možné Albánii považovat za stabilní demokracii. Současný stav demokracie v Albánii je charakterizován krizí legitimacy vzhledem k probíhajícím sporným volbám, pokračující politické krizi, probíhajícímu nedostatku oddělení a rovnováhy mocí, ekonomické krizi a krizi reprezentace, slabým státním institucím, neefektivnímu soudnictví, lokální korupci, klientelismu, a podřízení základních státních institucí politické vůli jednotlivců reprezentující velmi omezené zájmy. V Albánii nejsou státní úřady nezávislé a dostatečně silné, aby regulovaly pravidla hry. Procházejí častými změnami na základě politických rozhodnutí hlavních politických stran, a povrchních dohod, které jsou snadno napadeny, když výsledek není takový, jaký jedna nebo druhá strana očekává.

Faktory, které ovlivnily křehkost albánské demokracie, jsou různé. Nicméně, v této práci jsem si předsevzala osvětlit, co považuji za hlavní slabiny albánské demokracie. Z tohoto důvodu jsem se zaměřila na politické důsledky a účinky volebních zákonů v albánském politickém systému a albánském stranickém systému, následný model analýzy založené na vzájemném vztahu mezi demokratickými procesy a politickými vstupy a výstupy.

Analyzovala jsem politické vstupy a výstupy demokratického procesu prostřednictvím 4 hlavních veličin: politický systém, což znamená institucionální sféry, političtí činitelé ve smyslu politické strany, politická elita a volební zákony / systémy. Také jsem se snažila oddělit historické dědictví od současných politických vstupů. Pro tento účel jsem rozvrhla práci do 8 hlavních kapitol. První kapitola obsahuje úvod do historického pozadí státního zřízení. Druhá kapitola analyzuje institucionální dědictví meziválečného období. Třetí kapitola se zaměřuje na charakteristiku albánského komunistického režimu a jeho výsledky. Čtvrtá kapitola se zaměřuje na přechodné období prostřednictvím podrobné analýzy strategických rozhodnutí politiků a výsledky transformačního procesu. Pátá kapitola se zaměřuje na fázi utváření post-komunistických institucí mezi 1991-2001. To vysvětluje vstupy a výstupy z politických procesů a počáteční institucionální vyjednávání a návrhy. Šestá kapitola se zaměřuje na fázi konsolidace těchto institucí mezi 2001-2010. Analýza osvětlila procesy, které vedly k návrhu volebních zákonů / systémů, faktorů, činitelů, vlivů, korelací moci ve vyjednávání, a k výsledkům zapojení mezinárodního společenství do procesu utváření institucí. Sedmá kapitola předkládá albánské institucionální a volební inženýrství v posledních 2 desetiletích a jeho výsledky. Osmá kapitola je empirickou analýzou mechanických účinků v reprezentaci a stranického systému albánských parlamentních voleb v roce 2005 a 2009. Dizertační práce je zakončena přílohou s výzkumem veřejného mínění, jenž proběhl před parlamentními volbami v roce 2009 a závěry, které shrnují hlavní nálezy analýzy.