

STATEMENT*

The lack of will for dialogue and open political compromise, unacceptable and a completely harmful approach for undertaking vital reforms in the interest of Albanian citizens and a functional democracy in the country

This week marks the end of the works of the Sixth Session of the Tenth Legislature of the Assembly of Albania¹, and the Assembly is heading again towards the failure to conduct comprehensive amendments to the legal framework for the elections, in open violation of the commitments made continuously by the political class, in particular during the current Legislature of the Assembly.

As it has been publicly announced, the Dialogue Group, established on March 15, 2024², after the failure of the Ad Hoc Parliamentary Committee on Electoral Reform³ to conclude this Reform, is expected to submit an agreed draft-bill to the Assembly,⁴ addressing two out of three⁵ compulsory decisions of the Constitutional Court, the possibility of voting for Albanians living abroad⁶ and the way the preferential vote will be implemented⁷.

However, until this moment there is still no agreed legal product submitted to the Assembly and from public statements⁸ it seems that the draft law, if there will be an agreement for one, will be presented in the last moments, **making public discussion and consultation impossible, contrary to what such an important process** as changing the rules for the electoral process requires.

Following the tradition of the Parliamentary Committee for Electoral Reform established in 2022, or other previously attempted and failed reforms, the work of the **Dialogue Group**, although based on the premises of a political agreement, **was characterized by the lack of political will to address major issues** that are observed with the integrity of the elections in the country, failing to fulfill the recommendations of the OSCE/ODIHR, or of domestic stakeholders that observe and evaluate the electoral process.

Throughout the entire period of activity of this Group **the same pattern of blaming the political opponents for lack of will and blocking of the process by all parties represented in the Group were observed**, thus violating the commitments undertaken by the political leadership for a complete reformation of the legal framework on elections, which would require fundamental changes not only to the Electoral Code, but also in other laws, such

¹ The last sessions of the Assembly for the current Parliamentary Session are expected to be held on Thursday and Friday, July 25 and 26, 2024.

² [Decision no. 5](#), dated 15.3.2024 of the Conference of Speakers of the Assembly of Albania.

³ Ad Hoc Parliamentary Committee for the Electoral Reform [was established on February 10, 2022](#) and in more than two years of existence, after extending the term three times by six months, at no time did conclude with an agreed draft law which could be passed for discussion and voting to the Assembly floor. Throughout the two-year period of its existence, the Commission had a sporadic activity, characterized by ineffectiveness and lack of political consensus.

⁴ According to the [Work Calendar](#) of the Dialogue Group "The draft law must be submitted to the Assembly no later than July 1, 2024".

⁵ [Decision of the Constitutional Court no. 31](#) dated 04.10.2021, regarding the national threshold for independent candidates is considered exhausted with the relevant Court Decision, which repeals, as incompatible with the Constitution, the second sentence of paragraph 1 of article 162 of the Electoral Code.

⁶ [Decision of the Constitutional Court no. 38](#) date 09.12.2022.

⁷ [Decision of the Constitutional Court no. 28](#) date 30.06.2021.

⁸ RTV Ora News "[Electoral Reform/ Gjikhuri: We still do not have an agreement, our formula is closer to what the Albanians want](#)", July 19, 2024

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as the Law on Political Parties, the Law on the Civil Service, a law dedicated to the financing of political parties and election campaigns, a law on referendums, etc.

In the judgment of KRIIK, **this failure is mainly to be attributed to the current majority, which has consistently refused to follow through on the commitments undertaken in June 2020**, through the Political Agreement of June 5, 2020, even ridiculing any reference to it⁹. This, while this Agreement, negotiated through a major investment of the country's international strategic partners, established a number of concrete milestones for the continuation of work on reform, which remain necessary to be implemented by political actors, such as the non-partisan administration of the 2025 elections, but not only.

Under these circumstances, while a political agreement of the last moments only in relation to addressing the possibility of voting for Albanians living abroad and changing the formula for implementing the preferential vote is expected, as per public statements, it seems that the political class is again clearly avoiding a **comprehensive electoral reform, a primary recommendation of the OSCE/ODIHR election observation reports**, both in 2021¹⁰ and 2023¹¹, besides domestic stakeholders.

Addressing only these two elements **it is being trumpeted rhetorically as a political deal and achievement** for electoral reform, while this is in fact, **simply the fulfillment of an imperative obligation of the Assembly of Albania, in implementation of the decisions of the Constitutional Court.**

This failure for a comprehensive reform of the legal framework for elections is not the first in the history of Albanian politics, **but**, in the context of political polarization and lack of political dialogue, the need to urgently address the multitude of problems in order to guarantee the integrity of the elections, the political commitments made by the political actors and the factual attitude towards these commitments, **constitutes a totally unacceptable approach that raises strong concerns about the seriousness of the political class and the Assembly of Albania towards** the challenges faced by the country¹², fulfilling the obligations of the Albanian state that derive from the commitments made in 1999 at the Istanbul Summit¹³, as well as to what is and remains most essential, **the obligation to guarantee that Albanian voters can vote fully free and uninfluenced, and that their will is fully respected.**

⁹ See the speech of Mr. Damian Gjijnuri in [the session of July 4, 2024 of the Assembly of Albania](#) (starting from min. 2:59:10): "And the first question that is asked here, what did the opposition and the majority do in these times to find a compromise to address electoral reform issues?" That you, as the opposition, have so persistently asked for, but that you were never ready to come up with a plan, have a concrete idea, and not remain hostage to rhetoric and past conditions. As is what we unfortunately hear from time to time on television, to return to June 5. On my side, and I have said this before, it is simply a date that has no historical value, a calendar date, there is no agreement with a legal character."

¹⁰ See Primary Recommendation no. 1 of [OSCE/ODIHR EOM Election Observation Report for the Parliamentary Elections of April 25, 2021](#).

¹¹ See Primary Recommendation no. 4 of [OSCE/ODIHR EOM Election Observation Report for the Local Elections of 14 May 2023](#).

¹² All of the above, while the majority is currently committed to addressing some of these challenges through the last two commissions *to this* raised without the presence of the opposition and despite the concerns raised by a number of local actors, either media or civil society: the Special Parliamentary Commission "[To coordinate and supervise all institutional actions to combat disinformation and other forms of foreign interference in the country's democratic processes](#)" and the Special Parliamentary Committee "[For the deepening of reforms for good governance, the rule of law and anti-corruption for Albania 2030 in the European Union](#)".

¹³ [Istanbul Document 1999](#), November 19, 1999, paragraph 25. "We reaffirm our obligation to conduct free and fair elections in accordance with OSCE commitments, in particular the Copenhagen Document 1990. ... We agree to follow up promptly the ODIHR's election assessment and recommendations."

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The Albanian political class has shown on more than one occasion that, **when there is political will and a consensus is reached**, concrete legal amendments can be implemented in a fairly brief time.

KRIIK believes that the **political class, through a constructive dialogue, and the Assembly of Albania have all the possibilities and means**¹⁴ to conduct the necessary amendments for the upcoming parliamentary elections of 2025 with the main aim of strengthening the integrity of elections and democracy in the country.

This requires the immediate addressing of major negative issues that affect this integrity, starting first from those mentioned in the OSCE/ODIHR election observation reports, but also those of domestic stakeholders.

It is reiterated here that the issues that affect the integrity of the elections and that require urgent legal intervention go beyond the changes that are currently being discussed, which are certainly imperative and major, but not the only ones.

Other major problems, which are well known by the political forces themselves, go to the core of the integrity of the elections, such as vote buying and pressure and intimidation of voters¹⁵; guaranteeing the secrecy of the vote¹⁶; lack of equality in the electoral race, including the phenomenon of using state resources for electoral advantage¹⁷; lack of transparency in political funding¹⁸; etc.

KRIIK strongly emphasizes that, **first and at its core, this electoral reform will have to aim and guarantee that the party and the state are clearly separated**, in accordance with paragraph 5.4. of the Copenhagen Document¹⁹ and with the aspirations of a rule of law and a consolidated democracy.

So that all of the above is achieved **what is essentially required is the political will for political dialogue and compromise** between the parliamentary political forces of the majority and the opposition **based on constitutional principles and Euro-Atlantic democratic values, in the best interest of the people and democracy and state building in the country**, as well as away from narrow party or personal corrupt interests²⁰.

¹⁴ The Dialogue Group has at its disposal a number of recommendations from political, civil society, international actors, etc., regarding who the problems are and how they can be addressed. When there is political will and agreement, in the opinion of KRIIK, the process of legal codification is feasible within a few days.

¹⁵ See Primary Recommendations no. 1 and no. 2 of [OSCE/ODIHR EOM Election Observation Report for the Local Elections of 14 May 2023](#).

¹⁶ See Primary Recommendation no. 3 of [OSCE/ODIHR EOM Election Observation Report for the Local Elections of 14 May 2023](#).

¹⁷ See Primary Recommendation no. 5 of [OSCE/ODIHR EOM Election Observation Report for the Local Elections of 14 May 2023](#).

¹⁸ See Recommendations no. 20 and no. 21 [OSCE/ODIHR EOM Election Observation Report for the Local Elections of 14 May 2023](#) and [Recommendations of KRIIK](#) on the Financing of Political Parties and Electoral Subjects, sent to the Special Parliamentary Commission for Electoral Reform on March 4, 2024 (item I.11., pages 21-24).

¹⁹ [Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE](#).

²⁰ This political agreement can be the Agreement of June 5, 2020, which paved the way for the resolution of the protracted political crisis 2019-2020 and returned the opposition to the institutional framework, or another new agreement, as long as the parties agree on such and as long as this new agreement does not violate the constitutional and legal bases. It is, however, essential to note that the next political agreement, if the parties decide to make one, will have to be based on strong guarantees that it will not be violated in the future, as is happening with the agreement of June 5, 2020.

This would be extremely dangerous, as it risks irreparably and definitively damaging the trust between the parties, which is currently at the lowest level, but also of the citizens in politics or even in the democratic system itself.

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Political actors, particularly **the highest representatives of political parties** represented in the Parliament of Albania, should **produce, and further develop the way of doing politics, implementing the path of political dialogue and the necessary compromise**, in fulfillment of the responsibilities and public commitments undertaken.

KRIIK appeals, first to the leadership of the socialist majority, but also to the opposition, to engage in constructive and open dialogue, avoiding empty political rhetoric and short-term solutions, which while might seem pragmatic and efficient at a given moment in time, destroy the foundations of liberal democracy, political dialogue, and inclusiveness.

In the first place, the socialist majority, as the force with the highest number of deputies and currently in government, **must be ready to enter into dialogue and show that it is able to govern without exercising the strength of numbers in the Assembly at any moment and on any issue**, but also respect the opinion of the parliamentary minority, as any majority should operate in a functional democracy.

KRIIK appeals to international actors, specifically the country's strategic partners in the journey towards the values of Euro-Atlantic democracy, that, in the spirit of international cooperation for the strengthening of democracy and the protection of human rights and the requirements of the Copenhagen Document, **be attentive and react** to the failure of the next reform of the legal framework on elections, as well as **to support even more politically the local actors who work towards strengthening democracy and the rule of law**, independent public institutions in the first place, but equally also independent civil society actors.

In conclusion, **KRIIK calls on all other stakeholders, whether international or domestic**, including civil society organizations, media, representatives of the academic world, etc., **to take a critical and constructive stance, demanding from the Assembly of Albania and every MP, especially from the current majority, a comprehensive dialogue and policy-making process**, to address as soon as possible and in time the major problems with the improvement of the legal framework for the Parliamentary Elections of 2025.

Tirana, on July 24, 2024!

****This Document is published in Albanian and in English.
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