



OPEN LETTER *

The June 5 agreement, as a moment for the Leadership to overcome the experience to date

To:

**Prime Minister of Albania and Head of the
Socialist Party,
H.E. Mr. Edi RAMA**

**Head of the Democratic Party
Mr. Lulzim BASHA**

**Head of the Socialist Movement for
Integration,
Mrs. Monika KRYEMADHI**

**Leader of the Parliamentary Group of the
Socialist Party
Mr. Taulant BALLA**

**Leader of the “Democratic” Parliamentary
Group
Mr. Myslim MURRIZI**

**Leader of the “Independents” Parliamentary
Group
z. Nimet MUSAJ**

**Leader of the Parliamentary Group
“Democracy and Justice”
Mr. Edmond Stojku**

For information: **Members of the Political Council**
**Diplomatic Corps and other International
bodies accredited in Albania**

Honorable Madame / Sir!

The Coalition for Reforms, Integration, and Consolidated Institutions (**KRIIK Albania**) has been following in continuity the development of electoral processes, from the adoption through a referendum of the Constitution in 1998, to date.

In addition, since the 2012 electoral reform, in cooperation with or in the frame of the Coalition of Domestic Observers, KRIIK has been following uninterruptedly the performance and all meetings of the Central Election Commission, as well as almost all institutional and political processes that have affected elections, directly or not.

KRIIK has, also, gathered a rich experience and increased its capacities and expertise by engaging in international election observation missions, in the frame of ENEMO (the European Network of Election Monitoring Organizations), in which is a Secretariat member, for the second consecutive mandate¹.

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In continuity of its activity, besides engagement and interaction with political parties in common activities, in which the highest leaders of parties has expressed specific commitments², KRIIK has also followed the progress of all Ad-hoc Parliamentary Committees for the Electoral Reform established since 2013, especially that of the current Committee, since its establishment in October 2017. This has also included the establishment and functioning of the Political Council, to the extent that following its work has been possible by following statements of its members in the media or through other indirect contacts.

In light of the current situation, after the political agreement for amendments to the Electoral Code and the latest back and forth related to its materialization into a legal text,

the Coalition for Reforms, Integration, and Consolidated Institutions addresses to You this Open Letter, as a need to encourage your direct political and institutional commitment, to conclude as soon as possible the agreed amendments in the Electoral Code.

Moreover, we would like to draw Your attention and of the political party you lead to some additional matters that, in KRIIK's judgment, need to be addressed as soon as possible in a visionary and mature manner.

Firstly, **KRIIK expresses its concern about the fact that the June 5 agreement of the Political Council has not yet been concluded into a legislative document.**

Through a Public Stance³ published on 31 May 2020, KRIIK emphasized the importance of a swift conclusion of the reform, with regard to the agreed upon matters, so that the process was not further delayed and affect other processes.

The delay in concluding the legislative draft that fulfills the political agreement is unjustifiable, especially in light of the fact that the drafted text on which discussions are being conducted has been available to the Parliamentary Committee for the Electoral Reform, prepared by the technical experts, at least since November of last year; without taking into account the commitments of the whole political and technical group that the full text of legislative amendments would be ready, first by 15 March and then by 31 May 2020.

The Coalition for Reforms, Integration, and Consolidated Institutions, while commending the achieved agreement on June 5 on the package amendments to the electoral legal framework and, considering that:

- The achieved agreement has manifested maturity and the right attitude toward the responsibilities you carry and must undertake for the fate of the country, marking **an important turning point in the democratic progress of the country, after a series of negative precedents and major crises**⁴.
- This should be considered as a first successful step to **returning the political dialogue in the institutional bedrock, as the only path** to successfully conduct the major reforms and achieve real integration of the country's society into the Euro-Atlantic values and standards of developed democracies.

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- Throughout the democratic electoral experience to date, it has been only when the popular will has been crystal clear in accepting or refusing the political offers, that the acceptance of the electoral results has been imposed to the Political Leadership.
To date, the responsible institutions have not been able to offer guarantees for electoral integrity, **thus leaving the legitimization of the electoral result as an object of party discourse.**
- This has eroded the trust of the citizens in the legitimacy of the governance, public institutions, and undertaken reforms, even putting into question the democratic system itself.
- Since the 2012 electoral reform, not only have all attempted reforms of the electoral legal framework failed, but the political dialogue, although minimal, has avoided the institutional bedrock and generated cyclical crises that have burdened the country's progress.
- Your continuous **commitments to set up legal and institutional mechanisms that will guarantee the integrity of the electoral process** and strengthen the trust of citizens in institutions, must be honored.
This is the first, and most crucial step to undertake in this major moment and toward which sincere, serious and willful commitment by the highest political leadership is indispensable.
Success in this crucial undertaking will ensure full legitimacy and make easier confronting other major challenges, such as, **establishing the rule of law, economic prosperity, consolidation and successful implementation of the reform justice in full, and especially fight against organized crime⁵ and corruption.**
- The electoral process **must not simply be a political contest to establish a winner, but an opportunity for well-informed, uninfluenced, and self-determined citizens for their future government**, in function of their well-being and future security.
- The political class cannot continue to consider itself and behave like a stakeholders whose only goal is electoral success and **continue to build alibies on what the legal framework bans or allows**, by considering the electoral result as a goal instead of as a mean to offer the best governance alternative to the Albanian citizens.
- **Over the last three decades of democratic experience in Albania, the bipartisan approach** has not allowed for a regular electoral process, thus lowering extremely the quality of political representation and **undermining in continuity the state formation project.**
- Individuals standing for illegal interests have been able to penetrate the political representation, thus ensuring for themselves decision-making power and acquiring political and party immunity.

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- This democratic transition will be overcome only when the highest political leadership raise themselves at the level of aspirations and not merely of electoral success.
- The power of the rule of law will continue to be weak, debatable, and relative for as long as it will continue to be in the hands of the political establishment.
- Only if the will of the political establishment will deliver this power to the public institutions, the country will be able to start its real democratization project.
- Increase of transparency, in general, and financial transparency in particular; opening of the political parties and their behavior in fulfillment of constitutional and legal obligations; electoral competition based on electoral offers and electoral crime being punishable, are considered important instruments in guaranteeing the integrity of the electoral process and returning the trust of citizens in institutions.

Under this situation, deriving from the immediate need and as a follow up to the reached agreement, **brings into Your attention some issues that on KRIIK's judgment must be addressed as soon as possible**, in order to consolidate further the positive effects of the agreement.

1. Transparency over the activity of the Political Council

The Political Council was devised as a solution to overcome the political/parliamentary deadlock. However, it was an-institutional solution, with an effective activity limited in time and within the timeframes allowed by the next electoral process.

This was, thus, an experience diametrically opposed to the earlier continuous commitments of the political leaders for an inclusive and thorough reformation process.

Under these circumstances, based also on the fact that even after June 5 the activity of the Political Council and in the Ad Hoc Parliamentary Committee for the Electoral Reform continues to be carried out behind closed doors, KRIIK considers **the full transparency on the activity of the Political Council** indispensable and a responsibility to be fulfilled.

Information on the progress of discussions, contributions of the experts and members of the Political Council and, most importantly, the final draft of the legal text in fulfillment of the agreement must be made public as soon as possible.

Urgency must not be used as an argument to send the law in the parliamentary procedure and adopt it immediately, on the contrary.

The final legal text must go through a process of information and consultation, to the extent that the context allows.

This consultation process would allow a more complete analysis of the text, starting with the legislative technique and up to potential gaps in the text. The analysis of such a complex and of such an importance legal text cannot be based only on the abilities and expertise of a single working group, regardless of its level of expertise.

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2. Planning the electoral process in a potential situation of Pandemic

In view of the current pandemic situation, KRIIK deems it indispensable to take into account, before the amendments are adopted by the Assembly, the **possibility of holding the next elections under a health emergency situation.**

With the experience of the emergency through which the country went in the last several months and the measures to contain the pandemic, a similar situation would seriously jeopardize the integrity and administration of the electoral process.

A situation similar to the one the country went through, with the measures undertaken by the government, if unregulated in the law, would provide alibies for the delegitimization of the process, possibilities to deform the results or, even worse, holds the potential to return the country to a situation of crisis or instability.

For the above reasons, it is considered essential to prepare one or more scenarios for the administration of the electoral process, including the less desired ones.

These scenarios should not only deal with the **good administration of the process, in fulfillment of the health safety protocols, but also plan for the extreme scenario of postponing the election date.**

3. Continuation of the reformation of the legal framework through institutionalization and further functionalization of the Political Council

Reemphasizing the considerations on the activity of the Political Council, KRIIK brings into attention that the reached agreement, in its core, served to **increase the trust in the competition of the political parties themselves.**

While being a commendable achievement, this is still **far from achieving the standards of a democracy not in transition, which remains return of the citizens' trust.**

This trust starts with the electoral process, continues with the behavior and functioning of public institutions and the democratic system itself.

Under this perspective, KRIIK encourages You, as political leaders, to be maximally engaged towards further discussion on the electoral legal framework, but not only, on matters that were not part of the agreement.

Among some of the major issues that were not part of the agreed package are issues on: the mechanism for the supervision of political finance, voting of the diaspora, and matters of direct democracy (referenda).

Not only, but the **Political Council could continue to operate to assist the CEC on issues that might arise in the activity of the latter or even with an agenda that goes beyond the next electoral process,** such as law on political parties; law for lobbying, law for the civil servants, etc. This is especially important being that, as discussed by during the negotiations, it seems that the CEC will be tasked with the management and regulation of some “hot issues”, on which the political agreement has been impossible.

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This is a reason more to **help strengthen the new CEC institutionally, by assisting it with expertise and agreed political will, and shielding it from political pressure.**

Moreover, considering **the prevalence of transparency in the whole political and institutional life an imperative**, as a crucial instrument to return public trust, KRIIK brings to Your personal and political will the following specific instruments, the enablement of which, although in absence of specific legal obligations, **could be realized voluntarily by You and the political subject you represent, in fulfillment of a more visionary perspective on the spirit and the letter of the Constitution, or the current legal framework.**

Undertaking the proposed steps, while them being minor for the capacities of a political party, in KRIIK's judgment will improve the climate of transparency in the eyes of the citizens, will greatly help in harmonizing other procedural processes, as well as mark a turning point in a series of other advocacy, accountability or law-enforcement processes, thus providing **a strong contribution against impunity and absence of compliance with the law by political parties themselves.**

Specifically, KRIIK's proposals concern:

A) Financial transparency of political parties

Following earlier calls on this matter, KRIIK urges the political leadership to keep up with its commitment about regulating transparency and supervision of party finance. This is a major issue vis a vis the integrity of the electoral process and return of citizens' trust.

Transparency and control of **party finance is a matter that goes beyond fiscal matters.** It aims at enabling the citizens to know the interests that support the political agenda of the parties and their electoral offers, thus assisting in highlighting cases of potential conflict of interest or illegal activities.

Currently, in absence of a functional legal-institutional mechanism, the work of the Political Council also failing to produce a concrete contribution, KRIIK urges the parties to commit to a level of financial transparency beyond what the legal framework requires.

The political stakeholders can by themselves engage to conduct a real time (or at least monthly) transparency process, detailing income and expenses of their normal activity, as of now.

Moreover, KRIIK **urges them to publish in advance a preventive of planned expenses** for special or mass events, which is a normal process for each non-profit juridical subject, as the parties are.

This level of transparency will enable a better supervision by the responsible institutions while it will also allow every citizen to be easily informed on the finances of political parties.

KRIIK deems that a **critical element** of financial transparency is **the membership of political parties.**

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Information on the composition of this list of financial contributors (through membership fees or other contributions) is important, however, not only in terms of financial transparency but, also, can be **put in service of the requirements of current legislation, enabling proof if an individual is a member of a political party or not.** This is an essential criterion on several legal provisions, e.g. for candidacies for the justice system, independent institutions, or even civil servants.

Although this matter naturally requires a more in depth consideration, on how exactly the membership lists could be checked by third parties beyond political parties, we encourage political stakeholders to consider tasking with administering and checking the list the constitutional institution of the Ombudsman.

B) Electoral transparency

The needed spirit of transparency in the electoral period takes on broader features than currently shown.

The electoral process in Albania **is suffering increasingly by lack of discussions over electoral offers and the profiles of candidates.**

On the contrary, presently the electoral process is conducted simply as a process the main aim and interest of which is who receives more votes, being transformed from a process of competing electoral offers **to one of confrontation of the opposing leaders.**

It is worth emphasizing here that the leadership of the less represented political parties **are not fulfilling obligations of internal regulation of parties, some even lacking a valid mandate conform the parties' own charters.**

In relation to the above, we urge the parties' leadership to **voluntarily publish the governing bodies, elections and timeframes of their mandates,** according to procedures of their respective charters, this being an obligation derived from the Constitution and the Law on Political Parties. .

Meanwhile, the most important element of the electoral offers of political parties is the figure of the candidates that will represent the party in asking to be mandated to represent the will of the citizens.

In relation to returning to the center of the electoral contest the figure of the candidate, as per the spirit of the Constitution, it is **urged for the candidates to voluntarily declare** their professional bio and previous engagements, their financial status, their previous relations with the law (the form of self-declaration for guaranteeing the integrity of the person), as well as a documented electoral program.

This will not only serve for the citizens to know the candidates but also for the political leaders to take responsibility for the team of candidates they select.

With regard to financial declaration, **candidates are urged to make public in advance all three financial dimensions:** financial assets they possess or in which they are involved through their relatives; obligations deriving from this assets, fiscal and not; as well as their financial obligations towards third parties.

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KRIIK deems that undertaking the above actions would be a real and effective step towards returning candidates in the center of the electoral race and strengthening ties between citizens and their elected representatives.

C) Bringing to life and institutionalizing the post electoral audit

In the spirit of electoral transparency and punishment of electoral crime, KRIIK urges the political leaders to engage in undertaking a post-electoral audit, starting immediately after the next elections.

Bringing into attention that the discussion on the electoral audit has been a recurrent theme after every electoral process to date, the parties have now the needed time to initiate a discussion on the technicalities of such audit as a post-electoral process. This process would be a valuable transparency tool in the frenetic political moment after the next elections, when the newly found communication and maturity of parties might not be present in the political behavior anymore.

A full audit process will, moreover, serve to institutionally impose the improvement of observed issues and gaps in the electoral process, as well as to better plan milestones and level of depth of intervention in the future electoral reform, expected to be carried out by the new legislature, immediately after the next parliamentary elections.

D) The electoral system

To conclude this Open Letter, KRIIK cannot avoid mentioning its considerations on the discussions emerged in the public debate among political and non-political stakeholders on the matter of the electoral system.

KRIIK has previously expressed and stands by its main consideration that **the discussion on the electoral system requires a high maturity, an integral analysis of a series of factors and a unison of all political and civic stakeholders.**

In line with earlier statements, KRIIK deems that one of the shortcomings of the current system is that it does not encourage parliamentary plurality and is a barrier for new political formations. This is not, however, a natural quality of the current system, but was brought forth by the political behavior and dynamics.

Aiming to revive and enrich the political scene as well as encourage the potential for change in the political establishment, need that we believe is shared by the visionary approach of Your leadership, **KRIIK proposes specifically that for the next elections be carried out an intervention that technically is not essential but it has a real effect, considering the possibility to lower the electoral threshold or even change the formula for the allocation of mandates.**

On the other hand, KRIIK notices with concern that, in a diametrically opposed direction, **were made public sudden initiatives that call for amendments up to the Constitutional level**, with proposals that, contrary to what has been requested and discussed publicly until now, lead to further shrinking of the parliamentary

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pluralism. Not only, but KRIIK deems that **in the current context the proposed changes do nothing more than create fertile grounds for the imposition of individual interests and wills within the existing political establishment.**

This initiative, or other similar ones are dangerous and can weaken, instead of strengthening, the democratic system, especially in the current context and circumstances.

With high consideration,

**For the Coalition for Reforms,
Integration, and Consolidated Institutions
(KRIIK Albania)**

Premto GOGO

Chairperson

Tirana, June 16, 2020!

**This Open Letter is published in Albanian and in English.
The [Albanian version](#) is the only official document*

¹ European Network of Election Monitoring Organizations ([ENEMO](#)).

² Holding the national and international conferences, with the attendance of the highest representatives of the main political parties and the ambassadors of key international partners of Albania (USA, EU, and OSCE), organized by KRIIK in cooperation with CDO:

- International Conference “*We the People; Citizens’ Participation and Direct Democracy*”, held on 2-3 February 2017;

- National Conference “*Electoral Corruption; Necessity for a Thorough and All-Inclusive Electoral Reform*”, held on 26 January 2016;

- National Conference “*Civil Society and Democracy in Albania; A Thorough and All-Inclusive Reform, indispensability for a more representative, fair, and sustainable reform*”, held on 26 November 2013.

³ [Public Stance](#) “*The Electoral Reform, far from the aspirations and expectations for a real, thorough, and inclusive reform*”, published on 31 May 2020.

⁴ [Public Stance](#) “*June 30 as a failure of the Albanian political class and a threat to democracy*”, published on 23 August 2019.

⁵ [2020 International Narcotics Control Strategy Report](#), of the US Department of State.

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