Albania

by Eno Trimçev

Capital:	Tirana
Population:	3.2 million
GDP/capita:	US$5,201
Ethnic Groups:	Albanian (95.0%), Greek (3.0%), other (2.0%)

The economic and social data on this page were taken from the following sources:

GDP/capita, Population: *Transition Report 2006: Finance in Transition* (London, UK: European Bank for Reconstruction and Development, 2006).

Ethnic Groups: *CIA World Fact Book 2007* (Washington, D.C.: Central Intelligence Agency, 2007).

Nations in Transit Ratings and Averaged Scores

	1999	2001	2002	2003	2004	2005	2006	2007
Electoral Process	4.25	4.00	3.75	3.75	3.75	3.75	3.50	**4.00**
Civil Society	4.00	4.00	3.75	3.75	3.50	3.25	3.00	**3.00**
Independent Media	4.50	4.25	4.00	4.00	3.75	4.00	3.75	**3.75**
Governance*	4.75	4.25	4.25	4.25	4.25	n/a	n/a	**n/a**
National Democratic Governance	n/a	n/a	n/a	n/a	n/a	4.25	4.00	**4.25**
Local Democratic Governance	n/a	n/a	n/a	n/a	n/a	3.25	2.75	**2.75**
Judicial Framework and Independence	5.00	4.50	4.50	4.25	4.25	4.50	4.25	**4.00**
Corruption	6.00	5.50	5.25	5.00	5.25	5.25	5.25	**5.00**
Democracy Score	**4.75**	**4.42**	**4.25**	**4.17**	**4.13**	**4.04**	**3.79**	**3.82**

** With the 2005 edition, Freedom House introduced separate analysis and ratings for national democratic governance and local democratic governance to provide readers with more detailed and nuanced analysis of these two important subjects.*

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author of this report. The opinions expressed in this report are those of the author. The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

Executive Summary

Beginning its transition to democracy and a market economy a decade and a half ago, Albania is richer, more democratic, and safer than ever before. The political class and the Albanian people in general have shown outstanding unity on the basic issues of democracy, market economy, and Euro-Atlantic integration. This consensus has perhaps been all the more remarkable given the country's totalitarian past that runs deeper than in most of Albania's post-Communist neighbors. It is then somewhat paradoxical that the country's progress has been quite slow, and periods of democratization have sometimes been followed by painful reversals. The zero-sum nature of politics and the intense partisanship of the Albanian political scene have brought about periods of deconsolidation, often following quickly on the heels of important achievements on the road to a consolidated democracy.

The history of free and fair elections in Albania is particularly indicative. The 1992 elections brought the first peaceful rotation of power when the ex-Communists lost to the opposition Democratic Party (DP). The next elections in 1996 were the most fraudulent of Albania's post-Communist history, with the DP sweeping the overwhelming majority of seats in the Parliament. Early elections in 1997 also brought about a rotation of power. They were deemed acceptable but were far from "free and fair," with the DP unable to campaign in much of the south, which was controlled by antigovernment rebels. Local and parliamentary elections remained problematic and exhibited varying degrees of manipulation by the ruling Socialists until the parliamentary elections of 2005, which were the first ones to be accepted by both sides since March 1992. However, efforts to reform the electoral code for the upcoming local elections have stalled because of the intransigence of the majority and the opposition. Ahead of the local polls in January 2007, all constitutional deadlines were broken in 2006, which does not bode well for the political climate in the future.

Albania's Euro-Atlantic integration efforts made headway in 2006. On June 12, the country signed the Stabilization and Association Agreement with the European Union (EU). Together with Croatia and Macedonia, Albania received an indication from the NATO summit in Riga, Latvia, that it will be invited to join NATO in the 2008 summit if reforms continue. However, these successes rested largely on the credit gained by the 2005 parliamentary elections. The coming to power of a new center-right majority that placed the fight against corruption and organized crime at the top of its agenda (and of chief concern among Albania's Western partners) created a positive image and injected much needed vigor into the country's reform agenda.

But a year and a half after the parliamentary elections, lack of progress on electoral reform has seriously jeopardized Albania's ability to hold free and fair elections in 2007. Moreover, the strained relationship between the executive and a number of the country's independent institutions has raised serious concerns about its ability to operate according to the constitutional framework. In this sense, 2007 may turn into a milestone year that will either mark the consolidation of the country's democratic achievements or roll them back, as has often happened in the past 15 years.

National Democratic Governance. In 2006, Albania's democratization lost the momentum gained by the free parliamentary elections and peaceful rotation of power in 2005. The highly partisan atmosphere in the Parliament blocked electoral reform for the upcoming local elections, and public antagonism between the executive and several independent institutions and a tendency to amass power in the hands of the executive made national governance less effective and less democratic. The center-right administration carried out its fight against corruption and organized crime energetically but without due regard for constitutional rights and freedoms. The opposition demonstrated intransigence and did not provide a clear vision for governing properly. The rotation of power also brought about a cleansing of the civil service without due process, which undermined the efficiency of public administration. Yet, paradoxically, 2006 demonstrated the remarkable strength of Albanian democracy. Overall, independent institutions did not fold under pressure. A number of legislative and political initiatives that ran counter to the spirit and letter of the law failed, showing that the parliamentary majority could not wield unlimited powers. *Owing to efforts by the executive to bypass or control independent institutions, failed electoral reform, and a lack of clear commitment to protect citizens' constitutional rights and freedoms, the national democratic governance rating worsens from 4.00 to 4.25.*

Electoral Process. The year 2006 was supposed to be the year of electoral reform that would prepare Albania for local elections in January 2007. Despite a good beginning, with all parliamentary parties agreeing in a presidential roundtable in late 2005 to work together for changes to the electoral code, the effort ground to a halt in 2006. Negotiations were blocked successively over such issues as membership in the ad hoc Parliamentary Committee on Electoral Reform, veto rights, appointments to the Central Electoral Commission, voters lists, the role of prefects, special certificates, and the date of elections. The opposition parties signaled their intention to boycott the elections if consensual reform to the electoral code failed. During the year, all constitutional deadlines on voters lists and the establishment of voting center commissions were broken. *Owing to the inability of political forces to agree on electoral reform, which has seriously jeopardized the country's chances to hold free and fair elections within the constitutional time limits, the rating for electoral process worsens from 3.50 to 4.00.*

Civil Society. In 2006, civil society activity declined somewhat compared with the situation the previous year, when nongovernmental organizations (NGOs) mobilized to monitor the parliamentary elections. The third sector's technocratic capacities also declined as a considerable number of civil society representatives joined the new center-right majority in either executive or top bureaucratic positions. Yet this blurring of boundaries between civil society and politics did not bring about the expected "emancipation" of politics, as the technocrats lacked the political clout and experience to make a powerful impact on policy. Nevertheless, civil society did lead several successful campaigns against draft laws it deemed contrary to the spirit or letter of the Constitution, such as those regarding the state police, higher education, and others. Despite its structural weaknesses and oscillations, Albanian civil society has become a force to be reckoned with by any government. *Owing to lack of improvement in local capacities to sustain civil sector activity, the rating for civil society remains unchanged at 3.00.*

Independent Media. The lack of transparency in financial matters, audience/circulation, and ownership continues to characterize Albania's oversaturated media market. Political pressure on media that do not toe the government line continued in 2006, although it was mostly of an indirect nature and the government was generally unable to gain the upper hand. While libel and defamation have not yet been decriminalized, a draft law exists and there is an understanding in place that government officials will not sue journalists on such charges. Unilateral changes in the composition of the media regulatory bodies from a balanced political representation to civil society representation elected by the Parliament have opened the way to the election of pro-government representatives on these bodies. Nevertheless, the government has cut the links between media ownership and access to public tenders by media owners, which was one of the main factors affecting media freedom during the previous Socialist administration. The conditions have been set for an autonomous media market that responds better to customers' needs rather than to the nonmedia business interests of the owners. *Although steps have been taken to make media more responsive to customer needs, political pressures and unclear ownership structures continued to characterize the media market in 2006. Thus the rating for independent media remains unchanged at 3.75.*

Local Democratic Governance. Albania's decentralization strategy continued to progress during 2006, albeit at a slower pace. Fiscal decentralization continued with increases in transfers from the central government, formula-based unconditional transfers that circumvented political manipulation, and a package of local taxes and discretionary powers to set fees for local services. On the other hand, progress in the decentralization of water and sewage systems and in urban planning was very slow. Conflict between the central government and the municipality of the capital city, Tirana, showed how vulnerable local government is to the political agenda of the central government. The government still has some way to go to comply fully with the European Charter of Local Self-Government, which it has already signed.

Although Albania has progressed in the devolution of power to local government units, the difficult relationship between the central government and local structures controlled by the opposition has hampered local governance. Therefore the rating for local democratic governance remains at 2.75.

Judicial Framework and Independence. While incremental progress in the quality and transparency of the judiciary continued in 2006, the country's judicial system remains weak and corrupt. The right of full access by all citizens to the courts is not fully respected. A new draft Law on the Judiciary fails to deal with the system's main weaknesses: poor education, problematic pretrial detention systems, erratic implementation of court decisions, and behavioral incentives for each actor in the judiciary that undermine the rights of the defendant. But the judicial system asserted its independence from political interference during the year, especially when the Constitutional Court declared unconstitutional a law that required judges in the High Council of Justice to give up their judgeships in order to eliminate conflicts of interest. *Owing to the judiciary's successful attempts to resist interference by the ruling majority, the rating for judicial framework and independence improves from 4.25 to 4.00.*

Corruption. The fight against corruption and organized crime was the leitmotif of the center-right administration in 2006. Overall, important successes have been achieved with high-profile arrests of organized crime gang leaders, decreases in corruption in tax and customs services and, perhaps more important, a sense that the era of immunity and protection for corrupt officials is over. Few corruption scandals were reported in the media during 2006. Nevertheless, the anticorruption struggle has suffered from excessive volunteerism at the expense of institutions and long-term strategies. Low-level corruption and bribe taking continue unabated, and no high-level officials have been charged yet. Anticorruption reform has suffered from a dearth of legislative initiatives, relying instead on the considerable will of the prime minister to clean up governance. *Although actual corruption levels remain very high, the decline in high-profile corruption cases among officials leads to an improvement in Albania's corruption score from 5.25 to 5.00.*

Outlook for 2007. In this section last year, it was forecast that the most important event in 2006 would be the local government elections. The assumption was that Albanian political parties would implement consensual electoral reform in time for elections to be held in 2006. That did not occur, so the country rescheduled local elections for 2007. However, the parties have not agreed on electoral reform, and the united opposition has refused to register with the Central Electoral Commission. Voters lists are not ready, and the polling station committees have yet to be constituted. The government and president are faced with two choices: either postpone the date of local elections beyond the constitutional deadline in order to amend the electoral code consensually or hold the elections without the opposition. Although it is too early to predict the choices the relevant actors will make, it is

certain that the 2007 local elections will be a formidable test for the country. And if events in 2006 serve as a guide, the outlook for 2007 is bleak indeed. Other than the local elections, the ruling majority will be tested by the implementation of the interim agreement, which may strain the state budget owing to decreased customs revenue from EU imports. Last but not least, the relationship between the ruling majority and independent public institutions needs to improve to enable the country to move forward on the Euro-Atlantic integration agenda.

Main Report

National Democratic Governance

1999	2001	2002	2003	2004	2005	2006	2007
n/a	n/a	n/a	n/a	n/a	4.25	4.00	4.25

Albania is a parliamentary republic. The president is elected by the Parliament through a qualified three-fifths majority, but his powers are limited and largely symbolic. The mandate of the current president, Alfred Moisiu, will expire in June 2007, at which time the current center-right majority will need to put forth a candidate who can rally the support of at least some opposition members of Parliament (MPs). The National Assembly of Albania is a unicameral Parliament with 140 seats: 100 are elected directly by a simple majority system, and 40 are allotted through a proportional system designed to correct the distortions in representation resulting from the simple majority system.

In the last two parliamentary elections, political parties have gained overrepresentation in the Parliament through a literal interpretation of the electoral code, thus infringing on the constitutional principle of proportional representation. The strategy—called "Dushk," after the first electoral zone where it was practiced by the Socialist Party (SP) in the 2001 elections—consists of a major party calling on its supporters to vote for a small allied party on the proportional ballot, thus artificially increasing the number of seats allotted to the beneficiary party in the proportional system. The ruling Democratic Party (DP) coalition used the strategy more successfully in the last elections, thus gaining 11 seats for its close ally, the Republican Party (RP),[1] which in fact has only marginal support from the electorate.

The new government came to power mainly on campaign promises to fight corruption and organized crime, which is also a key requirement for Albania's EU integration.[2] While the government has taken energetic action in this regard, often it has done so by trying to undermine independent institutions, which it deems either deeply corrupt, such as the High Council of Justice (HCJ) and the General Prosecutor, or an obstacle in its war against corruption and organized crime, such as the president of the republic.[3] Also, the government's legislative efforts to combat corruption and organized crime—such as the "nepotism law,"[4] the draft law to limit the immunity of MPs, the Law on Information Classified as State Secret,[5] and the moratorium on speedboats—either were declared unconstitutional by the Constitutional Court, vetoed by the president, or passed amid vigorous opposition by civil society actors.

Last but not least, while police have been successful in arresting a number of important organized crime figures, and the era of impunity for corrupt officials is now over, it is uncertain whether efforts to combat corruption have had any effect

at the citizen level.[6] On the other hand, the SP-led opposition has chosen a highly obstructionist course of routine boycotts of the Parliament, minimal legislative input, and the adoption of an ethos of disobedience to the legally expressed will of the majority.

As 2006 drew to a close, Albania's democratization efforts had lost the momentum gained in the peaceful rotation of power in 2005. The highly partisan atmosphere in the Parliament, deadlocked electoral reform prior to the local elections, public antagonism between the executive and several independent institutions, and a general tendency to amass powers in the hands of the executive made Albania's national governance less effective in 2006.

Nowhere is the highly polarized political situation at the national level better reflected than in the Parliament. On October 24, the opposition submitted its second request within a year for the dismissal of the Speaker of the Parliament.[7] All MPs from the five opposition parties that had managed to unite in a coalition at the beginning of the year signed the request, which accused the Speaker of attempting to create institutional conflict with the president, the HCJ, and the General Prosecutor. According to the chairman of the SP caucus, Pandeli Majko, more MPs were penalized for breaking parliamentary rules of procedure in this legislature than during the last 15 years of democratic transition.[8]

The Parliament's technical and administrative capabilities suffered from resignations and dismissals among the parliamentary administrative staff. The position of secretary general, the highest bureaucrat in the Parliament, remained vacant from September until February. In the second half of 2006, the situation normalized with the hiring of new staff. On a positive note, vigorous debates—especially on the state budget in committee as well as plenary sessions—and the regular participation of the prime minister in plenary sessions demonstrated that the Parliament continues to provide the main institutional framework for Albanian political life.

On the other hand, efforts at the beginning of the new legislature to enhance transparency and increase public awareness of the duties and responsibilities of parliamentarians have largely come to a halt.[9] Although a number of investigative committees were established in 2006 to look into the telecommunications monopoly, public administration dismissals, and certain actions of the General Prosecutor, they did not result in any legislative changes owing to conflicts among the political groups. The first two committees, set up at the request of the opposition, were not allowed to read their final report in plenary sessions. Instead, the report was distributed to all MPs. Because of the political nature of setting up investigative committees, the two governing parties failed to come together to make these committees effective. Finally, two opposition blockades of the Parliament in the spring and summer, the presence of Republican Guard officers during some plenary sessions, and physical fights between MPs did nothing to enhance the reputation of this institution.

In the beginning of 2006, the opposition initiated a form of boycott by attempting to get a secret ballot vote on its first request to dismiss the Speaker. This was refused twice by the majority.[10] Despite an eventual consensus, parliamentary

sessions lacked the civility and efficiency to move the country forward on electoral reform, as had been agreed in a roundtable between political parties and the president in December 2005. Opposition MPs, united in a single coalition, decided to be present only during discussions on draft bills but boycotted the actual voting.[11] That meant that most of the bills passed by the Parliament during the year had few "nay" votes.

Prime Minister Sali Berisha's government tried to undermine independent institutions by influencing the composition of the HCJ and by attempting to replace the General Prosecutor, Theodhori Sollaku, on charges of incompetence and criminal activity. In April 2006, the Parliament set up an investigative committee to look into the General Prosecutor's work. Typically, the opposition boycotted the committee with the argument that it had taken over legal attributes, thus infringing upon the independence of the judiciary. The majority and the opposition presented two separate reports to the Parliament, which approved the majority report. Subsequently, the president refused to follow up on its recommendations and allowed Sollaku to retain his post. In his October 13 letter to the Parliament, President Moisiu argued that the Parliament cannot judge the legality of decisions made by the General Prosecutor.[12] Overall, civil society, the opposition, and smaller parties in the DP-led coalition, with the exception of the RP, supported either the outcome or the president's constitutional right to decide on the matter.

The government has on occasion attempted to create parallel institutions when it has failed to control existing institutions. Illustrating the government's determination, it set out immediately to reverse the president's decision, which Moisiu called "irreversible." The Ministry of Justice started drafting a law to set up a body of independent prosecutors to investigate Sollaku and file a court case against him should it find the necessary evidence.[13] Most of the country's prominent constitutionalists immediately pointed out that it is the president, not the Parliament, who appoints prosecutors at the recommendation of the General Prosecutor.[14] The government appears to have quietly shelved the draft law.

But it is not only when existing institutions pose a direct and public challenge to government control that it has tried to subvert them or take over their mandate. Draft legislation on higher education presented in late 2005 undermined the authority of public universities by specifying that rectors would be appointed by the Ministry of Education. Sensing fierce opposition from professors, who were experienced in public disputes with previous Socialist governments on the issue of university autonomy, the ministry shelved the draft law and presented a revised version in early autumn, to the approval of faculty.[15] Thus the draft legislation on higher education serves not only as an example of government attempts to exert control over civil society, but also as a case of successful resistance to such overtures by nongovernment stakeholders.

In implementing its anticorruption program, the government has on several occasions either violated or attempted to violate constitutional rights and freedoms. For example, it proposed to limit the immunity of MPs without amending constitutional provisions guaranteeing immunity[16] and to bar employment in public

administration, customs, and tax authority positions to virtually any family member of government officials. Moreover, it appears that a number of state employees have been dismissed following nontransparent procedures. And high government officials have publicly accused the president, General Prosecutor, and opposition SP leader Edi Rama of corruption without filing any court cases, which possibly violates the right to a presumption of innocence.[17]

The fight against corruption and organized crime as well as efforts to trim the government's operational costs resulted in a large-scale cleansing of civil servants in 2006. Although exact numbers are hard to come by,[18] there is little doubt that political or nepotistic criteria were followed in firing civil servants with a legally protected status and stacking the public administration with party militants.[19] Police reform alone cost the government a reported 30 million lek (approximately US$300,000) in wages to police officers who won court cases for unjust dismissals. Though the courts ordered their reinstatement, these decisions were generally ignored by the executive.[20] This has caused frustration among international partners, delays in project implementation, and diminished budget funds allotted for public investment projects.

In 2006, national democratic governance suffered from an intransigent majority and an opposition that lacked the capacity to do anything but react to government initiatives. While the government has focused its attention almost exclusively on the fight against corruption, the opposition has lost a golden opportunity to provide proactive alternatives for governing properly. It has been so preoccupied with the struggle against the majority's agenda and its own internal squabbles that it has failed to articulate policies that demonstrate it knows how to handle power responsibly once the inevitable wheel of democracy turns around again in its favor. That requires hard legislative work, presenting draft laws in the Parliament, bringing the public focus onto "bread and butter" issues where the government may be underperforming, and building a public policy persona that allows voters to identify the Left with what it stands for instead of what it stands against.

Finally, 2006 also demonstrated that Albania has come far in its efforts to institutionalize democracy. A majority in the Parliament is no longer enough to run roughshod over institutions. For example, President Moisiu and the Constitutional Court have returned a number of laws to the Parliament that they deemed unconstitutional. General Prosecutor Sollaku continued to exercise his duties despite the acrimonious public campaign against him, while the HCJ did not change its composition according to the wishes of the government. Overall, a number of legislative and political initiatives that ran counter to the spirit or letter of the Constitution failed, demonstrating that Albania is serious about its democratic future.

Electoral Process

1999	2001	2002	2003	2004	2005	2006	2007
4.25	4.00	3.75	3.75	3.75	3.75	3.50	4.00

The lack of progress on electoral reform despite the importance of the issue to both governing political groups did not bode well for the upcoming local elections. Despite strenuous efforts by both camps and the direct involvement of President Moisiu[21] and international agencies such as the Organization for Security and Cooperation in Europe (OSCE),[22] the electoral reform was not accomplished. The mandate of the ad hoc Parliamentary Committee on Electoral Reform (AHC) was extended three times without bearing any fruit. This deadlock means that Albania risks being administratively incapable of improving on previous elections.[23] The failed attempts at electoral reform during 2006 served to illustrate the larger failure of the Albanian political class to move firmly toward democratic consolidation.

The last general elections on July 3, 2005, were considered the best in Albania's post-Communist history and directly influenced the signing of the Stabilization and Association Agreement with the EU in June 2006. Elections were based on a new electoral code adopted in June 2003 and drafted with the assistance of the OSCE and the Council of Europe. The legislation was drafted by a bipartisan parliamentary commission with cross-party consensus. The elections themselves were characterized by moderate rhetoric, balanced media coverage, and fair and effective processing of electoral appeals. Although the report issued by the Office for Democratic Institutions and Human Rights did find that the elections "complied, only in part, with OSCE commitments and other international standards for democratic elections,"[24] owing to inaccurate voter registration lists and other technical difficulties, the peaceful rotation of power validated the elections politically.

To address these shortcomings, President Moisiu called a roundtable with political party representatives on December 7, 2005, to discuss electoral reform. The roundtable concluded with a consensual declaration by all parties to create the AHC in January 2006. However, foreshadowing things to come, the committee did not function because of disagreements over the right of veto by the two main parties, the DP and the SP, and the committee's composition.

Initially, both the DP and the SP agreed to sideline smaller parties by forming a 22-member AHC, with six members from each of the two big parties and one from each of the remaining 10 parties. AHC decisions were to be taken by absolute majority and supported by each DP and SP member. Furthermore, both parties agreed that the voters lists used in the 2005 parliamentary elections would serve as the basis for further work. However, owing to strenuous objections by the smaller parties, the ruling DP offered to reduce the number of members for the two major parties from six to three each, with the right of veto for the DP and SP and a joint veto for seven coalition parties. Ultimately, opposition protests on the assembly rules of procedure, following a faulty electronic vote on the first opposition request

to dismiss the Speaker of the National Assembly, blocked the AHC (whose mandate expired on April 19 without accomplishing anything).

In early May, another controversy flared up over one of three vacancies in the Central Electoral Commission (CEC). According to the electoral code, one CEC member would be chosen (respectively) by the president, the HCJ, and the National Assembly. The government and the HCJ claimed that the SP and the DP should jointly propose candidates to the HCJ, while the SP claimed to have exclusive right of proposal.[25] By July, both parties finally sent each of their four nominations, from which the opposite side selected two. On July 26, the HCJ elected an SP official, but the ruling majority declared the decision illegitimate since two of the HCJ members had been dismissed previously by the National Assembly on allegations of corruption—a somewhat implausible claim, as the minister of justice participated and voted in the HCJ meeting. According to the electoral code, the National Assembly was required to elect the next CEC member from the ranks of the smaller opposition parties, which would have given the opposition a majority in the CEC.

Instead, on July 28, 2006, in the last plenary session before the summer recess, the majority voted for Arben Ristani from the RP to ensure majority control of the CEC. The session collapsed, fueled by the anger of the Socialist Movement for Integration, which claimed that it had been cheated of a place in the CEC. Upon suspending the session, the majority convened the plenary in the administrative building of the National Assembly, while the opposition occupied the legal chambers of the Parliament. In procedures that resembled an emergency situation, the majority voted for its candidate to the CEC, passed amendments to the budget, and elected the National Council of Radio and Television (NCRT) and the Steering Council of Albanian Radio and Television (SCART) from civil society members.[26]

Thus the ruling majority controlled the CEC according to a 4–3 ratio, which is of no great importance since all significant decisions require a qualified majority vote of 5–2, giving the opposition a de facto veto. But in the following days, the opposition promised civil disobedience and an election boycott if the government did not rescind its decisions. Perhaps it was fortunate that the confrontation occurred in late summer, when public and political life in Albania shuts down until September, thus giving time for cooler heads to prevail in both camps.

Parallel to the CEC issue, another controversy on voter registration lists flared up. The day before list preparation was scheduled to begin on May 20, the SP put forward the non-negotiable condition of removing the temporary register from the voters lists. The temporary register contains over 130,000 names of citizens, many of whom live in informal areas. Located mostly in the northern highlands, these citizens tend to support the DP, which has effectively changed the map of electoral support in the central urban areas. Their existence in temporary registers allegedly opens the way to "double voting" and potential fraud, since they could theoretically vote in their place of current residence as well as in the place where they were first registered. The SP had used this argument to boycott the work of the AHC since early June.

It is important to note that the SP demand was made public at a time when the voters list issue was thought to be resolved, since cross-party consensus existed on using the 2005 lists as the basis for the new voter registration lists. Despite extensive consultations, the opposition had not voiced this concern previously. The SP had accepted the DP-proposed temporary register when it was in power without any discernible loss to itself in the 2005 parliamentary elections. Nevertheless, an unlikely argument could be made that the DP-controlled Ministry of the Interior, through its control of voters lists and certificate distribution, could open the way for substantial manipulation, though there is no evidence of this to date.

With mediation from the European Commission and the OSCE, the two governing parties came to an agreement on August 30. The DP relented by getting rid of the temporary register, forcing citizens to choose where they want to vote. The party also agreed to amend the Constitution to increase CEC membership from seven to nine[27] and the mandate of elected local government officials from three to four years, and to increase membership of the two media regulatory and supervisory bodies according to opposition demands. The agreement also extended the mandate of the AHC until October 15.

But all of this was to no avail, as disagreements on timelines and the role of the prefect in compiling voter registration lists deadlocked the AHC.[28] The mandate of the AHC was extended again fruitlessly until November 14, but despite last minute attempts, no agreement was reached. An effort by the majority to ram the constitutional amendments through the Parliament failed to drum up the necessary two-thirds support. With the administrative infrastructure in chaos a few weeks before the elections, the CEC ordered local governments to prepare voters lists 45 days prior to the election date, citing an article in the electoral code that refers to partial or early elections, thus giving an aura of emergency to the procedures.[29]

In preparation for the 2007 local elections, electoral reform was blocked successively by the issues of AHC membership and veto rights, CEC appointments, voter registration lists, the role of prefects, and the date of elections. Each of these issues was solved, only to have the next problem spring up and again block the process. At the end of 2006, Albania was as far from being prepared as it was at the beginning of the year. To explain why the parties failed to reach an agreement when both started the year more or less in accord would perhaps also explain why Albania has yet to definitively adopt procedural democracy as the "only game in town."

Civil Society

1999	2001	2002	2003	2004	2005	2006	2007
4.00	4.00	3.75	3.75	3.50	3.25	3.00	3.00

Civil society, as a public sphere free of state intervention, did not exist in Albania prior to 1991. The Communist regime outlawed all free collective action, going so far as to forbid religion altogether in 1967—the only Communist state to do so

constitutionally. But even prior to the Communist victory in 1944, Albania suffered from low levels of civic participation. Such a history partially explains the structural weaknesses of civil society in the country. These include donor-dependent NGOs dominated by donor (rather than homegrown) agendas in an environment of social and political apathy. Additionally, Albania's economic development and diversity of interests are not yet at a level that can sufficiently stimulate civic participation and the free pursuit of collective interests.

In Albania, civil liberties are protected by the Constitution and legislation.[30] The creation of business associations, Chambers of Commerce, NGOs, and trade unions is freely allowed. NGOs may set up and operate without government restrictions, which has led to a proliferation of groups over the years. But donor dependency and weak government–civil society partnerships continue to plague Albanian civil society. In 2006, civil society activity declined compared with what had existed the previous year, when NGOs were mobilized to monitor the parliamentary elections. Although concerns over the tendency of the executive to amass power beyond its constitutional limits galvanized several important organizations into action, a slight decline in financial resources as foreign donors started limiting their support and a general outflow of civil society technocrats in government weakened third sector actors.

There were two major institutional developments in the Albanian civil society scene. The first was the creation of Civil Action, an alliance of the successful MJAFT! movement with leading political commentators and press. The raison d'être of the new movement is the desire to protect and encourage independent public institutions such as the presidency. Civil Action initiated a visible public campaign to fulfill its mission, which culminated in a mass protest of several thousand in front of the Office of the Prime Minister. While it remains to be seen whether Civil Action will become autonomous from the MJAFT! movement, which to date provides the staff and logistical support for Civil Action activities, its creation is a visible indicator of rising concerns among civil society actors about authoritarian tendencies in the government.

The second initiative was the creation of the Network for Open Society in Albania (NOSA). A part of the transformed Open Society Foundation–Albania, NOSA is a network of top civil society organizations working in three complementary directions: European integration, good governance, and civil society. Paradoxically, while the network of organizations in NOSA is composed of a veritable *Who's Who* of Albanian civil society, this has had a negative impact on the creation of a clear identity for the network.[31] Second, the network is heterogeneous, as it comprises think tanks as well as grassroots and citizen movement organizations. NOSA also includes organizations perceived to be closer to the government as well as others clearly opposed to it. In the coming years, NOSA may well turn into a prestigious brain trust for Albanian civil society, but it is highly doubtful whether it will acquire a public profile by coming out with clear stances on political issues.

Other public advocacy campaigns by well-established organizations continued in 2006. For example, the ever imaginative MJAFT! movement organized a protest

on April 9 against arbitrary utility bills by the state-owned Albanian Energy Corporation. The Coalition for Defense of the Consumer organized a protest against hikes in energy prices.[32] Actions against the Law on Information Classified as State Secret, the "nepotism law,"[33] the moratorium on speedboats, the "spy law," the Law on State Police, and others resulted in notable successes by civil society organizations. Nevertheless, social apathy and a degree of distrust toward civil society translated into low levels of participation in these public events.

But 2006 marked a particularly significant victory for authentic homegrown civil society. Public university professors acted together without outside support to repeal draft legislation on higher education that would have hijacked the autonomy of universities. Prepared with no consultation with interest groups, the draft law stipulated that the majority of university board members were to be selected by the Ministry of Education. This group would then approve candidates for the remaining board positions, which were to be elected by faculty.

Professors from the University of Tirana and the Academy of Arts immediately created the Albanian University Forum and started a media campaign against the draft law. The Ministry of Education withdrew the draft, only to present a second one that was even more centralizing than the first. In June, the forum organized a national conference with representatives from all public universities except the one in Korça, where the professors signed a petition threatening strikes if the draft was not repealed. The ministry withdrew a second time and then, after extensive consultations with all interest groups, presented a third draft acceptable to all.[34] The success of the forum despite public and especially private pressure on its members was remarkable given their lack of outside support. On the other hand, the story of the draft legislation on higher education serves as an illustration of the government's attitude toward autonomous power centers.

Despite these success stories, Albanian civil society continued to suffer from excessive donor dependency. As foreign funding is decreasing,[35] there are concerns among the NGO community about local sustainability. While some NGOs have been able to diversify funding sources by getting the local business community involved, these efforts are at the beginning stages and suffer from a lack of philanthropic culture among Albania's nouveau riche. More important, the Albanian government has not undertaken any partnerships with NGOs to tap their relatively high technocratic capacities in the drafting of better policies.

No changes were observed in the area of labor rights and trade unions. The decline of the manufacturing sector, high unemployment, organizational weaknesses, and distrust of collectivist forms of political action have left trade unions on the margins of Albanian economic life. Journalists associations also remain extremely weak. A new trade union may soon come up with a collective contract to be negotiated with media owners.[36] However, Albania's labor market remains poorly regulated, and workers are subject, by and large, to the whims of their employers.

If civil society is defined as collective action independent of the political sphere, then 2006 was not a good year for Albanian civil society. First, a number of civil society representatives with right-wing or free market leanings joined the DP's

Committee for Orientation of Politics (COP), which helped draft the DP's policy programs before the elections in 2005. This may have created a negative perception among the general public, which considers NGOs as donor-funded entities existing for political ends.[37] Second, although a few COP members remained in government or high-level administrative positions after the DP victory, they were able to neither forge government–civil society partnerships nor leave their own mark on the government. This blurring of boundaries between politics and the third sector has weakened civil society capacities without any of the predicted moderation of politics that was expected to follow.

Independent Media

1999	2001	2002	2003	2004	2005	2006	2007
4.50	4.25	4.00	4.00	3.75	4.00	3.75	3.75

During 2006, important changes were made in the media regulatory framework that raised concerns about the vulnerability of the media to politics. Although business links between media owners and the public purse (characteristic of the previous Socialist government) have been severed, direct and indirect pressures on the media continued during the year. The unilateral changes in the composition of the Steering Council of Albanian Radio (SCART) and Television and the National Council of Radio and Television (NCRT) from balanced political representation to civil society representation elected by the Parliament opened the way to the election of pro-government representatives in these two media regulatory bodies. Moreover, the hasty manner in which changes in the Law on Electronic Media were carried out—in a majority-only parliamentary session in the National Assembly's administrative building (while opposition MPs occupied its legal chambers) and without any preceding public debate—raised questions about the ruling majority's motives.

The role of the Parliamentary Committee on Education and Public Information Media in overseeing media affairs decreased in 2006. Committee members changed completely after the 2005 elections, and a great deal of time was needed for new members to become familiarized with media issues. Since the committee covers culture, education, and tourism as well, the range and intensity of its work are quite high. This could explain why the press draft legislation that decriminalizes defamation and libel and regulates the digital broadcasting market has yet to pass in committee.

On the other hand, the Parliament passed two draft laws that changed the media's legal framework: the Law on Radio and Television and the Law on Information Classified as State Secret. The amendments to the first law, which had to be voted on twice owing to the president's refusal to decree it,[38] changed the composition of the two electronic media regulatory bodies from politically balanced representation

to civil society representation.[39] Although the August 30 agreement between the two parties opened the way to consensual amendments to the law, these have yet to pass in the Parliament because of the failure to implement the agreement. The Law on Information Classified as State Secret was amended in May 2006 by adding a new, vague level of classification for "state secrets," which many deemed to be in violation of the constitutional right to free information.[40]

While print media have operated with an almost total lack of regulation since a laissez-faire Law on the Press was passed in 1997, the broadcasting market is regulated by the Law on Radio and Television, which established the SCART and the NCRT to oversee the market. Responsible for implementing the law, the NCRT has demonstrated a lack of will to face the market's main problem—unregulated digital broadcasting. Nevertheless, the NCRT expects to submit a new draft law on the issue to the current legislature.[41]

The media market continues to be oversaturated. There are 26 dailies and at least 5 other newspapers in a country of three million people.[42] During the Socialist governments, such an explosion of newspapers could be explained by the link between media ownership and access to public tenders. However, the new center-right majority severed this link through amendments to the Law on Radio and Television, although there is unsubstantiated anecdotal evidence that the editorial policies of media outlets can help or harm their business operations. Nevertheless, new newspapers such as the *Standard*, *Shqip*, *Telegraf*, and *Ndryshe* were launched in 2006. According to official data, the country also has 85 television and 49 radio stations—there are 2 national public televisions and 2 national public radio stations.[43] Three digital cable television stations operate without any legal supervision, as there is no legislation to regulate digital broadcasting.

One of the greatest problems facing the Albanian media market is its unclear ownership structure. Currently, it is impossible to state definitively who owns which media outlets. This jeopardizes the transparency of media financial declarations to the extent that even the NCRT is uncertain which outlets are profitable,[44] opening the way for political as well as economic violations. For example, the NCRT was accused of issuing a new license to a local television outlet owned by an 18-year-old cousin of one of the owners of the pro-government KLAN national television station. While national media owners are prohibited by law from owning local outlets, the unclear ownership structure makes it hard to prove such accusations.

This has also made it difficult to implement the labor code to protect the rights of journalists, making quality journalism in Albania a distant goal. The situation motivated the Albanian Media Institute to work together with journalists associations and media owners to revise the 1996 voluntary code of ethics, which until then had been left up to journalists to individually self-enforce. A new Council of Ethics was created to oversee implementation of the code and review complaints by media or the general public. While it remains to be seen how effective the new code of ethics will be, the inclusive process that led to its adoption shows the degree of concern in media circles about existing practices and a strong desire to achieve some progress in this area.

Although the amendments to the Law on Radio and Television severed economic interests from politics by forbidding media owners from participating in public tenders and the privatization of public property, political pressure on media that fail to toe the government line continued in 2006. One example was the sudden regulation of the broadcasting of live assembly sessions by private television stations; this occurred after stations interrupted live coverage of the parliamentary session on the resolution condemning crimes of Communism just as Prime Minister Berisha took the floor.[45] The ban was quickly revoked after vociferous protests by the media. In another significant example, the government declared its intention to revoke a 20-year lease to Top Media in a publicly owned building. The fact that Top Media is constantly critical of the government aroused public suspicion of government motives. Although the contract was valid, Prime Minister Berisha stated that it was more appropriate for the National Library to use the Top Media premises.[46] The government gave Top Media a December 17 deadline to vacate. However, the deadline passed without any government action on this regard.

Developments in 2006 created the basis for a more free and transparent media in Albania. With the links between political power and media magnates mostly severed, the financial bankruptcy of the press is being exposed. Previously, a "chain of illegality" created an oversaturated market that was corrupt, unresponsive to reader demand, and financially unviable: Media owners were not paying the printing houses, which in turn were not paying taxes, as they were "protected" by owners whose real business interests lie in public tenders, not the media market. If the government can apply the law equally to all media and ignore the temptation to interfere, Albanian media could soon pass into a period of upheaval as unprofitable media outlets close down while the winners consolidate. But since history shows that making predictions in Albania is a very unprofitable enterprise, few are betting on this optimistic scenario.

Local Democratic Governance

1999	2001	2002	2003	2004	2005	2006	2007
n/a	n/a	n/a	n/a	n/a	3.25	2.75	2.75

Albania's decentralization strategy continued to progress in 2006 despite some hesitation with the change in government and the country's usual uncertainty about this process.[47] The legal framework for accountable and decentralized local government bodies has been in place since the Law on Organization and Functioning of Local Governments was adopted in 2000, which itself marked the completion of a legislative process that began with the signing of the European Charter of Local Self-Government in May 1998. The Constitution adopted in the same year enshrined the principle of decentralization for local government in Albania.

The new center-right government revised the 2000 National Strategy for Decentralization and Local Autonomy as part of a general overhaul of the policies of

the previous administration. The new strategy awaits approval by the Council of Ministers. If adopted, it will bring about three major amendments: Regional councils will be elected rather than appointed, fiscal decentralization will be deepened, and administrative borders will be reformed to decrease the number of local government bodies.[48] While some of these amendments, such as fiscal decentralization, will contribute positively to the decentralization of power, overall they do not come as a result of consultations with stakeholders, but reflect a top-down approach.

According to the Constitution, Albania has two levels of local government. The first consists of 65 municipalities and 308 communes whose councils are elected directly.[49] The second level consists of 12 regions whose councils are elected by the municipal and communal councils in numbers proportional to the population of each commune and municipality. The central government appoints a prefect for each region. Regions are mandated to coordinate the work of central government with communes and municipalities to avoid overlaps, coordinate strategic planning, and ensure cooperation. To date, regions have failed to carry out their tasks properly because they have been appointed rather than elected.

By the end of 2005, municipalities and communes already exercised full control over local public infrastructure, parks and recreational areas, local economic development, and cultural and sporting activities.[50] Fiscal decentralization continued with increases in transfers from the central government, formula-based unconditional transfers that circumvented political manipulation, and a package of local taxes and discretionary powers to set fees for local services. A new draft law may allow local governments to borrow in 2007 while transforming the small-business tax into a local tax with a 30 percent fluctuating margin to be decided by the local government councils.[51]

In terms of functional decentralization, shared functions such as pre-university education, primary health care, and social services have not yet been decentralized, and there is little indication how the reform will proceed. On the other hand, water and sewage systems and urban planning are being decentralized, but progress during 2006 was slow. Nevertheless, the aim of the government is to complete the process by mid-2007. The problem has become particularly acute in urban planning since noncompliance with the law has created friction between central and local authorities. Although these frictions are understandable owing to the strong interests involved, the problem became more acute in 2006, especially in the municipality of Tirana, which is headed by Edi Rama, leader of the opposition SP.

The Zogu i Zi conflict, so-called after the Tirana public square by the same name, illustrates the vulnerability of local government autonomy in the face of a determined central government. The conflict started in November 2005 and ended in July 2006 with a victory for the central government. According to the construction police—a regulatory body mandated by the central government—the flyover that the Tirana municipality had started building at Zogu i Zi was illegal because the licenses of the supervisor and head engineer had expired.[52] A long political and legal battle ensued, motivated by the government's efforts to combat corruption in Tirana. From the municipality's perspective, the conflict was politically motivated:

The government sought to discredit Rama as mayor and leader of the opposition SP to pave the way for winning back the prestigious Tirana mayoral seat in the coming local elections.

The high-profile conflict dominated local governance until the construction police finally started demolishing the flyover in July 2006. While the Zogu i Zi dispute should have fallen under judicial jurisdiction, the continuous involvement of the prime minister and the minister of transport, demonstrations by the opposition on the Zogu i Zi site, and acrimonious public debate turned the conflict into a hot political issue. For more than half a year, the citizens of Tirana experienced this high-profile partisan battle that also cost them daily wear and tear on the atrocious Zogu i Zi bottleneck, the main artery into the capital city.

The dispute also raised the issue of the construction police as a potential tool of central government interference in local competences. Giovanni di Stassi, chief of the Congress of Local and Regional Authorities of the Council of Europe, who was called in to mediate between the two levels of government on the Zogu i Zi issue, declared that the powers of the construction police and the Council for Regulation of Territory of the Republic of Albania (CRTRA) contravene the European Charter of Local Self-Government.[53] The municipality of Tirana was vindicated by a Constitutional Court ruling on the Zogu i Zi case, which declared that the CRTRA could not overrule a local Council for the Regulation of Territory (CRT).

Moreover, the decisions of the Tirana CRT were declared unconstitutional because of the control of the central government over this CRT. Finally, the mandate of the construction police was also found to be in contravention of Albanian law. After the Zogu i Zi flyover was demolished, Prime Minister Berisha declared his intent to decentralize the construction police and turn it into an inspectorate. Currently, the draft law is being considered by the relevant ministries.[54]

The greatest challenge facing local governments in 2006 were the preparations for local elections scheduled in January 2007. There were no changes to local election rules or the old electoral code by year end 2006. Nevertheless, while such changes are expected to impact the administrative side of the elections, such as eliminating temporary registers or constitutional amendments to extend the mandates of local authorities from three to four years, they are unlikely to alter the way municipalities and communes are governed. First-level units are governed on the principle of division of powers between the executive body, mayor, legislative body, and municipal/communal council to ensure checks and balances.

According to current legislation, the municipal council approves the decisions of the executive branch, performs oversight on the executive and administration, determines the administrative structure of the municipality, decides local taxes and tariffs, and approves the budget of the municipality. These powers are justified by the rationale of the municipal council that it represents the interests of the community that elects it.[55] As the legislative organ of the local government, it is by law guaranteed the necessary political space to be the center of power and decision making.

But in fact, citizens are barely aware of the municipal council's existence, cannot recognize its Speaker, and are unaware of its prerogatives or how it is elected.[56] The weakness of municipal councils translates into ineffective oversight, insufficient citizen representation, and an uncertain platform for locking in local interests in the decision-making process. This opens the way to corrupt practices by an omnipotent executive, which makes decisions for an unaccountable administration that then implements them. How to empower local councils to play their intended roles and balance the powers of mayors may be one of the long-term questions facing local governance in Albania.

Nevertheless, despite these problems, it is important to note that local governments enjoy greater credibility with citizens in comparison with central government institutions.[57] Decentralization is bringing government closer to citizens and increasing the capacity of the political system to involve interest groups in decision making. Although a great deal of care is still needed to balance functional and fiscal decentralization and strengthen the capacities of local governments, overall the decentralization strategy may be considered one of the success stories of the Albanian transition.

Judicial Framework and Independence

1999	2001	2002	2003	2004	2005	2006	2007
5.00	4.50	4.50	4.25	4.25	4.50	4.25	4.00

Albania has a three-layered court system: 29 district courts, 6 civilian appeals courts, and the Constitutional and Supreme Court. The number of district courts is supposed to decrease under a new draft Law on the Judiciary, which is expected to go to the Parliament soon in an effort to consolidate the resources of each court. The president proposes the names of the Constitutional and Supreme Court judges to the Parliament for its approval. Judges then serve nine-year court terms.

The Constitutional Court interprets the Constitution following requests from state institutions. On the other hand, the Supreme Court is the last instance of appeal after the appeals courts. The High Council of Justice (HCJ) is the regulatory body of the judiciary. It is composed of the president, head of the Supreme Court, minister of justice, three members elected by the Parliament, and nine judges who serve for five-year terms. Its main role is to appoint, transfer, discipline, and dismiss judges.[58] Despite efforts by the majority to require HCJ members to give up their judgeships in order to avoid conflicts of interest, the Constitutional Court declared such efforts unconstitutional. Not surprisingly, there were concerns about political interference in the judiciary given that the Parliament's efforts occurred as the HCJ was about to appoint its member of the CEC.

While incremental improvements in the judiciary continued in 2006, including increased transparency in court decisions, improved quality of judges, and

positive results from the governmental majority's pressure to clean up corruption, the judicial system remains the Achilles' heel of the Albanian state. The draft Law on the Judiciary is not expected to radically improve the situation, although it was one of the few laws that were drafted in extensive consultations with interest groups. The draft law has an administrative nature and does not address the core problems of the judiciary: poor education of judges and lawyers, poorly argued court decisions, problematic pretrial detention systems, erratic implementation of court decisions, and behavioral incentives for each actor of the judiciary that go against the rights of the defendant.

All too often, defense lawyers act as intermediaries between their client and the judge instead of properly articulating a defense for their client. Judges hand out decisions based on probability of guilt, even in cases judged under the criminal code, and often do not explain why they have refused the arguments of the losing side in their decision. Expecting judges to hand out decisions on probability of guilt only, the prosecutors have no incentive to build solid cases against the defendant. The victim, of course, is the defendant, who is denied a proper defense and is often found guilty on flimsy charges. Cases are rarely appealed by defense lawyers, who are more interested in maintaining good relations with judges and prosecutors at the expense of their client's rights. A 2006 study found that "legal rules are frequently not respected or are abused in order to achieve 'desired'—but not necessarily lawful—results."[59]

The problem of political interference in the judiciary was a hot topic in 2006. In its fight against corruption, the ruling majority recommended to the president the dismissal of the General Prosecutor, Theodhori Sollaku, in the face of fierce opposition by the minority and from some segments of civil society. Although constitutionally the General Prosecutor is not part of the judicial system, but an independent institution, its weaknesses and strengths closely reflect those of the judiciary. The president rejected the recommendation based on the argument that the Parliament cannot judge the legality of decisions made by the General Prosecutor.[60] A Constitutional Court ruling subsequently pronounced the parliamentary investigation "unconstitutional" with the reasoning that the Parliament cannot behave like a prosecutor's office. Though the executive staked a great deal of political prestige on investigating Sollaku, the initiative appears to have petered out owing to fierce opposition by constitutionalist lawyers, the opposition, and civil society.

Furthermore, a law designed to eliminate conflicts of interest for HCJ members by requiring them to give up their positions as judges was declared unconstitutional by the Constitutional Court. It was ruled that while HCJ reform is necessary, the Parliament cannot interfere directly in the internal affairs of the judiciary by dismissing members of the HCJ prior to the expiration of their mandate. This ruling confirmed the independence of the judiciary and demonstrated that at least some public institutions had not fallen prey to the will of a single leader or parliamentary majority.

Although the quality of judges is improving steadily with expanded training at the Magistrates School and the new draft law requiring all prospective judges to be

graduates of this school, the judicial system still has a long way to go. As a matter of fact, new graduates tend to underperform when compared with more experienced judges.[61] Although academic possibilities for law students have increased through the creation of new private universities, quality control remains a concern, and the new schools are not expected to improve the quality of graduates.

The current draft law fails to improve the independence and constitutional protection of judges or raise the pay and status of the administrative staff. It also fails to put in place a system to evaluate prosecutors or institute competitive examinations for appointing judges and prosecutors.[62] Although the quality of legislation has improved somewhat, it is still very poor. The transformation of the Legal Reform Commission after the dismissal of its independent-minded chairman, Spartak Ngjela, has diminished the commission's role and increased the risk that new laws might fail to comply with international legal frameworks. The ruling majority tends to favor passing new laws quickly with no public debate so that the opposition, media, and civil society have little opportunity to analyze technical deficiencies.

In the Sollaku case, the majority may have been defeated by hubris—it tried to take over the prosecutor's prerogatives instead of accusing Sollaku of inaction that discredited the institution. Given Sollaku's relative inaction in fighting corruption, this softer approach might well have enabled the ruling majority to achieve its goal of dismissing the General Prosecutor. But on the whole, 2006 demonstrated the strength of the system's checks and balances. The Constitutional Court, the president, and considerable parts of civil society resisted the ruling majority's active attempts to influence them. While the ruling majority's intransigence demonstrated its problematic relationship with independent power centers, the resilience of the system showed that over the years, Albania has come a great distance toward achieving a consolidated democracy.

Corruption

1999	2001	2002	2003	2004	2005	2006	2007
6.00	5.50	5.25	5.00	5.25	5.25	5.25	5.00

The center-right coalition came to power in 2006 on an anticorruption platform and has initiated a number of legislative and administrative measures to fulfill its electoral promises. Yet given the pervasive nature of corrupt practices, ranging from simple bribe taking to fraudulent public tenders and privatization deals, more time is needed to evaluate the outcome of the government's efforts. To date, that record is checkered at best, as the initiatives have suffered from a tendency to substitute political will for legitimate institutions and momentary political battles for long-term strategies. Although there is clear evidence that the impunity for large-scale corruption that existed under the Socialist administration has ended, it is not certain whether the institutional achievements of the anticorruption battle will survive the current government.

In measurable terms, Albania is now less corrupt than it was in 2005. According to Transparency International's Corruption Perceptions Index, the rating for Albania increased to 2.6 in 2006 from 2.4 in 2005, where 10 indicates the lowest perceived level of corruption. The government signed a US$13.85 million aid agreement with the United States to tackle corruption and improve the country's business environment.[63] The registration time for businesses also reportedly shrank from over 40 days to 8, which considerably decreased possibilities for corruption.[64]

The long-held view that the country's top executive leadership perceives power as a license to make quick, illicit profits no longer holds true. The new governing coalition has shown strong political will to fight corruption and organized crime even when its own party militants are implicated in corrupt deals, such as was demonstrated by the arrest of the head of the Golem commune, a DP candidate, on corruption charges.[65] Corruption in tax and customs services has clearly diminished. Although there have been no high-level prosecutions of politicians and top bureaucrats, sentencing rates have gone up.[66] Amendments to the Law on Conflicts of Interest, the public disclosure of assets by the ministers of government, and greater activity on the part of the High Inspectorate for Disclosure and Verification of Assets (currently investigating properties of the prime minister's daughter)[67] have created a sense that the era of immunity is over.

While top officials of the previous Socialist administration fixed public tenders in their own favor or that of their associates, the new administration does not engage in such flagrant abuse of office. However, a different kind of corrupt practice at the top level materialized in 2006: trafficking in influence for political gain. The most prominent case was Albatros Airways, owned by close family members of the president. A television station broadcast a recorded conversation between an Albatros executive and the civil aviation director where the latter suggested that if the president dismissed the General Prosecutor, as the Parliament recommended, the company would be allowed to continue flying despite a large debt to the Civil Aviation Directorate.

Albatros's operations were suspended after the president refused to bow to pressure from the company executive. In an unexpected escalation of the scandal, the civil aviation director also publicized a letter from a close aide to the president demanding action against an Albatros competitor.[68] The affair emphasized the difficulty of clean governance in a country where rule of law is weak and political agendas often override all other concerns.

The anticorruption discourse of the new center-right government carries ominous overtones of the anti-Communism discourse—"the last refuge of scoundrels"[69]—of the early 1990s. Often, anticorruption measures are adopted in disregard of constitutional rights, and the war against corruption is used for political ends, such as discrediting the opposition, attempting to cow independent institutions such as the General Prosecutor or the president,[70] or creating a sense of urgency to justify emergency measures.

Some legislative measures such as the "nepotism law," which forbids relatives of high officials to apply for positions in the customs and tax administration, have been rejected by the Constitutional Court. Another initiative, the "spy law" adopted on April 3, 2006, opened the way for anonymous tips by citizens against any civil servant or member of the administration.[71] This Pavlikian device created widespread fear and may have been partially responsible for the highly inefficient use of state budget funds by the public administration in 2006. Together with the prime minister's long public tirades against the all-pervasive but never identified corruption, these initiatives have created an atmosphere of uncertainty.

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2 Commission of the European Communities, *Albania 2006 Progress Report*, commission staff working document, Brussels, August 11, 2006.

3 Rozeta Rapushi, "Topalli i 'shpall luftë' KLD e Moisiut," [Topalli Declares War on HCJ and Moisiu], *Gazeta Shqiptare,* July 23, 2006. A decrease in the funding of independent institutions may also be part of the pressure applied by the ruling majority on these institutions. See parliamentary session on 2007 budget, live on TVSH, November 13, 2006.

4 The amendments entitled On Some Changes to Law 9367, April 7, 2005, and On Preventing Conflicts of Interest, April 7, 2005.

5 The amendments entitled On Some Changes to Law 8457, February 11, 1999, and On Information Classified as State Secret.

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[12] Eva Gjura, "Moisiu, Pesë Arsyet pse nuk e shkarkova Sollakun," [Moisiu, Five Reasons Why I Did Not Discharge Sollaku], *Shqip,* October 14, 2006.

[13] N. Perndoj, "Qeveria, ligj te ri për hetimin e Sollakut," [Government, New Law to Investigate Sollaku], *Shekulli,* October 25, 2006.

[14] Armando Meta, "'Sollaku' Juristët kundër Berishës," ['Sollaku' Lawyers Against Berisha], *Gazeta Shqiptare,* October 25, 2006.

[15] Interview with Rrapo Zguri, professor of journalism, University of Tirana, November 15, 2006.

[16] Anila Rama, "Venecia: Imuniteti, Kuvendi mund ta Kufizojë me 84 Vota," [Venice Commission: Parliament May Limit Immunity by 2/3 Majority], *Shekulli,* March 20, 2006.

[17] International Helsinki Federation for Human Rights and the Albanian Helsinki Committee, *Threats to Human Rights in Albania*, March 17, 2006.

[18] The minority report on the public administration reform investigative commission in the Parliament noted that 14,074 people had lost their positions in the state administration since September 2005. On the other hand, the report of the majority did not give any numbers, although it did claim that the dismissed civil servants were corrupt. See *Gazeta Shqiptare,* "Maxhoranca përmbys hetimet në kuvend," [Majority Blocks Parliamentary Investigations], November 7, 2006. According to the NGO MJAFT!, although at least 300 people have won their cases after suing the government for breaking the Law on the Civil Servant Status, they have not been able to return to their jobs. Interview with Arbi Mazniku, November 10, 2006.

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[20] Lindita Cela, "Reformat në Polici, 30 milionë faturë në vit," [Police Reform, a 30 Million Annual Bill], *Shekulli,* November 29, 2006.

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[28] *Tirana Times* staff, "Moisiu Appeals to Political Parties to Reach Consensus on Election Date," *Tirana Times,* October 6–12, 2005.

[29] Dardan Malaj, "Listat e zgjedhesve percajne KQZ-ne," [Voters Lists Divide the CEC], *Shqip,* December 9, 2006.

[30] U.S. State Department, "Albania," *International Religious Freedom Report 2006*, http://www.state.gov/g/drl/rls/irf/2006; and European Commission, *Albania 2006 Progress Report*, Brussels, 08.11.2006, p. 12.

[31] Interview with Çapajev Gjokutaj, Open Society Foundation–Albania executive director, November 10 2006.

[32] One World Southeast Europe, accessed April 12, 2006, http://www.sq.oneworld.net.

[33] The Council of Ministers approved the draft Law on Some Changes and Additions to Law No. 9367, dated July 4, 2005, and the Law on Preventing Conflicts of Interest in Exercising Public Functions.

[34] Interview with Persida Asllani, professor of literature, University of Tirana, November 17, 2006.

[35] Interview with Çapajev Gjokutaj, Open Society Foundation–Albania executive director, November 10 2006

[36] Ilda Londo, *Albania* Albanian Media Institute, 2006, pp. 3–4.

[37] Interview with Çapajev Gjokutaj, Open Society Foundation–Albania executive director, November 10 2006.

[38] *Shqip,* "President Turns Back to Parliament the Law on Electronic Media," June 7, 2006. The president found that Article 7 of the law, which banned electronic media owners from participating in public tenders and privatization of public property, violated fundamental Constitution rights on free economic activity, equality among individuals, and private property rights. Nevertheless, some media owners were in favor of the amendments.

[39] Interview with Fabiola Haxhillari, OSCE spokesperson/national media development officer, November 7, 2006.

[40] Vasilika Hysi and Sokol Berberi, Letter to Chief of Parliamentary Law Commission, Albanian Helsinki Committee and Center for Parliamentary Studies, February 27, 2006.

[41] Interview with Ledi Bianku, chief of the NCRT, November 9, 2006.

[42] Telephone interview with Adrion employees (Adrion is the newspaper distribution company), November 17, 2006. A report by the Albanian Media Institute gives the number 25 dailies; see Ilda Londo, *Albania,* Tirana, Albanian Media Institute, p. 2.

[43] Këshilli Kombëtar i Radio Televizionit, NCRT, November 17, 2006, http://www.kkrt.gov.al.

[44] Report of Halil Lalaj, chief of the NCRT, in the Parliament. See Anila Rama, "Lalaj: TV-të kryesore, miliona lekë evazion fiskal," [Lalaj: Main TVs, Millions of ALL Fiscal Evasion], *Shekulli,* February 22, 2006.

[45] *Gazeta Shqiptare,* "Kuvendi censuron televizionet," [Assembly Censors TV Stations], October 12, 2006.

[46] Interview with Arbi Mazniku, MJAFT! activist, on November 10, 2006; and *Shqip, "*Te ndalet sulmi ndaj Top Medias," [Stop the Attacks on Top Media], September 7, 2006.

[47] The uncertainty was compounded by the folding of the Ministry of Decentralization and Local Government into the new Ministry of the Interior by the new center-right government.

[48] Interview with Sabina Ymeri, U.S. Agency for International Development expert on local government, November 6, 2006.

[49] Ibid.

[50] Artan Hoxha and Juliana Dhimitri, "Fiscal Decentralization in SEE Countries: Case of Albania," *Stability Pact Conference,* Tirana, September 30, 2006, p. 3.

[51] Ibid., p. 19.

[52] *Gazeta Shqiptare,* "Dritëhijet e Qeverisjes Një Vjeçare," [Balance Sheet of a Year-Old Government], September 12, 2006.

[53] April 2006 press review (*Gazeta Shqiptare, Shekulli*).

[54] *Shekulli,* "Qeveria, Policia Ndertimore bëhet Inspektoriat," [Government, Construction Police Becomes an Inspectorate], October 19, 2006.

[55] Eno Trimçev, *Local Government and Corruption: The Case of Albania,* Tirana, Albanian Institute for International Studies, 2006, p. 21.

[56] Ibid., see chapter 2, "Survey Results," especially answers to questions 15, 16, and 17.

[57] The AIIS 2006 survey and the *USAID National Survey on Corruption 2006* confirm older trends in this regard.

[58] Interview with Frank Dalton, OSCE head of Rule of Law/Human Rights Department, December 6, 2006.

[59] Mari-Ann Roos, *Analysis of the Criminal Justice System of Albania: Report by the Fair Trial Development Project,* Tirana, OSCE, 2006, p. 9.

[60] Eva Gjura, "Moisiu, Pesë Arsyet pse nuk e shkarkova Sollakun," [Moisiu, Five Reasons Why I Did Not Discharge Sollaku], *Shqip,* October 14, 2006.

[61] Interview with Frank Dalton, OSCE head of Rule of Law/Human Rights Department, December 6, 2006.

[62] European Commission, *Albania 2006 Progress Report*, Brussels, 08.11.2006, pp. 7–8.

[63] *Southeast European Times,* "US Gives Money to Albania to Fight Corruption," April 3, 2006, http://www.balkantimes.com.

[64] *Tirana Times* staff, "Albania's New Investment Strategies," *Tirana Times,* October 6–12, 2006.

[65] News 24, "Arrestohet kryetari i komunës së Golemit, Demir Lika," [Chief of Golemi Commune, Demir Lika, Is Arrested], June 1, 2007.

[66] European Commission, *Albania 2006 Progress Report*, Brussels, 08.11.2006, pp. 8–9.

[67] Artemida Çollaku, "Argita: Me duket anormale koha e hetimit nga Leskaj," [Argita: The Time of the Investigation Is Abnormal], *Gazeta Shqiptare,* November 20, 2006.

[68] *Tirana Times* staff, "Albatros Airways Suffers a Government-President Conflict," *Tirana Times,* September 15–21, 2006.

[69] This is, of course, a slight amendment to the quote by Samuel Johnson, "Patriotism is the last refuge of scoundrels."

[70] Rozetra Rapushi, "Topalli i 'shpall lufte' KLD e Moisiut," [Topalli 'Declares War' on HCJ and Moisiu], *Gazeta Shqiptare,* October 12, 2006.

[71] Interview with Arbi Mazniku. According to print media, there has been one successful case of anonymous denunciation for the directors of the Institute of Seismology who abused the budget of the Institute.