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onsolidation of Democracy: Albania

NAJADA TAFILI

INTRODUCTION

The end of the Cold War and the dismantlement of the Soviet Union led the majority of former totalitarian and communist countries in the Soviet System to a process of opening up, best described by Samuel Huntington as part of a “third wave of democracy.” This third wave introduced the concept of democracy as a process: it moves from a break up of an authoritarian regime, through transition, and towards democratic consolidation. Former communist countries in Eastern Europe are part of this third wave. While most of these countries have arguably achieved the successful consolidation of democracy, this has not been the case with Albania, where a vast array of issues continues to hold the nation back and prevents the consolidation of democracy.

This paper takes into consideration the case of Albania as a country in transition after the overthrow of the authoritarian communist regime fifteen years ago. Why is Albanian democracy still unconsolidated after all of these years? Could it be argued that Albania is still a country in transition?

There are a variety of different forms of authoritarianism that fundamentally constrain any democratic transition in characteristic ways and systematically create obstacles to democratic consolidation. Different types of authoritarian regimes affect the subsequent trajectory of transition efforts toward democratization in systematic ways.¹ These

varied transitions are delimited from one another, on the one hand, by the launching of processes of dissolution of an authoritarian regime and, on the other, by the installation of some form of democracy, the return to some form of authoritarian rule, or the emergence of a revolutionary alternative.

Linz and Stepan argue that a set of prerequisites are needed for a country to pass from an authoritarian to a consolidated democratic regime. The authors state that there should exist a state with uncontested borders; a social and political environment conducive to the growth of civil society; a functioning and respected political society; the rule of law; a usable bureaucracy; and an institutionalized economic society.² For the purpose of this paper, I will focus on four of these proposed prerequisites needed to introduce a democratic regime: a functioning and respected “**political society**,” meaning parties and other institutions for choosing leaders and policies; a **fair and free electoral system**, meaning a system of political representation “accepted by all parties as the only game in town;” a social and political environment conducive to the growth of “**civil society**,” defined here as constituted by associated groups not formally linked to government and political parties; and **the rule of law**, meaning “strong legal and regulatory frameworks, and equal access to justice.”³

This paper argues that the new norms and standards for election organization and rule of law are beyond the transitional phenomena’s explanation and that the way Albania passed from an authoritarian to a

¹ Juan J. Linz and Alfred Stepan. *Problems of Democratic Transition and Consolidation* (Baltimore, MD: John Hopkins University Press, 1996).

² Linz and Stepan (1996).

³ G. Shabbir Cheema. *Building Democratic Institutions, Governance Reform in Developing Countries* (USA: Kumarian Press Inc., 2005).

democratic regime has affected the necessary prerequisites proposed by Linz and Stepan. This paper will begin with a historical background of the system's change in Albania. Next, taking into consideration each one of the proposed prerequisites, I argue that Albania is passing from a phase of transition into a phase of setting transition effects as standards, and that this is primarily a consequence of its unique communist past. Furthermore, I suggest that it is imperative for Albanian political actors to understand that the consolidation of democracy comes through cooperation not based only on self-interests but also on society-oriented interests and that the rules of the game must be accepted by all parties in play.

HISTORICAL BACKGROUND

To place into context the complexity of the current democratization process in Albania, it is important to take into account the totalitarian communist history of the country. Compared to other Eastern European countries, Albania experienced one of the harshest and idiosyncratic communist regimes:⁴ It was isolated for half a century, even from other communist bloc countries, thus undermining current and future development efforts.

Some of the main characteristics of the regime during this current period include government paranoia and propaganda directed against external players/forces/states; the use of patriotism and nationalistic rhetoric to make isolation possible; the elimination of possible political opposition; the elimination of intellectuals and dissidents; the abolishment of religious practices; and the harshest political

persecution.⁵ In a country of only three million inhabitants, hundreds of thousands suffered political persecution. The regime and its practices created a deeply divided society and a one-party state. Albania remained a mystery to the outside world until the fall of communism in 1991, when political pluralism and democratic elections were first allowed. Private property, along with religion, was completely banned, and farmers were forced to join cooperatives and to collectivize their livestock. Many major public infrastructures, such as railways, irrigation systems, and plantations, were executed through forced voluntary work by the population or youth. Everybody was expected to volunteer, which is why "voluntary work" is quite a misnomer for the kind of work that was carried out. By abolishing private property, through forced collectivization and "voluntary work," the state extended its domain to the private sphere of the individual, who was thus placed almost completely under the state's control. However, it is important to stress that on the eve of democratic changes, Albania was the poorest country in Europe, with no economy and little infrastructure.

The main difference between Albania and the other Eastern European totalitarian communist countries was the fact that Albania did not experience liberalization towards the end of the 1970s and 1980s. On the contrary, during this time period, the totalitarian leader Enver Hoxha implemented an even more extreme isolationism of the country. Through the elimination of western-educated Albanians, the party left no space for the creation of any liberal political elite, thus leaving Albania to its own devices during the transition period of the 1990s.⁶

⁴ Shinasi Rama. *Probleme Politike Shqiptare* (n.p.: National Albanian Studies Institute, 2006).

⁵ Elez Biberaj. *Albania in Transition: The Rocky Road to Democracy* (Westview Press, 1998).

⁶ Rama (2006).

The way democratic changes were brought forth in Albania comprises an individual phenomenon among the former communist countries in East Europe. Albania was the last country in Europe to open up to pluralism and democratic regime. Political scientists have debated the reasons for which the systemic change was eventually made possible in the country: Did the popular protests affect change? Or was the old political elite eager to give in to the new changes, realizing there were no clear paths out of the economic and social collapse? Shinasi A. Rama, argues that the systemic changes are a reflection of both; there were indeed pressures from below, but the political elite at that time could have controlled those pressures if they so desired.⁷

Communist collapse in Albania was followed by a moral, spiritual, and cultural crisis, which was reflected in a loss of confidence, decline in national identity, and civic morals. Ismail Kadare, the prominent Albanian writer, describes this period as the other extreme of post-communist Yugoslavia, where nationalistic trends existed; the Albanians tended toward the other extreme: "great indifference."⁸

Albania has also inherited significant social cleavages as a result of its totalitarian communist past. During the reign of the communist regime, the nation was divided by a fundamental social cleavage which existed between two groups: the supporters of communism and those who were persecuted during that period and were extremely, almost dangerously, against communism. This

⁷ Shinasi Rama. "Failed transition, elite fragmentation, and the Parliamentary Elections of June 29, 1997" *The International Journal of Albanian Studies* 1, no. 1 (1997): 82.

⁸ Interview with Ismail Kadare. "Dealing a blow to dictatorship," *Transition* 1, no. 20 (November 1995).

political climate undoubtedly nurtured confrontational attitudes which are seen even in today's politics. These attitudes are used by the political elite especially during elections since anti-communist rhetoric continues to play an important role. At the same time at the start of democratic changes, after more than forty-five years of total isolation and collectivization, Albanians understood freedom as the "unhindered pursuit of personal gains at the expense of society and public good."⁹

One of the main characteristics that the present Albanian society has inherited from its communist past is the strong identification of the party with the state. The party winning the elections is perceived as the complete ruler of the state.¹⁰

Overall, it is important to say that although the communist past was harsh and the democratic changes were somehow not traditional, the transition from communism to democracy was fulfilled in a peaceful way. However, this left a fertile ground for democratic malformations and a vacuum where democratic prerequisites should have been. One of the issues stemming from the communist legacy is the lack of a functioning system of checks and balances that limits the misuse of power, corruption, and political overkill of rivals.

1. A FUNCTIONING & RESPECTED POLITICAL SOCIETY

A formal act in 1990 by the political leadership authorized the formation of other independent political organizations in Albania, bringing an end to the dark forty-seven-year rule of the country's only party, the Communist

⁹ Blendi Kajsiu. "*Ligjerimi Steril*" (2005).

¹⁰ Arolda Elbasani. "Democratization Process in Albania: Manipulation or Appropriation of International Norms?" (January 2004).

Party of Albania (later known as the Labor Party).¹¹ Albania was the last country among the communist bloc in Europe that opened up to the change from totalitarian regime to a democratic one, almost a year after the bloody revolution in Romania. For forty-seven years Albania had experienced the power of only one party and one of the harshest political control of a one party-state in all its history.

The changes in the system seemed to produce two main political groupings, reflecting a division between two fronts for and against communism.¹² With the first supposedly “*democratic*” elections and the coming into power of the Democratic Party in 1992, democracy was simply understood as anti-communism. Transition to a democratic government was perceived as being very clear; the complete destruction of the communist infrastructure and everything even remotely related to the one party-state, and freedom from unnecessary state control over the private lives of citizens. Although the call for action seemed just and easy, the task became difficult because whatever political or intellectual elite that existed at that time was educated under communism and, therefore, not adequately prepared to deal with the regime changes. Two major political groupings were created: the Socialist Party-led front, which inherited the infrastructure and to some extent the grass root organizations of the defunct Party of

¹¹ Ramiz Alia. *Une, Ramiz Alia, deshmoj per historine* (Tirana, 1993).

¹² The first two major parties to be established were former Party of Labor and Democratic Party. Labor Party, changing its name into Socialist Party, was a well-structured party, its membership and leadership came from communist politic bureau; while the Democratic Party was formed by intellectuals and students that started the social upheavals at the start of 1990, with little political experience and no clear political program, while somehow raised and educated under the same totalitarian regime.

Labor; and the right wing parties, which gathered around the fiercely anti-communist Democratic Party.

Compared to other Eastern European countries such as Poland or Bulgaria, the emerging Albanian political elite, although claiming to fight against communist legacies, was deeply rooted in its communist past. Albania stands somehow alone among former communist nations in its isolation and complete destruction of any dissident or Western-educated group of intellectuals.¹³ The group that started the Democratic Party (DP), although claiming that it was against communism and though it gathered support from those social strata that had suffered most under communism, could not be said to have been prepared for the democratic changes of the country. The DP was riding the anti-communist wave although its leaders were educated under communism and to some extent members of the former communist elite. The leader of the party, Sali Berisha, had been the secretary of the Party of Labor for the medical school of the University of Tirana, the only university in the country.

The Democratic Party won the elections in 1992, but the tense atmosphere surrounding that power change contributed to a heavy confrontational political climate in Albania and to a continuous challenging of the very notion of the legitimacy of elections and the right to govern. It is important to emphasize here that this spirit has characterized almost all the history of parliamentary elections in Albania and has become embedded in the system through repetition and creation of norms. “Political parties too often do not accept the legitimacy

¹³ Shinasi Rama makes a detailed analysis of the Albanian political elite at the start of democratic transition in his article “Mbi intelektualet shqiptare dhe rolin e inteligjences shqiptare ne fillimit e tranzicionit te shtetit shqiptar,” published in 2006.

of elections they lost and continually contest their results,” writes American political scientist Daniel Server.¹⁴

The main problem with the Albanian political parties is their deep-rooted perception of the party-state concept of the communist legacy. Consequently, the Albanian democratic elections have brought about a change not simply in government but in the whole administration apparatus, which is now being accepted as the norm. In 1992, when the first opposition party came into power, the argument for replacements in state agencies was justified as imposed by the circumstances. Since Albania had recently opened up to democracy, this implied a change not only for the government but a change for the whole system that had to adopt the free market economy. However, even at that time, there were cases of politically motivated dismissals, including experienced bureaucrats that held the state agencies afloat and could serve as a foundation for the new administration.

Making replacements in state institutions has become a *de-facto* system; any time a new party comes to power, new experts replace the previous party's experts. Hence, when the Socialist Party – the former communist party – came to power in 1997, it undertook a new campaign of politically-motivated dismissals in the public administration. This led, in turn, to the further weakening of institutions, creating panic and a lack of job security. A number of experts in state institutions resigned voluntarily from work for this very reason, although they were trained for five years with funds generated by Western taxpayers.¹⁵ It is hard to find experts that have worked longer than a single cycle of

¹⁴ Daniel Server. *Albanians in Balkan* (Tirana: ISHSN, 2001).

¹⁵ Afrim Krasniqi. *Partite Politike ne Shqiperi* (Tirana: Instituti Shqiptar i Studimit te Politikave, 2006).

rule by the current ruling political party, even though there is a law of civil service in place. This replacement process occurred in 1992-1997 (DP governing) and in 1997-2005 (SP governing). In 2005, although the Democratic Party promised not to make any changes in the state agencies and although the first 100 days of its rule were very promising, its second year in power has been accompanied with the same phenomena in which more than half of the public administration clerks have been dismissed. This move is still costing the state budget million of dollars.¹⁶

Another negative trend currently found in Albanian political parties is the abuse of principles, laws, and power in distributing and assigning government jobs. A reflection of this trend can be found in the lack of meritocracy within the party ranks; controversial political appointments are based on momentary interests, lacking any long term political sense. In 1993, the leadership of the Democratic Party requested the lifting of immunity for two of its own Members of Parliament, also serving as ministers, accused for corruption and abuse of power. The parliament was not presented with any evidence or facts implicating the two MPs of any wrongdoing. Their immunity was not lifted, but at least one of the ministers was expelled from the party and forced to resign; twelve years later the same dismissed ministers were invited to run as candidates for the Democratic Party in the name of “great change.”¹⁷ The same happened in the Socialist camp. The Socialist leader,

¹⁶ Civil Service Code foresees a one year-salary payment for dismissals of civil servants in an unjust way. According to media reports, there are more than 300 cases discussed in courts currently in all the country. Fletore Zyrtare. “Kuvendi i Shqiperise” *Statusi i Nepunesit Civil*: <http://www.parliament.al.org> (accessed May 12, 2007).

¹⁷ This is the main idea of the Democratic electoral campaign in 2001.

Fatos Nano, accused two important socialist ministers of abusive activities and corruption in 2001. No further effort to prove their innocence was made; the two ministers were invited two months later to be part of the government as the reshuffling of the socialist cabinet in the name of “integration efforts.”¹⁸ Such hectic behaviors are not only rooted on the legacy of the past, where the leader was always the one in power of the party and accountable to no one, but these behaviors also promote the personal power of the leader while decreasing the trust of the electorate and the party as a whole.

Furthermore, the political scene is dominated by power struggles that the politicians at this point do not even take the pain to veil as shallow values and mythic alternatives but present merely as personal confrontations. The ideological distinction between the two main parties of the left and right is becoming increasingly blurred and the parties have often swapped roles. On a number of occasions, the DP has acted like a center-left party, while SP is increasingly behaving as a center-right force.¹⁹ Even the international community is drawing attention to the negative effect of democracy on Albania. Not long ago, Doris Pack, Chairwoman of the European Parliament's Delegation for South Eastern Europe, said that the main problem in Albania is that “political leaders deal with their personal political battles within the party or between opponents. They do not have much time to think about the fate of the country and the people.”²⁰

There are reform-minded politicians in all major Albanian parties, many of whom are climbing in rank. Their cause is often

¹⁸ Krasniqi (2006).

¹⁹ Artan Fuga. *Majtas Jo Djathtas* (Tirana: Ora, 2002).

²⁰ Interview with Doris Pack, BBC, January 2004.

challenged by traditional party structures that too often support personality over principle, reward loyalty rather than vision, and centralize power rather than sharing it with its members. The casualties are transparency and accountability; the victor too often is corruption, and at the end of the day the public interest is not served.²¹ Different solutions have been suggested to somehow improve the internal organization of the parties in Albania. One such suggestion, put forward by the National Democratic Institute for International Affairs in Albania in September 2003, was that the introduction of “One Member One Vote” is an important tool in promoting internal democracy. Although there have been some achievements, party leaders continue to monopolize Albanian political parties.

Political scientist Nick Ellison has commented that “because of the totalitarian past, party leaders try to keep their power acting in oligarchic way, despite progress in other essential issues.”²²

The oligarchic organization of parties and the roots of party-state legacy have created another negative phenomenon characteristic of Albanian political elites in the years of alleged democratic transition: the boycott of institutions. After every contested election, the opposition has walked out of the parliament, leaving institutions unable to perform as forums for political debate and democratic management. One of the reasons for boycotting the parliament is to influence the

²¹Jennifer Butz. “Remarks on 2005 Parliamentary Elections in Albania” *United States Helsinki Commission*. Delivered by Jennifer Butz, Resident Director for Albania, National Democratic Institute for International Affairs March 21, 2005: <http://www.ndi.org> (accessed May 13, 2007).

²²Dan Redford, Najada Tafili, Elton Stefania, and Blerina Karagjozi. *One Member One Vote, An Essay Summary* (Tirana: NDI, 2005).

outcome of political elections; in times of crisis, poll results have sometimes produced majorities that exceed two thirds of votes in parliament, leaving the opposition parties as ineffective. A boycott is seen as the only way to remove legitimacy from acts perceived as unconstitutional and directly harming the losing side.²³

Boycotts are not a thing of the past. In 1998, the Democratic Party refused to sit in Parliament for over a year. Also, the decision of the Socialist Party to boycott two meetings of the Parliament in November 2006 demonstrated how easily Albania could relapse into extra-institutional politics during which the opposition often takes the political struggle outside of Parliament and into the streets.²⁴

2. FREE & FAIR ELECTIONS

Despite the continuous efforts, free and fair elections, one of the main pillars of democracy, still appears to be an unachieved objective in Albania. If one looks at international and national monitor reports on elections, one would note that the on-going evaluation by international monitoring groups is that elections have "signaled considerable improvements over the past processes, yet Albania has a long way to go before it fulfills internationally excepted standards for democratic elections."²⁵ Albania is a parliamentary republic and holds general elections once every four years, while local elections are held once every three years. The history of elections in Albania is characterized by many issues, which many political scientists

believe are rooted in its communist past.²⁶ Since the first pluralist elections in Albania in 1991, every round of the electoral process has been marred with problems. Such problems dealt with the legislative framework, voter roles and registration, political parties, shady coalitions, civil society, and the role of the media. Problems were also related to the management and organization of the main electoral body, the Central Elections Commission (CEC).

The first pluralist elections in Albania were organized in 1991, while the Party of Labor of Albania (the Communist Party) remained in power. These elections were not largely considered a part of the democratic process in Albania since they were organized while former communist elites remained in power. Nevertheless, these elections signaled fundamental changes for Albanian society and politics. The first opposition party, the Democratic Party, gained support in many important cities from a large group of citizens in urban areas. The political tension and public unrest that followed these elections, which were also affected by changes in some Eastern European countries, made possible the organization of elections in March 1992. These elections were considered a great step forward and a clear indication of the strong desire Albanians had to introduce democracy to the country.²⁷

Thus, this electoral process marked a distinguishing experience in the legitimacy of election results since they produced the only uncontested results in the electoral history of the country. This is argued because these

²³ Blendi Kajsii, Aldo Bumci, and Albert Rakipi. *Albania - A Weak Democracy A Weak State* (Tirana: AIIS, 2001).

²⁴ Freedom House. *Nations in Transit* (USA: Freedom House, 2006).

²⁵ Ibid.

²⁶ Blendi Kajsii, Mustafa Nano, and Andrea Stefani are sourced in different articles in local press (such as the *Standard* and *Panorama*).

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elections did not simply bring a change in government but a significant overall change in the system. These elections were also believed to be uncontested since the Socialist Party accepted its legacy from the past, since it had less than a year that had changed the name from Party of Labor, the only party during communism. As for the other election cycles, if one pays attention to continuous reports, one will see that the main problem is the lack of legitimacy and a history of boycott, which is accompanied by the “winner take all” attitude. Except for the 1992 elections that brought a change in the regime, all other parliamentary elections in Albania have been challenged by the losing party as being not free and fair. Eventually this also inspired the tradition of boycotting the legislative institutions from the losing party. Once a party comes to power, the entire state apparatus changes, and the ruling majority works on its interest by amending laws and exploiting institutions.

The elections of 1996, when the ruling Democratic Party was expected to win, were seriously marred as the democrats were assigned close to 90 percent of the seats in the parliament. According to international observers, “32 articles out of 79 dealing with the pre-election period and Election Day were violated.”²⁸ The country almost reverted back into an authoritarian regime when the President of Albania and Democratic Party chair, Sali Berisha, organized a farcical election under martial law for himself to become the new President in parliament.²⁹

On the same regard, the last report of the 2007 local elections by observers, a local effort organized and supported by National Democratic Institute for International Affairs

²⁸ OSCE. *Report on Albanian General Elections of 1996*: www.osce.org/odihr/report (accessed in May 2007).

²⁹ Rama (2006).

in Albania, found the following: a polarization of political debate in parliament precluded compromise and stymies reform efforts; the existence of a disconnect between elected officials and civil society, affecting the public’s ability to hold leaders accountable; an electoral reform is still necessary and a point of contention, especially concerning the issue of voter identification; and parties need to improve policy development and communication between headquarters and local branches.³⁰

The continuous struggle for legitimacy in elections is best expressed in one of the reports that Freedom House prepared for the state of democracy in Albania. “Albanian democratization brings to mind the legend of Sisyphus: It is marked by periods of progress followed by serious setbacks that bring it repeatedly to the starting point.”³¹ During 2005, Sisyphus was climbing up the hill again: The year was marked by free although unfair elections.³² These elections were followed by a peaceful rotation of power, the resignation of SP chairman Fatos Nano following the SP electoral defeat, and a renewed optimism on the country’s progress toward EU integration.³³

Most of the international monitors, scholars, and analysts expected better conditions for the most recent local elections, but they were proven wrong. In fact, the country was in a four month political and institutional crisis when the two main parties

³⁰ NDI Albania. “Albania: 2007 Local Elections” *National Democratic Institute for International Affairs*: <http://www.ndi.org> (accessed May 14, 2007).

³¹ Freedom House (2006).

³² Citizens Advocacy Office. *Dritare per Transparence* (November 2005).

³³ Albanian Institute for International Studies. *Albania and EU: Perceptions and Realities, 2005* (2005).

were not able to engage in a political dialogue regarding the organization of the local elections. The election day failed to be within the constitutional timeframe, and the election administration failed to meet most of the international standards for holding free and fair elections. As of February 25, 2007, as many as 144 complaints against election results and invalidation requests had been filed with the CEC. In addition, the General Prosecutor's Office reported that 36 election-related criminal charges were filed between February 18th and 20th.³⁴

Linz and Stepan suggest that consolidation is complete when the government and opposition and interest groups become accustomed to resolving differences within the laws, procedures, and institutions of the democratic regime. One of the most significant traits in Albania is the identification of institutions with the political party that is identified with the government. In the democratic process, these institutions are replaced periodically by political parties through the electoral process. As previously mentioned, elections in Albania bring about not only a change in government and the ruling party but also changes in public administration. When the first democratic government came into power in 1992, deep changes in state institutions were justified by the fact that the country changed from one regime to another. However, this practice has occurred for over fifteen years. Political parties in Albania still preserve the authoritarian tradition of considering the state as the property of the party in power. Each party develops new ways of changing the country's history by completely overthrowing what the previous ruling elite have done and making

promises for a new beginning.³⁵ At the same time, it seems that whenever a party comes into power it creates new institutions that represent only a part of society. Some parties even change the number of ministries according to their need to please junior allies.

3. *RULE OF LAW*

As previously mentioned, one of the main pillars of democratic governance is free and fair elections that bring about legitimate representation and institution building based on a stable and positive political climate. Until now I have tried to show that, despite some improvements, many problems regarding elections and political parties are still strongly rooted in Albania's past. Moreover, these traits have become so standardized that they can no longer be considered transitional characteristics.³⁶

The fifteen-year failure of democratic governance to create strong institutions is most evident in the judicial system. The justice system is seriously flawed, and one of the main reasons is the trend to change the legal framework based on petty political interests, such as...., rather than broader public interests, such as.... In 1997, the country experienced the worst political turmoil, which bordered on anarchy. The two main political parties were both responsible for this turmoil, although no politician or culprit has been

³⁴ Albania, OSCE Presence in. *Legal Sector Report for Albania* (Albania: OSCE, February 2, 2004).

³⁵ In 1996, political campaign was still focused on fighting against communism, where we see the first signs of authoritarianism with the then President Sali Berisha. In 1997 and 2001, the campaign was based on the fight against authoritarianism accompanied by the pointing of fingers for the 1997 national turmoil. In 2005, the campaign focused on corruption rhetoric. For more, see Blendi Kajsii's article published in 2004, "*Ligjerimi Steril, Politika dhe Shoqeria*."

³⁶ Thomas Carothers. "The End of Transition Paradigm" *Journal of Democracy* 13, no. 1 (2002).

made accountable despite the continuous rhetoric and court cases.³⁷

The main problem with the judiciary seems to be an inefficient and dependent justice system, which hampers the effective democratic governance in Albania. The failure for the reformation of the judiciary can be attributed to both the executive and the judiciary itself. The executive has obstructed the creation of an independent judiciary in order to use it for political purposes. While the judiciary has not been able to reform due to its high levels of corruption, it has been sustained by the political immunity vested by the executive. There has been an on-going vicious circular discourse; no matter what party was in the government, blame was placed on the judiciary for implications in corruption, trafficking, and organized crime.

What has been considered the fiercest attack against the judiciary is the latest confrontation between the executive and the General Prosecution office. In one of the latest attempts, Albanian Prime Minister Sali Berisha openly attacked the General Prosecutor, Theodhori Sollaku, by trying to dismiss him. Some of the comments made by press analysts and representatives of the civic movement in Albania regarding this issue discuss Berisha's fear and insecurity, an urge to preserve the old mentality, Berisha's attempts to dominate in the justice process, and attempts to blackmail the general attorney.

³⁷ In 2000, there were attempts from the socialist Prime Minister to place blame on the opposition leader. The case eventually went to court, and the opposition leader, Sali Berisha was called to testify as the then President of the country. But Berisha did not appear and the case went to deaf ear. This affected the socialists' campaigning and winning of the 2001 elections, leading the Democrats to turn the situation in their favor in 2005. This suggests that if there had been any effort in trying to respect and enforce rule of law, such cases are sporadic and occur only when one party experiences a crisis and needs some way to win the elections.

According to the political analyst Ardian Klosi, this action is typical of communists. "In my opinion this is a typical communist style, when the leader reveals publicly participations in crimes. It is the most wrong action that a democratic society can expect," underlined Klosi.³⁸

In this regard, it is believed that such conflicts divert attention from the basic problems within the justice system. The last reports during OSCE's presence in Albania and Freedom House seem to suggest that the main problems of the judiciary are the corruption and the lack of political will to purge itself clean of this phenomenon. Another problem is the general perception to accept corruption as part of the status quo rather than an institutional issue per se.

"[If] the judiciary is not independent and it is vulnerable to the power of money, social considerations, and diverse pressures,

³⁸ "As long as all the people are prejudged as guilty and as long [as] no proofs are available, but the only proof is the public blackmailing, Albania will keep on suffering its bad image of justice, especially with the EU countries, where it wants to adhere", emphasized Veliqj. Yesterday there were also reactions of independent analysts of the Albanian press. In this way, Andrea Stefani has considered the action of DP a public blackmail. "We have seen and we are still afraid that such proofs, even if they exist, will be used for blackmailing, not for justice," declared Stefani. Meanwhile the analyst Mustafa Nano has considered them as lack of institutional culture. "The Prime minister is leading a trial and is giving adjudications in televisions, in squares, on Easter day, the moment he goes out of the Cathedral. This is an anti-institutional, anti-constitutional culture", said Nano. Meanwhile Nazarko comments on these developments, saying that they bring only effects in the collaboration between the General Attorney and the Ministry of Interior Affairs. "But practically, I think that the most harmful effect on these actions is the collaboration of the Ministry of Interior Affairs and the General Attorney," said Nazarko. Some of the comments as accessed from the article "Mjaft" and the analysts: the accusations against Sollaku are public blackmailing" in the national newspaper *Korrieri*, dated 18 April 2006.

[then] this vulnerability puts justice on the auction block.”³⁹ The rule of law operates when the judiciary is autonomous from the other branches of government. Without the rule of law, horizontal accountability cannot emerge to enforce sanctions and maintain responsible government.⁴⁰ Until now there is no case that shows that politicians and public officials have been made accountable for their wrong doings.

4. CIVIL SOCIETY

Another suggested prerequisite from Linz and Stepan for democratic consolidation deals with the necessity of the existence of civil society. This sector helps democratization efforts that take place outside of the political arena. The term *civil society* in Albania is mainly applied to a number of non-governmental organizations, which are donor dependent and donor driven. Despite some progress, civil society remains weak and unorganized. This sector is characterized by efforts of being neutral and unbiased, abstaining from rather than emphasizing accountability, and avoiding rather than influencing the political democratization process. Political analysts suggest that the main reason for the weak organization of civil society is because the state controlled every aspect of life during communism. As a result, organization by non-political actors and interest groups was not possible. At the same time, once democracy opened up, some of the concepts associated with the organization of civil society, such as community role, community organization, volunteer work, etc., had negative connotations because this was

³⁹ Andreas Schedler, Larry Diamond, and Marc F. Plattner. *The Self-restraining State, Power and Accountability in New Democracies* (US: Lynne Reiner Publishers, Inc., 1999).

⁴⁰ Ibid.

the rhetoric through which people were kept isolated and afraid under the constant threat of the iron fist of the communist state before the 1990s. However, the current Non-Governmental Organization sector (what is thought of as the defining example of civil society in Albania) is one of the most trusted sectors in the country.⁴¹

A weak aspect of NGOs in Albania is that they mainly deal with awareness campaigns and capacity building, emphasizing freedom of information. The underlying assumption is that the more people are informed about democracy and democratization, the larger their participation and impact in the process is going to be. On the contrary, this approach of civil society has decreased rather than increased public participation in the process because simply telling people to participate is not a good enough approach to contribute to the democratization of the country. Shortcomings of politics, dissatisfaction with the political elite, representation crises, and a lack of trust in political institutions are addressed only through training of personnel and awareness campaigns. Additionally, since there is only a donor-dependent civil society sector in Albania, organizations in Albania have to somehow prove their independence from political actors in order to receive funding. This independence has been translated by different organizations into a protest against every party (the ruling or the opposition),

⁴¹ See the “National Youth Survey”, fielded by International Republican Institute in Albania, in February 2003. The argument for this by the coordinator of the youth project (IRI), Najada Tafili, in an interview for Arberia TV, was that in a low income economy and poor job market in Albania, youth tends more to trust NGOs as a good source of income and fair employment opportunity, associated also with the fact that NGOs deal mainly with awareness campaigns rather than action per se (accessible at IRI website at www.iri.org/albania).

blaming everybody equally, and holding no one in particular accountable for the wrong-goings of the country.

Albanian NGOs are not only dependent on donor funding, but are also entirely dependent on donor priorities in which donors articulate their priorities while Albanian NGOs try to act around these priorities in order to survive. These NGOs do not act based on a mission, value, or interest as per their role in the democratization process but on the fear of being judged as biased. Nevertheless, in a democracy every individual or organization is allowed to establish its public stand and opinion contributing to healthy democratic governance. One example of this could be the fact that, on the eve of the 2003 local elections campaign, the USAID Mission in Albania issued a statement confirming the great importance of the role of women in politics. Many NGOs advocating for youth and women (campaigns that flourished around that time) were eager to participate in any of the projects announced by the Mission. Once the local elections passed, the problem of diversity quotas was not emphasized for the next two years, coming up again in 2005 when again the Mission announced a good chunk of money for projects dealing with women in politics. (The sudden rise in interests from NGOs on this subject coincided once again with the new infusion of funds.) The competition of women in politics is related to problems of internal democracy of political parties; one could be inclined to think that this is not the highest priority for civic organizations.⁴²

⁴² Arguments raised in one of the debates from “Top Show” every night talkshow in March 2006, where the subject was “The role of women in Albania”, as well as one of the debates I had with some of USAID Mission in Albania, while I was working as Program Officer for Leadership and Reform Academy in NDI, Albania mission.

Despite the mentioned problems, reports from OSCE, USAID, and Freedom House suggest that certain initiatives and ideas put forth by the civil society have taken root, such as those pertaining to human rights, media and research. However, the dependency on donor funds is still disturbing since there is a tendency on the part of civil society organizations to accommodate their projects to the objectives of donors rather than the priorities and needs of the country.⁴³ Apart from money and funds, there is also another factor for the dependency and confusion of civil society on the international organizations. This is related to the lack of legitimacy and the unstable political situation in Albanian politics and society, which has assigned the international community with a very important role in the domestic political agenda, accompanied also with some competency issues.

In one of the analyses of the role that the international community should play in domestic politics it is said that the legitimate role of the international community with regard to national democracy has never been clearly defined. The presumption is that people should exercise their democratic rights without outside interference.⁴⁴ Yet, the Albanian experience speaks for such an international involvement that somehow is transformed from a moderating or monitoring role into the role of arbitrator. Such is the case of the OSCE presence in Albania, which has become a third party political actor in the country,⁴⁵ only contributing to the general confusion in politics and civil society alike.

⁴³ UNDP. *Human Development Report for Albania* (UN. 2000): 71.

⁴⁴ Schedler et al (1999).

⁴⁵ Bumci et al (2004).

CONCLUSION

The main goal of this paper has been to analyze how necessary prerequisites for democratization fit into the Albanian case, as well as to analyze why Albania is different from other Eastern European countries. This paper analyzed the question of why Albania remains an unconsolidated democracy. The prerequisites that this paper dealt with were:

1. A functioning and respected **"POLITICAL SOCIETY,"** meaning parties and other institutions necessary for choosing leaders and policies. Political parties in Albania are still too attached to the communist legacy and the internal party organizations continue to show a lack of democratic practices. Politicians still continue to respect "the winner takes all" attitude. In order for democracy to consolidate it is imperative for political parties and politicians to show political will in negotiations and institution building past petty and momentary interests.
2. **FAIR AND FREE ELECTORAL SYSTEM.** In Albania, the case of elections keeps taking two steps forward and one step back. This means that some improvements are done, but the bottom line is that elections still remain in conflict with international standards. The trend here is for the losing party to boycott the political debate rather than accept elections results, while whatever party gains power starts with dismissals and changes in the executive agencies. Elections in Albania do not promote legitimacy for a continuous and healthy political debate as based on principles and values of democracy.
3. **THE RULE OF LAW.** The main problem of the judicial system in Albania is the lack of strong independent legal institutions. Widespread corruption and political influence have greatly undermined the

justice system and its ability to act as a trusted referee and a guarantee for a viable democracy and the rule of law.

4. A social and political environment conducive to the growth of **"civil society,"** meaning associated groups not formally linked to the government and political parties. The problem in Albania is that the civil society is not economically independent and focused on local priorities. Instead the civil society sector is dependent on international donors and tends to go along more with donor priorities. Although some improvements have been made, Albanian civil society remains confused regarding the role it should play in the democratic development of the country.

In conclusion, this paper posits the notion that most of the problems associated with the democratization process are related to the fact that Albania has failed to do away with its individual communist past. "Fifty years of dictatorship, confusion and fear are deeply rooted in the memory of all Albanians, and the revolution against totalitarian communism in Albania should be studied as a separate case in revolutions theory. There is no belief in institutions as the state machinery of the past left deep injuries in the Albanian society."⁴⁶ It is imperative for the Albanian political and social actors to understand that the consolidation of democracy comes through cooperation not based on self-interests but on society-oriented interests. The rules of the game should be accepted by all parties in play, *vis-a-vis* all the democratic actors in a healthy democratic environment.

⁴⁶Sami Rrepishti. *The current State of Democracy in Albania* (AU: Institute on East Central Europe, 1996).