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country report

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Albania on the Cusp of Parliamentary Elections

Albania will elect its next parliament on 25 April. Prime Minister *Edi Rama* from the Socialist Party aims for re-election and his third mandate. Contender *Lulzim Basha* from the Democratic Party wants to prevent this.

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Less than two months before the national parliamentary elections, Albanian parties are starting to position themselves. The opposition is trying to close the political ranks with an alliance of more than one dozen parties. It focuses its electoral campaign on the ailing economy with rising unemployment, mass migration as well as low levels of trust in the judicial system. The ruling Socialists point to the many infrastructure projects taking place across the country and place their hopes on Prime Minister *Rama's* charisma. The debate on opening EU accession negotiations still hovers in the background. In principle, the election is also shaped by the special circumstances of the corona pandemic.

Fierce Confrontations and Scandals over Recent Years

In six weeks' time, Albanian voters will face the question of whether they want to grant Prime Minister *Edi Rama* and his ruling Socialist Party (SP) with a third mandate following 2013 and 2019, or whether, just like all prime ministers before him since the end of communism in 1990, they will withdraw their confidence after two terms of office. This is particularly what is hoped by the Democratic Party (DP), under their lead candidate *Lulzim Basha*, who heads an alliance of several opposition parties, and *Monika Kryemadhi* from the Socialist Movement for Integration (LSI). While several new party formations and individual candidates also believe they have a good chance of securing a place in the next parliament, too. Many analysts view the ballot as a type of "fateful election", which could significantly impact the country's development over coming years, and perhaps even the decade.

In recent years, the political landscape in Albania has been shaped by strong disputes between the government and opposition along with a number of scandals. That is to say, Albania was the

"cannabis hotspot of Europe" for many years, where the cultivation and sale of marijuana developed into an "industry" with an estimated annual turnover of four billion euros. In 2017, the Socialist Interior Minister *Saimir Tahiri* was accused by Italian Anti-Mafia prosecutors of having connections with criminal drug trafficking networks.

In December 2018, several thousand students in Tirana took to the streets to protest against high tuition fees and the poor quality of student accommodation. After some hesitation, *Rama* reacted to this with a cabinet overhaul, and a few concessions with tuition fees. A number of residence were also renovated. Many of the demands made by students remain unanswered, however.

In January 2019, Voice of America (VoA) aired recordings from an official prosecution investigation that focused on a criminal gang in Durrës, the second-largest city in Albania. These transcripts testified to a close collaboration between the gang and the socialist mayor of Durrës, *Vangjush Dako*, during vote-buying and vote-intimidation activities during the 2017

elections. In what was a contentious step, the opposition therefore decided to hand back their mandates in February 2019, and, barring a few exceptions, left the parliament.

In June 2019, German BILD newspaper also published official audio tapes from the public prosecutor's office documenting discussions between SP ministers and senior civil servants with persons involved in organised crime. These recordings were made prior to the 2017 parliamentary election. In view of this, the opposition decided not to participate in municipal elections, instead calling for new elections. The SP ran for office alone in what were the first single-party elections in Albania since the end of communism. The 2019 municipal elections were also characterised by irregularities. A few SP mayors had previous convictions and were therefore unable to take office.

This was also exacerbated by the fact that both Albania's Constitutional Court and Supreme Court of Justice were unable to function in 2019 owing to a judicial reform that began in 2016, and the associated review of judges ("vetting"). This rendered it impossible for the opposition to address questions to the Constitutional Court.

Ultimately, it was the shooting of a young man, who wanted to evade a control of persons by the police as part of corona measures, that stirred up the public. For several days, evening protests were held by young people in several cities across Albania, with damage to property mainly occurring in Tirana. The Albanian Interior Minister *Sander Lleshaj* resigned in the wake of these protests.

The First Litmus Test for the New Electoral Law

Albanian electoral law has been amended on several occasions since the overthrow of communism in 1990. In January 2020, the government and opposition agreed to a proposal

by the European Union (EU) and the United States of America (USA), to set up a joint "political council" so as to hammer out a consensual electoral law reform for the upcoming parliamentary elections in April 2021. The implementation of such a reform according to recommendations by the Organisation for Security and Cooperation in Europe (OSCE) and its office for democratic institutions and human rights (ODIHR), also constituted one of the six preconditions of the German Bundestag¹ and the Council of the European Union² for opening EU negotiation discussions with Albania.

Despite the political polarisation in the country, on 5 June 2020 the Political Council successfully agreed upon an electoral reform. This was welcomed by all sides both nationally and internationally. These amendments were adopted by parliament on 23 July. Following heated political discussions, shortly before the summer break on 30 July the Albanian Parliament did, however, enact further controversial constitutional changes with votes from the Socialist majority and parliamentary opposition. The extra-parliamentary opposition levelled particular criticism against cancelling election coalitions.

Subsequently, on 5 October the Albanian Parliament decided to ban pre-election coalitions and to introduce a (partially open) list voting system. The extra-parliamentary opposition as well as some international observers consider these changes to the election system as being tantamount to renewed change in electoral law reform; according to the condition of the Bundestag, such a change should have been adopted in an "inclusive process" in the Political Council. Yet, the statement made in December 2020 by the Venice Commission of the Council of Europe (VK) on these amendments to the electoral law, has brought the debate about electoral reform to an end for the time being.³

According to the electoral law, this year's vote will continue to see the election of 140

representatives via a regional list voting system for a term of four years. Candidates will be elected in twelve constituencies corresponding to Albania's various administrative regions (Qarks). The number of seats depends on the population size of the respective Qark. On 11 December 2020, the Central Electoral Committee (CEC) recalculated the number of seats for each district in line with the population development. There were changes in Dibër (previously six, now five seats) and Tirana (previously 34, now 36 seats), as well as in other places.

Of the above-cited statutory changes dated 23 July and 5 October 2020, the following aspects are particularly salient for the 2021 election.

- **Election threshold** – In order to qualify for an allocation of seats in parliament, parties need to pass a one per cent threshold across the country. There was still a three-per cent threshold in the previous election in 2017.
- **Preferential votes** – Voters choose between their preferred party or coalition and cast a vote for their preferred candidates from the selected list. Candidates win mandates in accordance with the order of the list. In order to improve their own position on the list, a candidate needs to win more preferential votes than the average number of votes that the nominating party has received per seat in the region. The precise layout of the ballot paper has yet to be determined, however.
- **Coalitions** – Party coalitions are obliged to submit a joint list of candidates prior to elections, which means that they cannot participate with separate lists as was the case during previous elections.

In conjunction with these key points, amendments to legislation also encompassed certain measures for transparent financing of party and electoral campaigns. However, we do not yet know to what extent these changes will be implemented and observed in practice,

especially since there are no truly independent bodies for monitoring issues such as informal financing and donations.

The introduction of a biometric registration and verification of voters, as well as electronic coordination and counting to prevent or impede electoral fraud, as also stipulated in the electoral law, are awaited with bated breath. For time and technical reasons, the latter will only be tested in a few project regions in this year's election, so this measure will only be able to truly take effect during future elections.

Parts of the Opposition United as “Alliance for Change”

Currently, 46 political parties are registered at the CEC that are likely to participate in the upcoming elections. This is a lower number compared with previous parliamentary elections. However, not all of the registered parties have the opportunity to be included in voting lists, because the CEC only admits those parties that can field candidates in all twelve districts.

Owing to restrictions of the new electoral law, the strongest opposition parties, the DP, and LSI, have decided to participate with separate candidate lists. Having said that, the DP has entered into an electoral coalition with twelve other centre-right parties as part of an agreement. This coalition, which is named “Democratic Party – Alliance for Change” (DP-AC), stood for election with a joint list.

Economy and Justice as Key Issues in the Electoral Campaign

The critical phase of the electoral campaign has now begun. However, it is due to the corona pandemic that this electoral campaign differs from those in the past. Major events with dozens or even hundreds of people are currently not possible in Albania either. As a result, door-to-door campaigns, smaller meetings and, of course, debates and canvassing in (social) media have

gained in importance. The main topics of current political discussion in Albania, which are also shaping the electoral campaign, are mass migration (particularly of the young and educated sections of the population), an ailing economy with rising unemployment, as well as low levels of confidence in the judicial system.

According to a survey conducted by the Institute of Statistics (ISTAT), 22.1 per cent of respondents said that they have at least one family member who had left the country. More than 360,000 Albanians left the country in the year 2019 alone; this corresponds to 12.6 per cent of the total population. Whereas Greece and Italy used to be the main destination for Albanian migrants, the rate of migration to Germany significantly increased during the period between 2011 and 2019. In response to the question about the main reason why they would leave their country, 83.7 per cent of respondents indicated better work opportunities. Therefore, data from the same institute estimates the current unemployment rate at 11.6 per cent, which is more than the previous year.

Another focus of the political debate is the current situation for small businesses. Small businesses play a vital role for in the Albanian economy, given that they employ 79.8 per cent of the working population, compared to the industrial sector, which employs only 18.4 per cent. For the period between 2011 and 2018, this sector was afflicted by a growing rate of unemployment, which also reflects unfavourable economic conditions. The situation has greatly intensified again since the start of the corona pandemic. After what was already a very hard lockdown between March and June 2020, some restrictions have been in place again since November 2020, including the night curfew. This mainly affects the restaurant and hospitality industry whose revenue has taken a hit.

Since implementing the justice reform in 2016, confidence in the judicial system has been the focus of Albania's international partners. Owing

to support from the EU and USA, so far 340 judges and public prosecutors have taken part in a vetting procedure, in which 58 per cent of those investigated were dismissed because they were deemed unqualified, or the sources of their assets could not be sufficiently proven. According to a study by the Albanian Institute for Democracy and Mediation (IDM) in cooperation with the United Nations (UN), between the period from November and December 2019, 54 per cent of respondents believed that the new reforms would have a positive impact on the judicial system. However, the vast majority, namely 48.5 per cent, are of the opinion that the reforms were not correctly implemented compared to 31 per cent, who think the opposite.

Between Status Quo and Sweeping Changes

As for the election programmes, the SP has not yet finalised its manifesto. *Rama* explained that there will be no manifesto for the elections on 25 April, but rather a work programme for Albania until 2030. In principle, the SP is adhering to its previous course and mainly appeals to what it sees as successful infrastructure projects such as the construction of roads, tunnels and airports. What's more, they are convinced that they did quite a good job of navigating Albania through the corona pandemic thus far. They are placing their hopes on the charisma exuded by the party leader and Prime Minister *Rama*.

In contrast to this, the DP's electoral agenda focuses on supporting the middle class as the most important engine of social development, as well as the Albanian youth, with the aim of halting the phenomenon of mass migration. That's why the DP promises to create a more favourable business climate that envisages a reduction in taxes for small enterprises, and the attraction of foreign investors, in order to create at least 100,000 new jobs. The creation of optimum conditions for small enterprises will also result in an increase of the monthly minimum wage. The PD is of the opinion that the

old tax system under the ruling Socialist party has impeded economic development, and impoverished Albanian citizens. They therefore propose a “flat tax” of nine per cent on personal income as well as for all Albanian companies with an annual turnover of less than 10,000 euros.

The DP’s plan to stop the continually increasing migration of human capital in its tracks, consists of subsidising fees for youth education. Students from families with a monthly income of less than 520 euros will receive financial support by covering 90 per cent of their tuition fees. In order to create a fairer and efficient system, the PD also promises to enable free access to textbooks for the entire elementary and secondary school level. As far as the agricultural sector is concerned, the PD considers Albanian farmers to be a crucial part of the economic structure. That’s why they pledge an unprecedented level of support amounting to 100 million euros.

EU Accession Negotiations remain an Open Issue

A further topic underpinning the electoral campaign, albeit one that is currently of more minor importance in Albanian reporting, is that of opening EU accession negotiations. As explained at the start, in autumn 2019 and spring 2020 the German Bundestag and the Council of the EU had laid down several conditions that need to be fulfilled before the individual negotiation chapters or clusters can be opened. Of the total of 15 conditions, six need to be met prior to the so-called 1st intergovernmental conference. These are: Adoption and implementation of an electoral law reform, making the Constitutional Court and the Supreme Court operational, as well the establishment of structures for combating corruption and organised crime, making progress in the fight against corruption, reduction of unfounded requests for asylum, and the repatriation of its own citizens and a revision of the Media Law.

Albania has already made good progress with the six points but has not yet complied with them in full. This not only applies to the above-cited electoral law reform, for some areas of which no political consensus was reached, but also to the fight against corruption or the Media Law, among other things.

According to the assessment of several national and international actors, corruption and money laundering in Albania have actually continued to increase. In its report dated 3 December 2020, the state group against corruption, (GRECO), criticised the fact that a large number of laws adopted by the parliament for combating corruption have not yet been implemented properly or not at all.⁴

In particular, the overhaul of the Media Law is still pending. This is still subject to examination after receipt of the Venice Commission’s June 2020 decision. The government consulted with international organisations on the draft amendments as opposed to the country’s media or interest groups. Differences in opinion about the consultations and the government’s political interest in maintaining the bill as it was drafted, while also avoiding a potentially critical stance from the EU, have meant the legislative package is still pending a political decision in parliament.

It already became clear in autumn last year that the six conditions would not be fulfilled during 2020. Hence, it was foreseeable that the conference – regardless of North Macedonia’s preparations for a first intergovernmental conference – could no longer take place during the German EU Council Presidency. This year, too, it remains to be seen when the EU will decide about the 1st intergovernmental conference. It should be borne in mind that it not only depends on Albania, but also on the resolution of the dispute between Bulgaria and North Macedonia, since the opening of negotiation discussions should not engender a “decoupling” of the procedure in both Albania and North Macedonia.

Forecasts

According to data from more than 3000 respondents in the period from December 2020 until January 2021 in all twelve constituencies, "Euro News Albania" and the opinion research institute "MRB" concluded that the current governing party (SP) would emerge from elections with 41.8 per cent of votes, while the opposition parties would receive 28.2 per cent (PD) and 10.3 per cent of votes. All opposition parties together would receive 42.7 per cent of total votes, while the left-wing coalition, which in addition to the SP only includes the significantly smaller Social Democratic Party (SPD), would achieve 44 per cent. The group of undecided respondents, who had not decided whether to participate in the votes, is indicated at approx. 16.1 per cent. This is a substantial proportion if we consider the narrow difference between the coalitions, and how this figure could potentially alter the electoral result. When responding to the question whether they would participate in upcoming elections, 62.4 per cent of respondents indicated that they would, whereas six per cent said they would not participate.

The second poll conducted by Euronews, incorporating the period from February 2021 until March 2021, demonstrates a slight decline for the SP; namely from 41.8 per cent to 39.9 per cent, while the largest opposition party PD has increased by 2.4 per cent. There continues to be a four per cent difference between the two coalitions. As was the case during the first poll, the number of undecided voters is too large when compared to the difference, which means they will influence the final outcome of elections.

A further poll conducted by "Ora News" in cooperation with IPR Marketing of February 2021, shows different results. According to data from more than 2000 respondents, the coalition of opposition parties will take the lead with a total of 55.5 per cent of votes, whereas the coalition of the ruling PS party will emerge from the elections with 33.4 per cent of votes. Compared to the last

elections in 2017, the socialists will lose one per cent of votes, while the democrats can count on a ten per cent increase. Changes were identified in the constituencies of Elbasan and Shkodër in particular, where the PD receives more support than in previous elections. According to the poll, the constituencies of Tirana, Durrës and Fier have the majority of undecided respondents.

In principle, we need to view pre-election polls in Albania with great caution, however. That is not only due to the margin of error, as is inherent in any poll, but, in particular, to deficiencies in data collection and possible political interests of the ordering party.

Summary

The Albanian parliamentary elections on 25 April promise to be the most exciting elections for a long time, given that they could potentially determine the country's future over the long term. If *Rama* were to be victorious, it would be the first time that a prime minister has won a third mandate since communism drew to a close. What's more, it would validate his political course, which has certainly been the subject of contention over recent years, with some of the scandals involving his own administration. When highlighting its electoral programme, however, the government's main focus is on continuing its previous course of action, and points to its supposed achievements in the infrastructure sector.

On the other hand, the opposition led by the DP is prepared to come back to the political arena of parliament after returning mandates and boycotting the 2019 local elections. This is clearly to be welcomed, as the past two years have shown that effective opposition work is not possible outside of parliament. On a substantive level, the DP's main campaign issues are strengthening of the economy and promoting youth, also with the aim of preventing the brain drain.

The 2021 election is the first election under the new electoral law, which was adopted in the Political Council after discussions lasting many months; despite the parliamentary majority having subsequently made a few contentious amendments. It remains to be seen what fruits measures underpinning campaign financing and efforts to inhibit electoral fraud through various technical measures (biometric registration and identification of voters, electronic voting) will bear. This particularly applies to the latter since the plan is to merely implement this in a few project regions for these elections. We must also not underestimate the influence of the corona pandemic.

The polls to date predict a neck-and-neck race between the SP and the electoral coalition around the DP, (DP-AC) and the LSI. Even though both of the latter are standing for election with different lists, they have made it their joint goal to prevent *Edi Rama* from running for a third term and to make *Lulzim Basha* of DP prime minister instead.

¹ Cf. German Bundestag, document 19/13509, mutual agreement between the Bundestag and Federal Government on the Republic of Albania's application for membership to the European Union and on the recommendation from the European Commission and High Representative dated 29 May 2019 for entering into accession negotiations, 24/09/2019.

² Cf. Council of the European Union, Document 6954/20, ENLARGEMENT AND STABILISATION AND ASSOCIATION PROCESS for the Republic of North Macedonia and the Republic of Albania, Draft Council conclusions, Brussels, 23/03/2020.

³ Cf. Venice Commission, Opinion No. 1006 / 2020, ODIHR Opinion No. ELE-ALB/396/2020, Joint Opinion on the Amendments to the Constitution of 30 July 2020 and to the Electoral Code of 5 October 2020, Strasbourg, 11/12/2020

⁴ Cf. Fifth Evaluation Round – Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies. Evaluation Report Albania, Strasbourg, 03/12/2020

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