



PUBLIC STANCE

June 30 as a failure of the Albanian political class and a threat to democracy

Coalition for Reforms, Integration, and Consolidated Institutions (KRIIK Albania) has followed in continuity since the adoption of the Electoral Code in 2008, the electoral processes and other institutional processes related to them.

After the electoral reform of 2012, KRIIK, in cooperation with or in the frame of the Coalition of Domestic Observers, has followed continuously the performance and all meetings of the Central Election Commission, all sessions and cases in the Electoral College, the overall conduct of second and third level election management bodies during the six electoral processes that have been conducted in this timeframe, as well as all other institutional and political processes that relate to the integrity of the electoral process.

Following up with its activity, KRIIK has followed closely and in continuity the political and institutional developments in the country after the 2017 parliamentary elections, as well as the progress of preparations of the process for the 2019 local elections, especially after the decree of the President of 5 November 2018. Progress that, among strong political, legal and institutional controversies has been institutionally concluded with the establishment of the new municipal councils in all 61 municipalities and the receipt of mandate by mayors in 60 of them.

The process of 30 June, considered as “Elections” or “Voting”, has led to the new local government receiving the mandate, even though it is impossible to consider it as an electoral process that has highlighted the expression of the free and democratic will. This because, among others, it was marked by a unilateral political administration, several legal violations, as well as it was a process almost totally lacking competition, thus making the local government, de facto, politically nominated.

Thus, following the almost one decade long monitoring, KRIIK deems that **this so-called electoral process marked the conclusion of a series of failures of the Albanian political class.**

Moreover, this latest failure has, in addition, costed the country also the failure of three other major institutional efforts.

After the process of 30 June, it is deemed that in the long-term, Albania *lacks the legal and institutional capacities* to hold elections with integrity. This long-term perspective is also confronted with the *undoing of the local governance as a decentralized power*, as well as the *impossibility of a serious political-institutional dialogue*, the lack of which has brought forth the radicalization of political confrontation, in an attempt to install a permanent constitutional crisis.

* * *

The first damage of the 30 June election process, but also of other negative precedents established in previous elections, is the **definitive undoing of the legal framework, responsible institutions, and the electoral tradition as per the Electoral Code of 2008.** A Code that according not only to KRIIK or other domestic organizations, but also to international election observers, has been assessed to be fundamentally acceptable and compatible with international standards.

Address:

Rr. "Ymer Kurti",
Nd.4, H.2, Ap.3,
Nj.Adm.5,
Tirana

Mailing address:

P.O.Box. 2396
Tirana, 1001,
Albania



However, after a decade, this Code has, in continuity, been misread on purpose both in implementation and in non-professional and partisan institutional conduct. The shortcomings of the Code have been used to fulfill immediate political interests and its lack of enforcement according to narrow bi-partisan agreements. This situation has been carried in time on purpose also by the failure to address the issues of the Code itself during the reformation processes, by always choosing cosmetic corrections, or by totally failing to conclude the started reformation processes.

With the 30 June “electoral process” **has been destroyed also the mechanism of political counterbalance, which is bi-partisan in practice, in elections.** A mechanism that has been imposed until now by the political establishment as the only alternative that ensures the normal progress of the electoral processes, although the same elections have been called non-democratic by the same establishment. A mechanism that has many issues and has been criticized for excluding third parties, be them political or civic, from election administration, appeals, or setting institutions in motion, which would improve the integrity of the electoral process.

Paradoxically, it is deemed that **even the 30 June process has carried a “bi-partisan agreement”.** This “agreement” has almost destroyed the last safety mechanism remaining to the electoral process, political counterbalance. After achieving monopolization of the process for decades through bi-partisanship in administration and “certification” of the result, with the new set standard, the process can now be even completely unilateral.

If until now the bi-partisan agreements have been criticized for being non-inclusive, non-transparent, anti-institutional, and non-legal, **with the latest precedent, even the necessity of a bi-partisan agreement has been eliminated.**

With the 30 June process, the Albanian society has been imposed the avoidance of all democratic aspirations in front of the crisis that keeps getting deeper. In the context of a society without defense mechanisms, such as strong civil society and institutions, the bi-partisan agreement will become the most appealing solution, in front of the crises that threaten the country. **In this context, the Albanian democracy seems to be heading to an existential moment.**

The constitutional mechanism of the Republic of Albania seems to be missing life at its core now, because after 30 June the **mechanical electoral rotation is being oriented toward a clearly autocratic mechanism, with a “double ticket” of central and local governance.** The state formation project of a constitutional liberal democracy is thus banalized to an electoral dueling in which “the winner takes all”.

This situation leads to the fall of all principles of a constitutional democracy, such as checks and balances, transparency in decision making, accountability toward citizens, law enforcement, etc.

Address:

Rr. "Ymer Kurti",
Nd.4, H.2, Ap.3,
Nj.Adm.5,
Tirana

Mailing address:

P.O.Box. 2396
Tirana, 1001,
Albania

* * *

The constitutional relationship of the local governance to the central governance, in continuity has been denaturalized.

Illustrative to this constitutional denaturalization is the involvement of the two powers in each other's electoral processes, by determining the attitude and conduct of the mayors

and positioning them according to their political affiliation. After 30 June, this overlap of the two powers has been aggravated even more, by turning local governance to an attachment of the central one.

The several-years attempts to strengthen local governance, bring it closer to the citizens and away from the political debate, the latest one being the Territorial-Administrative Reform or others, now seem to be nullified.

Verticalization of the power without the presence of the opposition, in the domestic context of law enforcement and institutional conduct, presents a major risk to local governance.

It remains in the will of the newly mandated local officials and domestic stakeholders to ensure transparency and inclusion in local decision-making.

On the other hand, in front of this verticalization of power and an opposition engaged in a major conflict, the day to day issues of the citizens at the microlevel risk remaining voiceless and not supported politically.

* * *

KRIIK deems that, in the current situation, due to the absurd and anti-legal precedents established, **it should be considered disbanding the body of the Central Election Commission and the Electoral College, as well as start working on writing a new electoral code.**

After several attempts to conduct an electoral reform, which were failed in bi-partisan agreement, and in the current institutional context, which is nearly critical, undertaking an electoral reform is not easy, however, it is indispensable and urgent.

The electoral reform must be the only reform that competes in level of attention needed to the Justice Reform and the fight against corruption and organized crime, thus putting the rest of major undertakings of the Albanian state in the background.

The next Electoral Reform must serve as an opportunity to return the trust of the citizens in institutions and strengthen the consultancy process during the legislative process. For this reason, the electoral reform must be built upon a long-term platform and clear standards.

The 30 June elections have proved that the political agreements behind closed doors, in the absence of transparency, made last minute and repeated as a solution of the crisis of the moment, led to unprecedented anomalies of the democratic experience, such as the current one. The electoral process must be an exemplary process and projected in long-term to address in continuity even future issues, besides the current ones.

To conclude, KRIIK brings into attention and calls upon all stakeholders that the June 30, 2019 Local Elections, to the extent they can be called as such, **cannot, in any case, become a loop that keeps society hostage and institutions in a spiral of constitutional crisis and radical rhetoric.**

The 30 June case was proof of the potential failure of democracy or of the state formation project of Albania. However, as all moments of major crisis, this can be considered a decisive moment and potential for re-establishment, but Albanian society must surpass itself and break the cycle of problems of the whole transition. In the case of our country,

Address:

Rr. "Ymer Kurti",
Nd.4, H.2, Ap.3,
Nj.Adm.5,
Tirana

Mailing address:

P.O.Box. 2396
Tirana, 1001,
Albania

this failure is a possibility to restart worthily the attempts to hold elections with integrity and that are accepted by all parties.

After the last experience, the Albanian society must be clear and convinced that **democracy and the state formation project cannot be expected to come from bi-partisan political agreement or simply by the pressure of geostrategic partners.**

The continuous and authentic dialogue with citizens, rule of law and strengthening of institutions are the only real solution for the citizens to be self-determining.

The political class, be it sincere or not, with principles or not, cannot continue to use the interest of the citizens as a simple key talking point of their rhetoric.

In KRIIK's judgment, now, the question marks and contradictions on 30 June should follow the institutional path, while expecting the Constitutional Court to consider the case, with all the effects that this court's decision can lead to.

The political class has the highest national responsibility to show maturity, start without further delays the dialogue and find a compromise for the right solution for the country and the future of democracy.

At the same time, a challenge and duty remains the maximum engagement for the Justice Reform as well as for starting the electoral reform, as it should express itself and engage strongly and clearly in fighting corruption at all levels and organized crime.

The whole energy and expertise of the political parties must push forward with urgency these two reforms, as an indispensability to revive hope of the citizens in the progress of the country. On the other hand, the Albanian politics must abandon empty rhetoric in the absence of arguments, attacks toward political opponents, and ignoring the real will of the citizens.

The daily life of Albanian citizens continues going forward, facing major issues and with a quality of life at a critical level.

The failure of a political party or of the whole political class cannot weigh on Albanian citizens. The latter are the ones that, besides the concerns in which the political class has plunged them in, are also suffering from the lack of hope for a solution and a better future.

The present and future of Albanian citizens, after three decades, cannot depend on the political agreement or, even worse, political "haggle".

If the current political class is unable to have a serious political and institutional dialogue based on principles, without mentioning the necessity for strong institutions or improvement of the quality of life of citizens, the fate of this political class must be withdrawal or removal.

Tirana, on 23 August 2019!

****This Public Stance is published in Albanian and in English.
The Albanian version is the only official document.***

Address:

Rr. "Ymer Kurti",
Nd.4, H.2, Ap.3,
Nj.Adm.5,
Tirana

Mailing address:

P.O.Box. 2396
Tirana, 1001,
Albania