



ALBANIANS AND THE EUROPEAN SOCIAL MODEL

Internal Democracy in Albanian Political Parties

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ALBANIANS AND THE EUROPEAN SOCIAL MODEL

Internal Democracy in Albanian Political Parties

*case study applied to Socialist Party, Democratic
Party and Socialist Movement for Integration*



Cooperation and Development Institute

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The present study- Part of a set of studies about the actors in the Albanian democracy

At the beginning of the year 2014 the Friedrich-Ebert-Stiftung brought into life, together with leading experts of six distinguished organizations and Think Tanks, a long term project. The aim of this project is to create and stimulate a political and social discussion in Albania about the EU Integration.

A long-term Project in several stages

The starting point of the contemplation was the perspective that Albania desires to be soon a full EU member, with an economic and social developed society. More than 80% of the population aims at this goal. To reach it Albania must fulfil, *inter alia*, the minimum social standards of the EU — the so called European Social Model (ESM). **These standards can only be reached if all involved parties of the society along with politics and administration act jointly, namely that they foster a trusting and cooperating relationship between each other.** In order to become an EU member the requirements are high and can just be reached through the cooperation of all participating actors.

On this regard, the long-term project was planned in several stages. They should overlap in time to interweave results from the discussions of the actors with the project work. From this point of view the project stays dynamic and is co-designed by those who are participating in the discussions. Starting point — the first stage — was the assumption that a democratic, social and economic successful society can only develop if all actors act on the foundation of trust, democratically orientated and with the willingness to develop an active cooperation. If the cooperation occurs, the EU membership will be achieved easily. This is why all actors respectively were interviewed about their stands, engagement

and commitment the above mentioned principles and the other involved groups. In this manner three different studies were created.

The first stage: Studies about the main actors

The first study is based on a representative survey in the **population**, a fundamental actor for building up democratic relations. The second study is based on a survey with employees of the public administration in all levels of employment and in all regions - with the self-concept of the **administration** as a service provider for citizens and state. The third study enters uncharted territory. With the background knowledge that **political parties** are the backbone of democracy, members of all three main political parties represented in the parliament were interviewed regarding the present situation and about discussions within their parties. In spite of the fact that this survey cannot - because of self-evident reasons – base on representative data, nevertheless allows a clear view on the leading political protagonists.

The second stage: Potential for similarities and oppositions

The results of these studies are supposed to be seen in correlation with each other to shed light on potentials and shortcomings for a future interaction of these three main groups within democracy. In this discussion should be included the findings of the public debate during the first stage. To a certain extent a “**Manual for Public Debate on Democracy in Albania**” is supposed to be delivered. This working title hints that the working book delivers less answers and recommendations but rather poses questions and stimulates suggestions because the process between the actors is not limited by time. The process is a constantly dynamic one, where always new aspects come into play.

The third stage: The public - lectures, debates and discussions

Public debates and information events - based on the first findings - complete the project work. These events take also place to continuously include new stimulations and findings in the project work. Altogether there will be debates in schools and universities as well as in the public media with representatives of all groups. Policy papers will equally contribute to the important political as well as social debate.

This project path is already part of its objective: **active involvement of all actors in one common discourse**. It is not about finding quick solutions or just an exchange of statements, it rather aims at developing and building up reciprocal trust. Otherwise stated: this endeavour tries, with this genre of public debates, to **ameliorate the rapport of actors - Politics, administration and citizens - and to be conducive for a more efficient cooperation in the organization of a social and democratic society**.

The third stage is certainly organized in an open manner, time and content wise. The project is mainly activated by how far the named actors in this society are ready to get involved in the public with their claims and wishes, their visions and fears.

From this point of view, the project will accompany the Albanian politics for a little while on their way to the EU and will support them. An inevitable component of a democratic debate is that this does not always work smoothly. But one thing always got confirmed: the best friend of a positive development is a critical and constructive dialogue between the actors who have mutual respect for each other.

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ABBREVIATIONS

CDI - Cooperation and Development Institute

FES - Foundation “Friedrich Ebert - Office Tirana”

SP - Socialist Party

DP - Democratic Party

SMI – Socialist Movement for Integration

Statute – the statutory document of political parties

IPD - Internal party democracy

National Congress - highest elected body in Socialist Party

National Assembly - highest elected body in Democratic Party

National Convention - the highest elected body in Socialist Movement for Integration

NA - The National Assembly in SP

NC - National Council / Assembly in DP

AC - Assembly / Council on SMI

NASP - National Assembly as called today in SP

PGSP - parliamentary group of SP

SGC - Statutory Guarantees Commission in SP

CCA - Central Committee for Appeals in DP

Council of Elders - advisory structure in SP

COP - Committee for the Political Orientation

CDU – the Christian Democrat Union (Germany)

SDP - Social Democrat Party (Germany)

DP - Democratic Party (Italy)

PDIU - Party for Justice, Integration and Unity

AKR - Alliance for New Kosovo (Kosovo)

PAD - Democratic Alliance

PSD - Social Democratic Party

PDr - New Democratic Party

PAA - Environmentalist Agrarian Party

PE - Ecological Party

EDU - European Democratic Union

EPP - European People's Party

ESP - European Socialist Parties

CEC - Central Election Commission

Code - RA Electoral Code

KLSH - High State Control

NDI - National Democratic Institute (USA)

KOK – Commission of Organization and Control of Electoral Operations
in DP

KSRRB - Permanent Commission of the Statute and Interior Rule in DP

EU - European Union

PPA - Party of Labour of Albania

RPSSH - People's Socialist Republic of Albania

Constitution - Constitution of RA (1998)

Ad-Hoc – Special commission

Executive summary

The parties in a democratic state must be internally democratic so as to produce democracy in the country and in the whole society during the exercise of political power. Political parties in Albania have closely followed the creation of the Albanian state and its path of consolidation. Their internal organization has reflected their origin and the predominant ideology of the time. But the most important determinant factor has been the Albanian context itself with its history, culture, norms and values.

First appearing in 1920, proto-democratic political parties were organized around their founder and leader, and based on clan connections dominated by certain families and political figures. They functioned until 1924 followed by political systems without parties and the occupation during the 2nd World War. The communist regime that followed sanctioned the party-state model, traces of which are still visible today. The role and the powers of the leader inside the party as well as in the executive (when in government) can be traced to this period. His powers in deciding, proposing, initiating, coopting, etc as well as the respective acceptance from the party membership reflect the absolute power that the “first secretary” figure held for 50 years in the political life of Albania and in the psyche of the Albanians.

It was only after the changes of 1990 that the political organisations in Albania could develop and exercise their functions in the same conditions as their western counterparts. Initially the political pluralism emerged under the observance of the unique political party of that time. Due to internal conflicts, the main political parties of this time split many times to give birth to many other siblings thus becoming the main factor in the multiplication of political parties in Albania.

The respective legal context was drafted from zero and reflected the urge of Albanians to apply the democratic principles in every structure of their country. Modern new party statutes and by-laws were written with the help of sister organisations from western democracies, and new structures, procedures and routines were established. However in

retrospective it appears clearly that the democratization of those parties would be conditioned by the democratization pace of the country as well as of their own members. The remains of the past would co-exist for a long time with the modern inputs. Procedures and structures would slowly but surely evolve to serve the figure of the leader. The missing culture of political dialogue would leave its trace in the non-tolerance of the critical debate within the parties, the merciless fight towards internal factions, etc. Internal tensions would not be solved through democratic instruments but through exclusion, dismissal, separation, and creation of alternative smaller political parties. The modern statutes of the beginning would be interpreted, completed with by-laws or simply ignored so as to accommodate the needs of the moment.

The current party model offers many features indicating of the non-respect of transparent & democratic functioning, of the dichotomy amongst the legal base and its respective implementation, and of the disproportionate power that the political parties exercise over the political decisions, and the constitutional, public and political institutions. The frail democratic culture and the misunderstanding over the political dominant culture which consider the political party as a source of power and privileges, has increased the direct and immediate expectancies of citizens towards the parties, all by transferring them the monopoly of the decision-making without the direct participation of the citizen themselves.

Moreover the establishment of pluralism in Albania coincided with the application of the market economy model in the country. Neoliberal ideology and the “end of history” were as good as a fact. Consequently the newly created political parties incorporated in their DNA its basic principles such as the competition and efficiency in order to survive in the “political market”. So today, from parties that were created initially to represent social, societal and class groups, the Albanian political parties are evolving towards the most efficient form of political organization of individuals around their leader, with the clear goal to be the get organized efficiently in order to win elections and exercise power as long as possible.

Today political parties in Albania are mature, well established and embedded in the international confederations of sister parties. This gives

them the opportunity to adapt to the conditions of the 21st century Albania, so as to federate and represent the interests and opinions of their electorate.

Almost all the main parties have gone through a major reorganization in the last years mostly by renewing their governing structures and leaders. Ongoing external developments such as the beginning of the end of the transition period in Albania, the firm and unconditional anchoring of the country to the European Union, the massive migration of almost a quarter of Albanian citizen to western democracies, the establishment of free movement, the rural exodus and the urban swelling, the emergence of a generation of voters that have been born in democracy years, will shape the form, the mission and the respective internal organization and management of the Albanian political parties in the 21s century.

Introduction

Political pluralism in Albania came relatively late, in 1990, after a prolonged lack of democratic experience. Consequently, democratic political parties are relatively new institutions created essentially with the knowledge of past non-democratic models. Democratic practices were almost inexistent, so the evolution of political parties towards a functioning democratic model started practically from zero and incorporated on the way, rules and behaviors imported from abroad or extracted from the internal context. The process of institutionalization of the parties was long and problematic. Currently parties are still looking for a reference model for their political organization of the future. Their internal functioning was initially inspired more by the desire and aspiration to be a democratically-functioning party, than by establishing and applying statutory mechanisms and the respective implementation procedures, as a trusted guide and impartial protector of the party democratic norms.

Traditionally, political parties in Albania have been created in the image of their western sister-parties. Their basic organizational forms and relevant documents regulating their internal organization are constructed following the example of political organizations from countries of the European Union and other western democracies. For this reason, in the formal statutory and programmatic documents these reflect western democratic values. Consequently, the main democratic features of the model of political parties organized in a democratic way, are;

- a) clear references to the democratic principles in the statute and key documents;*
- b) respecting the principles of internal organization and the internal party discipline;*
- c) freedom of thought;*
- d) collegiality, personal initiative and self-action;*
- e) transparency of decision-making at all levels;*
- f) competition of values and meritocracy system;*

- g) *a clear degree of centralization / decentralization in decision-making;*
- h) *independence from undue influence, and responsibility towards their base as well as the wider population;*
- i) *the existence and implementation of the internal complaints procedures, etc.*

In the political debate within the parties or in the public on political parties and their role in society, the concept of internal democracy is treated mainly through its perceived role and importance, than through its sanctioning in the official statute. A certain number of regulations and guidelines fill that gap by completing and / or detailing the daily activities. However the focusing on the written rules often hides the aspect of their implementation. It is these two aspects affecting the internal party democracy that have been selected by the researchers, in order to assess and analyze the indicators of this phenomenon in Albanian political parties.

The analysis of internal democracy in Albanian political parties consists of two parts. The first part starts with the description of the concepts of internal democracy; continues with a historical perspective of the birth and development of democratic pluralism and political parties in Albania. The period studied starts in 1920 and ends in September 2014.

The second part starts with an analysis of statutory mechanisms that guarantee the rights and responsibilities of party members that affect or guarantee their freedom of expression and activity; includes an analysis of the relationship between members and the highest internal structures with superior structures and especially-in the party leadership; assesses the role and relationship of political party structures in relationship with each other and within the statutory pyramid; and pays special attention to the mechanisms that define the space for free and fair competition based on merit, and in particular, the existence, role and function of the statutory situation of complaint institutions.

To help this analysis, it is presented an assessment of the definitions on internal party democracy figuring in the Albanian Constitution, in the law on political parties, in electoral legislation and in laws and internal

regulations of political parties. Also on a comparative angle, the models of internal democracy in the major German political parties and in some western countries are examined, selected because of longevity, experience and high democratic standards that they have established.

Acts and internal regulations of the selected Albanian parties were treated exhaustively. The study included all statutes of selected political parties (SP, DP, SMI), since their founding (respectively 1990, 1991 and 2004), their most important modifications in years, and the entire collection of regulations, directives, orders and other documents that have had an impact on the organization and internal function.

Wherever it has been judged useful, the authors have used historical illustrations that refer to or have impacted the internal democracy in the selected parties. The period under consideration in this study stops in September 2014. In the following pages, the reader will often meet names and known events.

An important component of the study consists of field research and analytical part referring to the practical implementation of internal party democracy. Over two months (May-June 2014) CDI / Shtetiweb.org developed a questionnaire and applied it at national level interviewing members of the three main political parties - a practice that takes place for the first time in Albania during the last 24 years. The members belong to the three main parties: SP, DP and SMI and were divided by electoral districts, as represented in the Parliament, mainly focused in urban centers, and divided in strata according to their status as ordinary member or member of the assembly / parliament. The analysis of their responses on specific aspects of internal democracy, as well as specific comparative findings will illustrate the conclusions of the second part of this study.

I. INTERNAL DEMOCRACY: THEORETICAL PREMISES OF ITS BENEFITS AND IMPACT ON THE EFFICIENCY OF MODERN POLITICAL PARTIES

The concept of “internal party democracy” is new in the Albanian political discourse and constitutes a complex topic. Internal democracy of a political formation has to do with some important issues in its functioning - as the relationship of party members with the leading structures; the way the processes of members representation are regulated together with the delegation of political will; how decision-making power between different groups and the different structures is divided and balanced; how is achieved the transparency during the political decisions; as well as how the critical initiatives and individual and minority voices within the party are heard and protected, etc.

The existence of political parties being “*vital for the functioning of democracy*”¹, the governance in a democratic system translates in a governance through political parties. Within this hierarchical concept, internal democracy of the parties has to do not only with the standards of a single political subject, but goes well beyond to describe the standards of party and governing system, of a functional democracy and of the constitutional principle of citizen sovereignty.

1.1. Democratic functioning vs. efficiency in operation

The view that internal democracy helps to strengthen the party, its capacity, and increases public support necessary to win elections, coexists with the critical view that the final electoral success of the party is more important than any component of its internal operation. For years, the second concept has consolidated its legal form and has become one of the determinant factors of internal regulatory process and the functioning of a political party. As a consequence, the binding mechanism of internal democracy has lost its primacy and often does not have adequate control and accountability mechanisms.

1. Bufi, Ylli, “*Tempulli i Demokracise*”, OMBRA GVG, 2010, Tirana

However the tendency of respecting the party institutional life remains the dominant feature in the functioning of a successful political party based on the western model. Theories supporting internal democracy argue that parties applying democratic procedures from the inside are more likely to choose more capable and attractive leaders, to have more responsive policies to their electorate and to have higher electoral success. Parties that apply in practice what they predicate regarding internal democratic procedures, impact the strengthening of democratic culture in a country².

1.2. Internal democracy as a factor of efficiency

In political studies it is widely accepted the existence of at least seven principles that define leadership of democratic political party. They are:

- the need for internal democracy;
- the need to delegate responsibilities,
- the needs for a collegial leadership;
- the need for transparency,
- separation and balance between structures;
- the need to maintain distance from the state, as well as
- the need for continuous consultation.

Most of these principles are related to the functioning of internal party democracy and the way its internal structures interact. Referring directly to the need for internal democracy, it is estimated that this requirement is the foundation of a solid party, which is competitive and modern. Through the application of internal democracy the party creates an efficient structure, justifies the trust of its electorate and makes credible for the rest of the population the utilization of democracy and its values as its guiding principle when eventually it will be in government. The lack of internal democracy affects negatively the image of the party in the electorate, increases its distance from undecided voters, increases the bureaucracy and familiarity within the party and reduces the efficiency of operation, puts in doubt its governing

2. Susan Scarrow. "Implementing Intra-Party Democracy." *Political Parties and Democracy in Theoretical and Practical Perspectives*. National Democratic Institute, 2005.

ability and reduces the level of political debate.

For a political organization to be considered a political party, it must fulfill some essential criteria such as:

- to be able to impact the creation of political will of the people by expanding its activities in all areas of public life;
- to be able to participate in regular elections with its candidates and political programs;
- to be an independent organization, democratic and sustainable;
- to be able to act as a free and organized community of citizens;
- be able to be introduced to and face the public opinion, and
- to compete for winning as many parliamentary and local mandates.

In this view, the criteria for an independent, democratic and sustainable organization, is organically linked to the other criteria, despite of some assessments according to which a party can be successful in the elections even if it has not an internal democratic organization.

Another reason consists in the claim that more democracy than necessary inside the parties can lead to loss of power by the party leadership. *Individuals who deviate by not following the official party line³, risk the party cohesion and can create problems with negative consequences in the electorate.* It is true that often in politics quick decision-making is required, and hence the regular consultation with the membership can not provide answers within the deadline or with the required quality. But in this case the leader and the political leadership have the responsibility to find the most efficient forms of decision-making, on which he bases his political and public credentials. Scarrow advises that the parties “*must practice what they predict*” although he admits that a lot of democratization can prevent parties to keep their electoral promises and weaken the internal party leadership.

3. Susan Scarrow. “*Implementing Intra-Party Democracy.*” *Political Parties and Democracy in Theoretical and Practical Perspectives.* National Democratic Institute, 2005.

1.3. Democracy within the parties strengthens the democratic system

In a competitive political system, not all political actors have the same organizational quality, neither share the same values and responsibility - “the *democracy of the whole is not the sum of its constituents*”⁴. But anyway the internal model adopted by important parties (the ones with the potential for creating or making a government fail in parliament), significantly affects the quality of the whole political system, and the level of representation of citizens in political decision-making.

Whenever talking about internal democracy it is understood that the decision-making power of the members is completed with guarantees for protection of the minority opinions against the majority. Here we also find the existence of opportunities to run / to be designated as a candidate for leadership positions. Norris believes⁵ that “...*such procedures are highly dependent on the degree of centralization of decision making, on the degree of participation in the competition and on the degree of involvement of members in the voting / election*”. The larger the involvement, the more democratic the product of these processes becomes. However a large number of researchers do not consider the total and unconditional application of internal democracy as a non-negotiable and absolute procedure, but as a relative condition that impacts the decision-making and the strength of the party proportionally to its application.

Parties function as efficient institutions if they create internal representation, balancing and self-improving mechanisms, able to channel any flow and demand coming from its members or possible voters. This should be completed with the right program, the right conditions for its implementation and the adequate public support. Researchers like Huntington⁶ see the theories of institutionalization of parties in the political system as a need and a challenge, and as carriers of the ability for self-adaptation needed for successful & complex

4. Giovanni Sartori, *Democratic Theory*. New York: Praeger. 1965.

5. Norris, Pippa, *Building political parties: Reforming legal regulations and internal rules* (Stockholm: IDEA, 2004).

6. Samuel P. Huntington, *Political Order in Changing Societies* (New Haven: Yale University Press, 1968), pp. 12

dealings with issues regarding its autonomy in decision-making and its coherence in the respective actions and procedures.

From this point of view, the clearer and adaptable are its internal procedures, the stronger and more institutionalized is its organizational functioning. Capacity for long-lasting and sustainable adaptation helps a party to consolidate its institutional composition. As a result the efficiency of operation of different components of a party structure directly impacts the creation and functioning of a comprehensive holistic model. Coherence, discipline and the ability for autonomous and comprehensive decision-making of all its parts, makes a political party more stable institutionally, more effective in the electoral competition and allows it to exist for a longer period in the political system. In conclusion the difference between an institutional party and an electoral political party is determined by the discipline and the need for consensus, the existence of procedures and the need for quick decisions and compromises, the principles and the need for political coalitions either with the citizens or interested civil and political groups, etc.

These are some of the contemporary theoretical arguments that explain the critical thesis according to which, today in the western world we have stable democracy despite the existence of political parties that fail to complete fully, unconditionally and always, the democratic standard rules of the internal functioning. The model of extremist nationalist parties, of local separatist parties, of populist parties or new movements transformed into a political party (Italy, France, Britain, the Netherlands, etc.), is not dominant over the traditional model of large parties. These countries, during decades have created a stable profile of institutional life, of the competition of ideas, of internal reform and respect for the vote. Main parties in Germany, Britain, France or Italy, Austria or Spain, in Portugal or Nordic countries remain successful cases of institutional party models, inspiring new parties of Eastern and Southeastern Europe, including Albania.

1.4. The legal framework, concepts, norms of internal party democracy

Political parties in Albania base their activity in the law 8580, dated 17.2.2000. According to this law, the political parties⁷ “*are voluntary unions of citizens formed on the basis of ideas, beliefs and viewpoints or common political interests, which aim to influence the life of the country through participation in elections and representation of people in elected bodies power* “. They participate in transmission and concretization of the political will of the people in all areas of public life, mainly through:

- a) their contribution in the creation of public opinion and through political education;
- b) promoting the active participation of citizens in political life and making possible for them to take public responsibility as well as,
- c) participation in general and local elections.

The law requires that the parties, except providing the program and their statute, need to demonstrate before the court the public support with the signatures of 3,000 citizens, as well as their objectives, funding sources, governing bodies and the internal structure of the party.

1.4.1 The importance of the legal framework for internal democracy.

All these elements constitute not only the precondition for the legal existence of political parties, but also constitute the passport with which political parties are represented in public life. Like any other citizen initiatives, the union of a group of citizens around a political program requires institutional support, responsibility and reliability. These elements can be realized only through the offer of a full information package from the party to the public. Through their program, the political organisations introduce to citizens their political goals, and relevant scenarios completed with the organizational chart and the way they function.

Through the statute⁸ as well as through the very process of creation and

7. *Official Bulletin no. 6, Law no. 8580, date 17.2.2000 “On Political Parties”, Tirana, 2000.*

8. *Because of its frequent use, from now on in the text it will be cited only as “statute”.*

organizational-building, the party demonstrates its level of democracy and vision for the relationship it wants to create and sustain with the supportive citizens. Through transparency in finance and decision-making, the party shows its public integrity all by testing the individual support of its political leadership in their effort to obtain the trust and confidence of the potential citizens voters.

Clear rules and procedures regarding the application of internal party democracy are fundamental building-blocks in party strategy that condition its electoral success. A study of NDI finds⁹ that “*in order for the procedures to contribute to regulate internal conflicts during the party activity, they have to be transparent, public, accepted, recognized and respected by the members*”. The lack or non-transparency of internal rules and programs, the absence of organizational norms and of clear political purpose, makes parties powerless in their mission and efforts to get a mandate for governing the country. Moreover, the absence of the above ingredients conveys in public the idea of the said party more as a personal faction or clan created by some individuals, rather than the image of a wide group of volunteers, willing to take and to share responsibility with supporters and with potential voters.

1.4.2 The importance of internal democracy in political parties in a democratic system

Political parties are the main users and beneficiaries of the political and electoral system. They compete, they win (or not) local and central government mandates and therefore, they obtain the right of political decision-making on behalf of the voters for a defined mandate. This feature of political parties makes them the main instrument and actor of the political expression in a country. The absence of competing parties causes the personalization of power, renders rigid the steering mechanisms of a country, reflected in an increased inability to adapt and change and in an ever increasing distance between those who govern and those in whose name is governed.

In a democratic state, the parties play an intermediary role between the citizen and the government. They offer new possibilities and alternatives for

9. Susan Scarrow. *Minimum Standards for the Democratic Functioning of Political Parties*. National Democratic Institute (NDI) 2008. Pg 6

governance by looking and aiming at broader coalitions and inclusiveness with the highest number possible of voting citizens. As a result, voters expect the parties, in government or opposition, to be as highly as possible representative, to keep their promises, to govern responsibly, and to fulfill their mission in decision-making institutions as mandated through the political delegation of sovereignty by the people. If the parties are not seen and appreciated as democratic alternatives, if they have no support and if there is distrust in their internal integrity, then it becomes impossible to achieve those expectations. This is why the parties, have always been and are in competition to display themselves more democratic than their competitors. This behavior follows the principle that the more democratic a party is internally, the more chances and security it provides to create policies and adopt a political behavior outside the party, being it in government or in opposition.

1.4.3 Influence on the internal democracy of the new behavior of political parties

In today's Albania, where freedom and information gives space and opportunities to every citizen and group of interest to defend their views and their interests, the parties have waived of their pure ideological nature to become party of every vote, every group and of any social identity. Consequently, the differences between the left and the right are found more in the classic directions of proposed reforms, and even these are noticed mainly during electoral campaigns. On the other hand the narrowing of these differences has caused the difference between the political parties to be minimal justifying the shift towards the classic model of the coalition government. However this phenomenon is not specifically Albanian, as it is happening in many countries, including countries with a long tradition of functioning democracy. For example, every Albanian government since 1992 has been composed by a coalition of at least one party from the right and one from the left spectrum. On two occasions, in 1991 and 1997, the country was governed by the big coalition with the dominant participation of DP and SP.

The relationship with the voters, interest groups, with the junior coalition partners, with their own program and its chances of realization, etc., obliges political parties to open up so as to collect as many votes from the public.

In this myriad of priorities, sometimes incompatible, the ability of the parties to prioritize decisions between a high number of requests and interests, and especially the way these decisions are made, the increase of the degree of their legitimacy and life cycle, the impact on the political direction and election forecasts, significantly affect the image and the quality of integrity of each party's and of their leadership. All these indicators and challenges, make necessary the requirement that political parties have high standards of functioning and decision-making, so as to be as much representative of their electorate as possible, being it in opposition or in government.

1.4.4 The importance of written rules for internal democracy

The indicators of party internal democracy are often subject to debate as regarding their specific value. This is because the decisions in party are not always visible in the public domain and because the minority has always motives to appeal against the decisions of the majority, (and vice versa when the majority feels aggrieved by apathy or criticism of the minority). Anyway what is and remains verifiable is the legal basis provided for the exercise of democratic principles. This includes the documentary and official democracy features, rules written in the statutes of political parties, in their regulations and the guidelines. These documents help us to better understand the rights and responsibilities of the party members; who takes the decisions in the party and how citizens can be represented in this process; the chances for the competition to take place including the competition of ideas; the guarantees to be heard for those that think differently; as well as the existence of mechanisms for the resolution of disputes.

The management of coexistence and tensions between the majority and minority; between the collective political interest and interests of certain groups; between the need to attract more votes from the wider electorate as well as getting high-quality offers from within the party; the acknowledgment and regular use of the internal rules by the party members; the necessity for fair competition within the party and between parties; etc., constitute qualitative elements that characterize the exercise of internal democracy in a political party. They are also indicator of the level of the party democracy, and constitute democracy benchmarks that show the level of political culture in a party system and in an open society.

II. BRIEF HISTORY OF THE INTERNAL DEMOCRACY IN POLITICAL PARTIES IN ALBANIA

The concept of internal party democracy (IPD) is a latecomer in Albania. During the one-century existence of the Albanian state, IPD was accepted as a democratic value and legal concept only for the last two decades. In the beginning of the 20th century in the newborn Albanian state, traditionally based on clan-representativity and organisation, divided between three religions, with almost no urban areas and no industry, the individual interests could be represented and defended only by the communities (family, tribe, clan, geographic area, religion). The organization of individuals on ideological basis did not had the appropriate terrain to develop. However, under the impact of exchanges between local elites of that time and the western world, the concepts of party organization, and together with them those of the internal democracy began to emerge in Albania.

2.1. Period 1920 - 1944: between proto-democratic elements and political experiments

The emergence of competitive democracy elements and consequently those of a democratically organized political party, appear in the years 1920-1923, when were created at least two political parties: the Popular Party and the Progressive Party. In their political programs, both committed to the democratic system of political competition, the freedom of choice and expression, rule of law, etc., which are the principles of democratic states and societies. Both parties accepted and promoted the powers of majority and the competitive voting inside their own organisation. Specifically, in the charter of the Popular Party, in article 20, is said¹⁰ that “*subject to the majority decision, this program can be added, expanded and improved*”, while article 21 states that “*...after being read, voted and approved by the majority, the program went into effect*”. At the Progressive Party statute, it is mentioned the role of

10. *The program of Popular Party, in Krasniqi, Afrim. Political parties in Albania 1920-2006, pg. 348.*

majority at decision-making, the respect for minorities and for democratic concepts, including a reference to the principle of meritocracy, with the specification (article 49) that as leader will be elected “... *a senior scholar from party members*”¹¹.

Albanian parties in the years 1920-1923 had substantial differences compared with the current model of political parties. They were groups of individuals without elected and horizontal structures, without registered membership neither with a coherent electoral and political functioning¹². Their activity was mainly based on the personality and the contribution of the leader, and on coalitions between individuals and big families in the major cities of the country. Their demise in 1923 and the creation of two new nation-wide political parties¹³ as well as of a large number of local ones, maintained the same trend and did not allow for the establishment of an active tradition of a functional party system including an functional internal democracy within the groups identified as political parties.

Between 1924-1946 the Albanian political life went through different experiments, quite distant from the model of a functional democracy. The most extreme case coincided with the republican and monarchist period of 1925-1939 when it was prohibited by law the existence of political parties. In the period of the Fascist occupation 1939-1943 the only legally allowed party was the Fascist Party as a subsidiary of the Italian Fascist Party. In the period of Nazi invasion 1943-1944, officially there were no political parties. However *de facto* existed the Communist Party, the National Front, and the Party of Legality, - even though they had rather military functions more

11. *The program of Progressive Party, in Krasniqi, Afrim. Political parties in Albania 1920-2006, pg. 346.*

12. *Krasniqi, Afrim. Political parties in Albania 1920-2006, Tirana, 2006.*

13. *Despite the efforts to identify the differences between the two parties, we can not observe any ideological division, but mainly personal differences between the main political personalities. So, the demise of the two main political parties came mainly because the leader of one party, A.Zogu, became groom of the leader of the other party, Sh. Verlaci. All their common supporters within the respective parties of the year 1920 got together and created a new party, while the opponents of such a move and the critics of this relation between two families, create a second political party.*

than civil political representative ones. The communist system after the war, established the model of party-state by outlawing all the existing political parties and by naming Party of Labour of Albanian (PLA) as the only legally allowed political force in Albania.

2.2. Period 1945 - 1990: democratic centralism and the party state

During the communist era the concept of democracy and pluralism of ideas and of the political competition was officially prohibited. The model of party organization was the democratic centralism unifying the party with the state, and by enforcing blind obedience to the official line. The legal basis of these concepts was developed in November 1948 at the First Congress of the Party of Labour of Albania (PLA). Amongst the basic principles of PLA was sanctioned¹⁴ the fact that “*the organisational structure of PLA was built on the principle of democratic centralism.... PLA is a unique combat organization, bound together through a conscious and binding discipline equally to all members of the Party. The unity of PLA is a necessary condition for its combat ability. The unity of PLA is incompatible with the existence of any fraction or party groupings, with any distortions of the party line affecting the program and the statute, with the violation of the Party discipline and with suspicious attitudes and double faced. The Party will clean up its ranks from those who tread on the program, or who not respect the statute and the Party line*”.

In such a party-state, statutory errors within the party were equated with state offenses. So after any exclusion from the party ex-party members were condemned with prison, deportation or other forms of penal and criminal punishment. Principles of democratic centralism, of action as combat group and war organization, the concept of strong discipline, the prohibition of factions and groups, of critical opinions on the program, and finally the regular clearing of the ranks, of exclusions, and of imposing criminal penalties, constitute the structural, political, social and institutional roots on which was based and operated the one-party communist system in Albania for half a century.

14. *The program of ALP, in Krasniqi, Afrim. Political parties in Albania 1920-2006, pg.355.*

The rejection of the freedom of opinion, including political opinions, was sanctioned also in the Constitution and in the Penal Code of PSRA. Specifically, the Constitution of the PSRA (1976) in its article 3 sanctions the model of the party-state when it states¹⁵ “ALP is the only political force leading the state and society” and “the dominant ideology is marxism-leninism. Based on its principles it is developed the entire socialist social order”. Further, article 55 of the Constitution prohibited the activity and ... antidemocratic propaganda. On this basis was drafted the Criminal Code of PSRA (1977), where¹⁶ the article 55 states that, “... antidemocratic, religious, ... anti-socialist agitation and propaganda, as well as the preparation, spread or storage for spreading of literature with such content that aims to weaken or undermine the state of dictatorship of the proletariat, is punished with imprisonment from three to ten years”. It also adds that in case when these acts “... have caused particularly serious consequences they are punished with imprisonment for no less than ten years or death by execution”.

At that time, the antidemocratic, anti-religious, anti-socialist propaganda was a broad concept and included every possible critical opinion expressed by citizens in relation to the power of state, the communist leadership, security institutions, history, daily developments in the country and the world, confidence in God, etc. Based on this broad and severe legal interpretation, were convicted thousands of innocent civilians. Practically every individual that was picked by the secret police and PLA, could be judged and convicted. Inside the PLA, the concepts of faction and internal democracy officially were seen and interpreted as an enemy phenomenon and a feature characterising non-socialist societies. According to the Albanian Today's Dictionary of Language (1980) the main official document used to explain the terminology in the communist era, the term “fraction” was explained¹⁷ as an “i) organized group of members of a political party in the bourgeois revisionist countries, which for special issues holds different views from the general line of

15. *The Constitution of the PSRA, in Krasniqi, Afrim. Political Systems in Albania 1912-2008, pg 213.*

16. *The Penal Code in PSRA, Law no. 5591, date 15.6.1977, Official Bulletin, october, Tirana, 1977.*

17. *The Academy of Sciences of PSRA. The Dictionary of Today Albanian Language, Tirana 1980, pg, 500.*

the party and which operates openly in the party; ii) secret and temporary political union, consisting of several enemy elements among a communist party, trying to act against its general Marxist - Leninist line “.

In conclusion it is worth mentioning that according to these records, the generations that were born and lived during the period 1946 - 1990 lived were brought up under this political and institutional culture. It was with this minimal democratic tradition and vertical political education regarding the relationship between the citizen and policy-making, that Albanians were faced in the period 1990-1991 when they changed democratically the political system and started to build the model of competitive multiparty democracy. The citizen determination for change was hampered by their inability to project a new political model, mainly from ignorance; by the contrast between high expectations and the current political potentials; by the culture of political behavior of the citizens themselves, as well as; by the profile of political actors of that time.

2.3. The existing constitutional and legal concept of IPD in Albania

2.3.1 The birth of political pluralism

With the enactment of political pluralism in December 1990¹⁸, and the acceptance of existence of political parties other than the Labour Party, were created the conditions for the birth and functioning of a competitive and institutional party system. The main promises of the Student Movement in 1990 were for a new democratic system that would have for base the freedom of representation, the commitment to western standards and integration into the European family. But this Decree did not have clear references on internal democracy or on democratic norms of a political organization. In its 13 articles are mentioned only once the statutory documents (article 10), demanding that *“the regulation or the party statute must include the name of the party or association, a description of the internal organization,*

18. Decree No. 7442, date 17.2.1990 About the creation of the organizations and political associations, Official bulletin no 1, 1991.

the purpose of creation, their address and the territory in which they will operate, as well as the source of the resources that they will use “. Neither in articles 7 nor in the 8th, which define the cases of detention of creating a political party, are references about the form of organization or on internal democracy.

Without the appropriate experience, the new political parties drafted their founding documents, based mainly on liberal concepts often intentionally constructed contrary to the principles of centralism applied by PLA. As a result, in the programs and the statutes of the main opposition parties of 1991-1992, co-exist modern concepts of politics and party organization together with the remnants of local tradition, imposed by mentality, heritage and local circumstances. Their analysis will be detailed below, however it should be noted at this stage that the party statutes of the period 1990-1991 were more complete and contained more advanced modern concepts than the contemporary country legislation regarding the same political parties.

2.3.2 Creation of legal context regarding the organization of political parties

After the first pluralist elections, the newly elected parliament approved through political consensus in 1991 the law “*On political parties*”, the first in the history of the Albanian state with this title. The new law was based on most advanced European legislation of the time, fulfilled the legal vacuum and created new concepts of organization, management and functioning for the political parties in a competitive democratic system.

From the beginning the law considers the political parties as “*voluntary unions of citizens on the basis of ideas, beliefs and common political views, which aim to influence the life of the country through participation in elections and representation of people in elected power bodies.*” Further, the law requires that the establishment of political parties be based on the assessment of their program, of the party statute or regulations (article 8), where the specified name, address, goals,

commitments, funding sources, as well as “*the leading organs and the party organisation*” (article 9, paragraph c). So, in July 1991 it was included in the legislation for the first time the concept of party organisation and of its internal functioning. From this moment, the organization and internal functioning of political forces was considered as a process that belongs to the whole country and its citizens, and not only to the parties themselves.

Referring to internal democracy and democratic organization, the new law is specific in section 6, where are defined the cases of prohibition of a political party or of its activities. Specifically, it is considered a valid justification for prohibition, among others¹⁹, “*when its internal organization is contrary to democratic principles such as: building the party from the bottom up, existence of democratic internal elections for party forums, the right to express its opinion for any member, freedom of entry and exit from the party, declaration and allowing of control in the use of resources and other financial means*”. Another prohibition case is the creation of religious, ethnic and regional parties, as well as the case when a party is created outside the territory of Republic of Albania. Further on, the law (article 27) defines also the cases of termination of functioning of a political party, its amalgamation or merger, the division into two or more parties, and its prohibition by the court, especially “*when it is self-dissolvance is in accordance with her statutory norms*”.

2.3.3 The fractioning of the initial parties as the main source of creating new political formations

In practice there was only a prohibition of a political party, the Communist Party, due to the amendment of the law in 1992 and the establishment of limitations for communist and “enverist” propaganda. After the entry into force of the Constitution of 1998, this limitation was removed and consequently, the Communist Party was allowed to function as a political electoral subject.

19. Law No. 7502, date 25.7.1991, About political parties, Official Press no 5, august 1991

During the period 1992-1998 there was a significant increase in the number of political parties. From two main parties in December 1990, their number amounted to 65 political parties in 1996, 12 of which secured parliamentary representation²⁰. The process of creation of new political parties was mainly the result of internal tensions emerging within the main political parties, due to the disputes and conflicts that subsequently led to the creation of factions and smaller political groups.

The first party-faction was the Democratic Alliance in 1992. It was created by a group of deputies excluded from DP in the extraordinary conference in August 1992, due to their critical motion against the official policy followed by the DP. Later, from the same party-faction were created several smaller parties on the right. All started from internal disagreements or exemption of deputies, as the case of the Minister Petrit Kalakula, excluded for his extremist statements.

The same phenomenon occurred in two other parliamentary political parties, SP and SDP. Within each of the two left groups new political parties were created due to the exclusion of the deputies who kept political positions against the official political line of the party. A typical case: during 1994 PSD decided to quit the government coalition and to join the opposition, but some of its deputies and political officials opposed the decision and refused to follow the party line. Consequently, they were expelled and formed a new political party. On the eve of the 1996 elections, a deputy of the SP criticized the situation inside the party and then, inevitably came the parting of the deputy from the party and the creation from him of a new political party.

2.3.4 Sanctioning in the Constitution of internal party democracy

In this period, the most significant legal change regarding political parties was the approval of the Constitution of the Republic of Albania in November 1998. For the first time the institution of political parties, including its principles of organization, operation and financing,

20. Krasniqi, Afrim. "Political Parties in Albania 1920-2006", Tirana, 2006.

became an integral part of constitutional principles. Specifically, the Constitution, article 9, emphasized²¹ that “*political parties are created freely. Their organization must comply with democratic principles. Political parties or other organizations whose programs and activities are based on totalitarian methods, which incite and support racial, religious, regional or ethnic hatred, which use violence to take the power or influence the state policy, as well as those with secret character are prohibited by law. The financial resources of the parties, and their expenses are always made public*”. In this article it is very important to single out the obligation for the organization of political parties that “*must comply with democratic principles*”. Following its specific mention in the Constitution the functional democracy of political parties formally becomes a constitutional principle.

After the approval of the new Constitution (1998), a new law on political parties was drafted (2000). The obligation to respect internal democracy appears in this law as well, in article 7, while determining the cases when the registration of a political party can be refused. The refusal to register a party is applicable when “*its internal organization is contrary to democratic principles and, especially, with the following principles: building from the bottom up the party, existence of democratic internal elections for party forums, the right of expression for each member, freedom of entry and exit from the party, the right of every member to choose and to be elected*”²². Other reasons included in this article are the same as or even more clearly defined than those of the year 1991, but basically they deal with the relationship of a political party with the constitutional and political system in the country.

The inclusion of the concept of democracy and internal organization while registering a new political party, is indicative of the importance that the legislator gives to these elements. All components, - competitive elections, the freedom of expression and opinion, freedom for members to entry and exit, the right to elect and be elected, etc., simultaneously are part of the list of basic constitutional principles.

21. *The Constitution of Albania, Tirana 1998, (Updated with: Law No.9675. date 13.1.2007 and with Law No.9904, date 21.4.2008)*

22. *Law 8580, “On political parties”, Official Bulletin, no.6, Tirana, 2000.*

The inclusion of functional democracy of the political parties in the Constitution, was a positive step towards the commitment of Albanian citizens in the way of western democracies. It also poses the ground rules of organization and operation of elites who would lead the people in this way, as well as the modalities for their control.

2.3.5 Democracy “de jure” in party documents

Practically, the main elements of a democratic organization regarding internal democracy are supposed to be contained in the statute deposited by the founders of a political party. Judging from the program and statute, the Tirana District Court decides whether or not to legalize a political party. But legislation on political parties does not provide the same legal procedures once the political party is registered and starts its activity. So, the basic principles of internal democracy are judged only at the time of creation (in Court) and not during the activity of the political party. Consequently, it has never happened that Albanian Courts take a dissolve a political party based on article 7, paragraph 1 of the law on political parties.

The solution to this legal gap, would ask for a new intervention in the legislation on political parties. Reference models are different. In countries with new democracies such as Kosovo, exists an institution responsible for monitoring the implementation of the law (Office of Political Party Registration at the CEC, detailed below in the study). In some other countries the legislator has forecasted appropriate control practices as well as the authorities in charge.

In practice, after registration and during their political activity the parties have shown many problems regarding the functioning of internal democracy, as well as their democratic functioning in general. In case of internal conflict, the judicial authorities have been informed and involved only in cases of conflicts between rival groups in political parties, mainly in small parties. It is a very interesting indicator the fact that some of these parties, as DAP, EAP, EP, CDP, etc., have deposited in a Court their requests for the resolution of their internal

conflicts, and that in every case it has been the judicial system which has judged the statutory procedures of political formations. No court yet has referred to article 7 of the law, i.e. penalising a political party by dissolving or prohibiting it.

The article 26 of the law on political parties (2000) determines the cases of prohibition of a political party. These cases are²³: “*when it merges or joins other parties; when it is divided in two or more other parties with a new name; when it is self-dissolved in accordance with its status norms; when the number of party members has come under the minimum required by statute or by this law, as well as when its activity is prohibited by decision of the competent authority*”. The request for the dissolving should come by the political force itself and it is the court that decides. But this important legal provision does not include cases when internal party democracy does not function properly or when the legitimacy of the decision-making structures or the legal activity of the political party activity is in critical situation. So there is no direct connection amongst regulations that deal with the registration of a party and those that dissolve it. Therefore situations, such as the case of division in two or more other parties or when the number of members is lower than the legal minimum, are routine practice for more than two-thirds of political parties in Albania. However, until now there have never been any demands and consequently neither a court decision for dissolving or prohibition of a political party based on these elements.

2.3.6 Democracy within the party mirrors the country's democratic culture

In general the legal context regarding political parties and particularly their aspects of organization and internal functioning, are imitations borrowed from similar by-laws of other democratic countries and constitute a good basis for a democratic and transparent party system. The very weaknesses of the legal system in Albania remain the critical issues that deserve treatment at the earliest opportunity when revising

23. Law 8580, “*On political parties*”, *Official Bulletin*, no.6, Tirana, 2000.

the law on political parties. In this list appear the fragile culture of respecting the law; the existence of bylaws often inconsistent with each other, as well as the cacophony of the institutions responsible for their implementation; the modest impact of the effective action of the institutions created by law; and the tendency of the parties to shy away from the control of formal institutions and the resulting law enforcement practices. Legal holes in the legislation as well as the interpretations reflecting the contrast between the law and the albanian reality, have not enabled the good existing legal base to avoid the problems emerged during the practical functioning of internal democracy.

In almost every case of a debate within a political party, being it competing disputes or open conflicts, there have been no references to the law and no solution drawn from the law. In every case the point of reference have been statutory documents of the political parties complemented by the individual political will regarding the organizing principles and rights / responsibilities that exists in these documents. Courts which have been called to decide, have used as base of reasoning for their legal decisions the the very statute and the internal regulation of the parties.

2.4. Stages of evolution of party democracy in Albania after 1990

In the history of internal democracy of political parties in Albania after 1990, one can clearly identify two historical phases and also some certain elements that prove the beginning of a third phase.

The main features shared by the three selected parties in this study are the gradual move towards the model of the “party leader” and the gradual but certain adoption of the functioning mechanisms and the respective internal structures typical of an “electoral party”.

2.4.1 Copy-paste transfer of the western democracy concepts

From 1990 when political pluralism did appear, each of the major political parties of that time adopted a formal and legal correctness

in its efforts to create modern statutes on internal organization. In the statutory documents of this period dominated the liberal political concepts such as the limitation of the mandates of the leaders, large competencies for the membership, the freedom of opinion and appropriate space to create factions within the party, existence of competition based on the consent from the party base, and the obligation to have alternative candidates for any political post within the party. Both parties, the SP and DP, studied and applied ready-made statutes of similar parties in EDU (EPP) and PSE, and adopted them to Albanian reality, promising a modern party model that did not reflected the minimal political culture in the country at that time. For example, the promise that the party will be completely separated from the state – the “state” implying the public administration -, in the 90s and now continues to be seen with incredulity and does not have the support from the militant voters of the main parties. Of this phase also date the direct interventions and assistance from a number of foreign foundations and research institutes in Albania that aimed to assist the reform and democratization of the newborn Albanian political parties. The need for training was all encompassing.

However during their daily work, parties faced many situations where the statutory solution did not comply with the political interests of the day. Consequently *ad hoc* practices were created to deal with the conflicts, a practice that deviates significantly from Western models. In some extreme cases they looked quasi-similar to the same exclusive and discriminatory practices used during the party-state. In each party there were expulsions, removals from the electoral list and mud-slinging of figures critical to main line. The opinion against was equated with a hostile political stance.

2.4.2 The growth of internal democracy

In the late '90s, especially after the National Assemblies of DP and SP of 1999, started another phase regarding political development within the parties. They began to care more about their public image, and so reformed the program and statutes, and created more transparent

procedures and more space for the critics coming from general public and from within their structures. It is worth mentioning that at this stage were removed the restrictions over the duration of mandates for the leaders and was attempted to move towards a model of coexistence of more than two groups /factions within the party. Parties began to replace the closed political activities (such as closed meetings, consultations, conferences or other mechanisms of internal organization) with public statements, communication with members through the media, and with active participation in the daily debates and in direct political debates.

In this period takes off the severe political competition policy developed within SP, as well as within DP (1999). In SP the most powerful political and executive figure lost in competition with the former leader of the party, whereas the DP saw the resignation of the only alternative candidate in the last moments due to the heavy climate created. SP managed to avoid its division by integrating some parts of the losing faction in the winning party majority, even by choosing one of them for prime minister. In the DP the division became even deeper and was crystallized with the exclusion of some deputies, all officially innocent as not proven guilty of overstepping any statutory or disciplinary norm. The division in DP led to the creation of another party (PDr). A similar process occurred about four years later in SP, with the creation of SMI. But both political parties failed to learn from those mistakes and so, also due to the non-effective treatment of internal organizational conflicts, they were penalized by the voters by losing the next respective parliamentary elections: DP in 2001 and SP in 2005.

In the second phase there were positive elements in the way that political parties renounced from extreme ideological political programs; on how they reached important political compromises, (2002 marked the peak of the compromise policy with the election of the President and some consensual decision regarding state reforms); and on how they allowed for the creation of new political elites within each party. But the partial change of elites and of the leading teams was followed by the phenomenon of the weakening of membership power associated

with an increase of influence of the party institutions, including the parliamentary groups, the close party leadership and its secretariat.

2.4.3 The slippage towards the model of electoral parties

The second phase can be called as terminated after the developments in 2009, when both main political parties held their electoral and election congresses. The spirit of preparation and the modalities of the development of these Congresses / Assemblies, as well as their statutory products, created a new environment and political behavior in the country. Albanian political parties were directed towards the model of electoral party. Thus during the last 4-5 years because of this trend, there has been a significant decrease of the importance and statutory role of the decision-making structures, as well as of the role of statutory documents. Their importance in party programming, organizational development and political orientation has weakened as well.

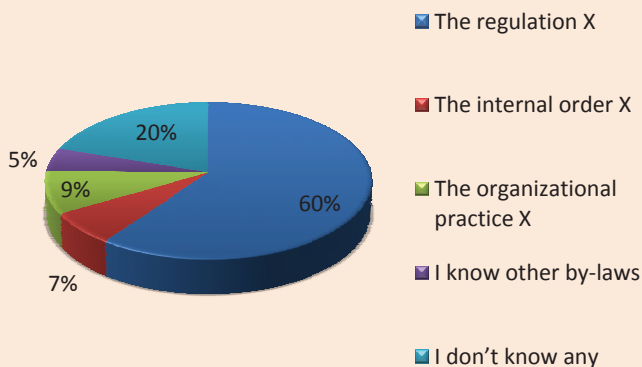
During the consultation with party members we observed that 92% of the respondents have read the basic documents of the party. A minority of 8% declared not to, even though their reading and acceptance is obligatory by statute and a legal prerequisite for the effective participation of the individual in a political party. Also among that 92% of positive responses, there is also a dose of fictivity that could be explained by the desire of not appearing ignorant before the interviewer. A comparison of this response with the results of the control question over the statutory documents that are better known by the party members, shows that a quarter of them do not know any specific statutory or regulatory act. When a quarter of party members have no formal or specific knowledge on at least one statutory document, the entire relationship of trust between party, members, statutory documents and reciprocal responsibilities is fragilised. In this situation, the mechanism of internal democracy fades away leaving free space to the figure and to the political project of the leader and his selected associates.

During this period the parties have proceeded in two parallel directions: on the one hand the restrictions over the duration of the mandate of the leader are removed and the time limits are set free; on the other hand is intensified the

transfer of competences to the non-elected executive structures of the party, all by promising elections at every party level with the principle “one member - one vote”.

Figure 1

WHICH INTERNAL ACT YOU KNOW BETTER :



2.5. The tradition of statutory documents in political parties

In general, the internal organization and functioning of political parties in Albania reflects the genesis of the respective political formation, as well as the political context at the moment of creation. Their evolution mirrors the leader's profile of the party.

2.5.1 The organizational tradition of the Socialist Party

SP has a rich tradition in internal organization practice and regulations as noticed from the rich documentary base of officially adopted by-laws and norms. SP approved an initial statute in 1991, and regularly changed and adapted it in whole or partially for example in February 1994, in August 1996, in December 1997, in October 1999, in December 2003, in May 2004, in September 2005 in, September 2009, etc. The changes have affected party's general structure, its internal organization, components of internal democracy and respective competences, as well as the forms of choosing the structures and the complaining processes. Because of the

long political tradition, SP inherited the mentality of referring to the written documentation and archiving the documents, a practice that is not found in DP. In SP the bureaucratic standard of management was the dominant one; in PD the identification with the spirit of change, with the central or local leader and with the climate created by him have been dominant in the daily functioning of the party.

Over the years SP completed the changes in the program and in the statute with the drafting of additional documents, mostly different internal regulations. Most of them were published in 2004 and in 2006, even if latter some of them were canceled, changed or simply neglected. However, SP continues to apply the practice of written rules. Recently the Code of Conduct has been drafted and it has been announced the creation of another document on the Code of Conduct of the parliamentary group.

SP has safeguarded the tradition of the existence and functioning of a series of complementary documents as the Regulation of the Parliamentary Group, Regulation of Functioning of the CPC, Regulation for the Organization of Referendums, Regulation for the Establishment and Functioning of the Regional Council, Regulation of Incompatibility of Two Mandates, Regulation on the Establishment and Functioning of in CPC committees, Regulation on the Mandate of the Delegate, Regulation on the Vote of Confidence, Regulation for Relations and Representation of SP in Legislative and Executive Bodies, Regulation for the Selection and Function of the Finance Head, Accountants and Auditors Commissions, Regulation on the Bodies of Statutory Guarantees, etc.

Differently from DP, the internal democracy in SP has been more functional especially after 1996-1997. Even if in the first period it was the members of the DP that started and encouraged the critical debate and the expression of different opinions on every level of decision-making within the party, it was the SP members that created a nascent though fragile democratic tradition, which culminated with developments of 1999-2002. In this period, the SP CPC meetings were made public to the media, leadership meetings often took decisions with minimal difference in votes; the parliamentary group played a greater role in party decisions, and different political groups critical to main line were able to compete

with dignity for the highest positions within the party. Respecting this spirit SP managed to change its representation in some governments through competitive alternative voting in party structures. It also did held national congresses with strong competition features, and with acceptance of the final result all by showing respect and by integrating the minority views.

2.5.2 The organizational model of the Democratic Party

The above developments are not seen in DP since 1997. The party has stayed loyal to the well-known classic minimalist form of party organization, focusing only on the presentation of a basic program, where it is also included the election program, its statute of organization and functioning. The program and the first statute date back to December 1990. In September 1991 changes were made, followed by successive modifications in the National Conventions in 1993, 1995, 1997, 1999, 2005 and as results of some intermediate meetings, mainly National Consultations or National Assembly meetings. These changes have been focused on the essential elements of the definition and functioning of internal democracy of this political force where we can mention those affecting:

- the mandate of the leader: from two mandates to the removal of limitation in 1993;
- the vote for the leader: from the Assembly (1991) to the vote of membership (2013);
- the vote for the leadership: from the Assembly (1991) to partial co-optation of certain posts (the spokesman, leaders of partner organizations, some of the secretaries etc), and in the last years including the changes of 2014 with the co-optation of all sectorial leaders in the party, parliament, etc;
- the involvement of members of parliament in the National Council; their selection evolved towards the vote on the basis of functions or branches;
- the internal elections: from free elections without any specification to elections with gender quotas, geographical distribution, etc.

In two periods, 1997 and 2013, the election of the party leader was made after

a transitional non-statutory phase, through the creation of an Organizational Electoral Commission and a transitional process. Although in both cases the direction of the party should have been exercised by the General Secretary and the presidency in duty, in the first case the role of the leadership was played by a nominated group of 27 people. In the second case the General Secretary was completely bypassed and the process was managed by the former leader (who had already handed his resignation), and by a group of nominated coordinators. In the history of DP there have been only two cases of vote of confidence for the leadership (1995 and 1997) and one case of dismissal of the head of the party through the vote (1995). This the first period with very active party structures has been followed especially after 2005 with periods when the party did function without active leading structures.

Regarding its internal organization, the practice in DP has remained loyal to the formal existence of the statute and its supporting structures, such as the Disciplinary Commission. In this context the party has functioned through instructions issued by the Office of Party Organization or the leader of the party. For example, in 1996 the Office of Party Organization decided that the secretaries of the branches are named by the headquarters and that all candidates in districts should be confirmed through a preliminary interview in the Presidency. Later this work practice was converted into a statutory norm. Recently in 2014 the instruction no. 2 of the leader of DP set restrictions in the competition for district leader and created an ad-hoc structure of coordinators in the branch level, excluding in this decision-making process the existing party leadership.

Although the DP statute is unequivocal in its intentions to establish an institutional party with a functional internal democracy, the necessary complementary statutory documentation is incomplete. For example there are no updated and active by-laws on the functioning of the National Council or of the Parliamentary Group; the regulating acts on voting in the party or on the relationship between structures are missing, etc. The last regulatory act dates back to 2002 and was never made public. Case after case certain routines have been established through the instructions and decisions of the leader of the party or the presidency, a phenomenon that has weakened the importance of statutory norms and their references.

2.5.3 SMI as a party in the process of consolidation

Based on the particularity of its genesis, in SMI the issue of internal democracy is a new concept and still under development. It has followed unique path especially after 2009. At that time, after the debate over its passage from “the left” to “the right”, a critical part of the leadership team was sidelined or excluded from SMI. This is the only case of a debate over the standards of internal democracy in this party. This case illustrates the inability of the organization to deal with an internal debate respecting the statutory rules, which duly indicated the principles to be applied and made available the necessary legitimate and democratic instruments to deal with it such as the competitive voting or the respect for the minority.

SMI is identified in media reports and in public life as a party conceptualized and created by the ex Prime Minister Meta. In this context, the elements of parity and internal democracy of the members in relation to the founder are seen as redundant, formal and sometimes not necessary. This situation can be explained by several reasons.

Firstly because of its own dynamics of creation, the model of SMI was originally built by, and around a person with a high public profile. This is precisely the model of party-leader, a trend known in the various political parties in Italy or France.

Secondly, it is logical for relatively small political party to have fewer hierarchical levels. Consequently the need for pressure from below regarding the formal implementation of the rules of classical democracy is almost inexistent. The distance between the leader and the members is small, and formalizing the contacts and relationships between them may reduce the efficiency of internal organization by increasing the cost of operations and the duration of decision-making.

Thirdly the model of functioning and the purpose of such parties are conditioned by their partial parliamentary representation. Consequently, the success is achieved when agreement is achieved with one of the major parties so to be in government. Such a model while in the short-term optics maximizes the results, it does not offer guarantees for the future because the party’s success is identified with the ability of the individual

leader to negotiate the maximum during the division of the power. In a dynamic of continuous rise of their civic and cultural level, the voters in countries with small population such as Albania, are inclined to choose big parties as relatively more secure alternatives towards the power and political decision-making.

In other countries of the region as in Bulgaria in 2000 the party led by the ex pretender of the throne, Simeon II managed to win the election, but after the first legislature, it lost its weight and electoral support. The same situation was repeated in the recent years with the new political party created in Slovenia, *Positive Slovenia*, which in 2011 won the election with 28% of the vote, but four years later, remained outside the parliament with only 2.9% of the votes. In Kosovo parties such as “*Ora*” or AKR even though they succeeded in one or two election processes, have subsequently disappeared from the political scene. Third parties in Albania (DAP 1992-1996, SDP 1992-2001, DPR 2001-2005, etc.) have not survived the political competition; they have been disbanded or have negligible activities outside the parliament. SMI is fundamentally different from them, however, it still lacks a hard core of members joined around an ideological and programmatic base. As a political force with regional and pragmatic profile, it is and remains threatened by any agreement and / or possible consensus between the two major parties for example, regarding the change of the electoral system. In the case of a majority vote SMI has won only one mandate. In a proportional system the chances are greater for its survival in the foreseen future.

III. PARTY DEMOCRACY IN DOCUMENTS AND IN REALITY

In the analysis of internal party democracy the definition of the main terms of reference is very important. Clear targets and their definition are needed to identify and measure the efficiency of instruments of internal democracy. The western models illustrated through German examples of SPD and CDU, those of British, French or Italian parties, but also models of transition countries like Albania, basically have the same semantic and content-wise determinations for the instruments of internal democracy. The differences are in the details of the definitions, in the importance given to particular instruments during their implementation, and in the existence of complementary mechanisms that expand or limit the space for an efficient practice of party democracy.

3.1. Guaranteeing the rights of the simple party member

In the documentary evidence of western political parties with a high level of internal democracy, the main indicator of the real existence of internal democracy is the degree of application of mechanisms that guarantee the promotion and protect the opinions and individual rights of the members. If we compare the statutes of the two main German parties, SPD and CDU with the statutes of the similar two main Albanian parties, SP and DP, it results a noticeable difference. Specifically, in the statute of SPD exist 31 articles that cover the complaints process, the appeal and the provision the guarantees for the statutory rights of the party member. In the statute of CDU are 45 such articles²⁴. In Albania in the statutes of SP, DP and SMI the protection of the rights and “different” opinions of the ordinary party member is covered by only one article (article 8 of the SP, article 7 to SMI and article 14 to DP).

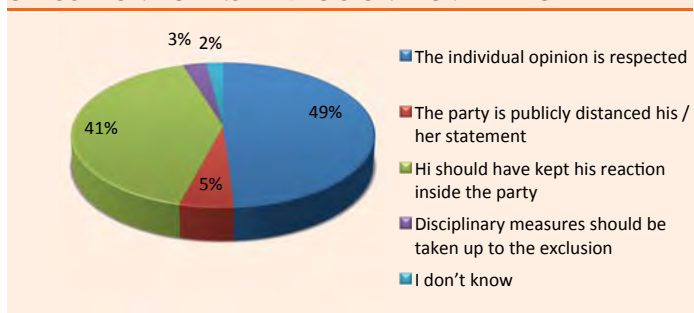
While the only number of articles is not an absolute indicator, the practical developments demonstrate the fragility of guarantees for critical thinking

24. *Statutenbroschüre der CDU Deutschlands. 2014. www.cdu.de*

of the members of Albanian parties. Specifically, from the conducted interviews, while asked on the application of the principles, rights and responsibilities of members of the three parties SP, DP, SMI, we observe that only half of respondents respect the critical and / or the opposite thinking. Less than half of them believe that critical voices should be addressed and analyzed inside the party and not in the public; about 5% think that the party should publicly distance itself from any criticism from the members that is publicly expressed. However only 3% think that in these cases the solution is their exclusion from the party.

Figure 2

WHAT HAPPENS IF A PARTY MEMBER PUBLICLY EXPRESSES ITS OPPOSITION AGAINST A DECISION FROM THE TOP



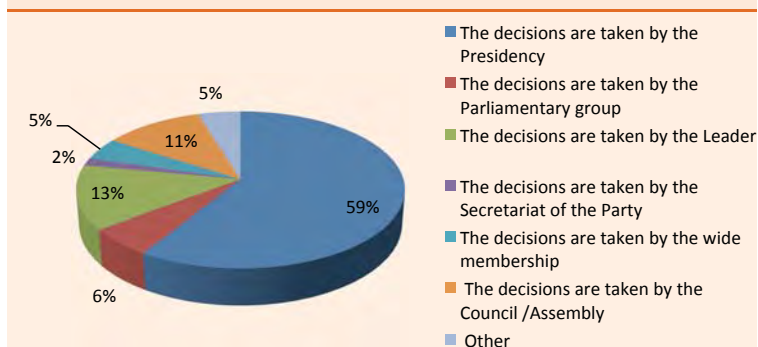
3.2 Complementary statutory mechanisms

The power of the party members is expressed and guaranteed through various complementary statutory mechanisms and policies. For example, SPD organized a party-wide referendum to decide its participation in a governmental coalition with the CDU (2013). In comparison, in Albania the decision for the coalition DP-SMI in 2009, or the SP- SMI coalition in 2013 was taken at the meetings between the respective leaders of the concerned parties who then forwarded the information to the relevant party structures regarding the formal decision.

In this context, the interviews with party members show that the statutory hierarchy of party structures is not reflected on the ground. According to the data collected from the three parties, the party members attribute to

Figure 3

WHICH STRUCTURE TAKES THE PRINCIPAL DECISIONS IN YOUR PARTY?

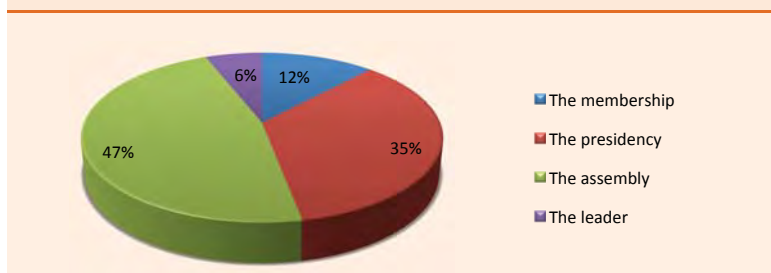


the party presidency about 60% of the main decisions, followed by the leader and then the Assembly. “Main decisions” means not the routine administration or management acts, but those politically significant. The fact that the Assembly / Council is considered by the members of the party as the third most important for the main decision making, with about six times less replies than the party leadership, shows the perception of the growing power of the leader and his close governing structures.

The opinion of the members on their role in political decision inside the party is even more telling: they believe they have a say in no more than 5% of party decisions. The interviews indicated that only 1/4 of the

Figure 4

WHO SHOULD DECIDE FOR THE PRE- ELECTORAL AND POST- ELECTORAL COALITIONS, WHEN THE DECISIONS IN THE PARTY ARE TAKEN BY THE MEMBERSHIP



respondents require that the membership should take important decisions, such as pre- and post-electoral coalitions, the list of deputies or the approval of the party program. The dominant part of the consulted members think that it is the Assembly/Council the right structure that should have a more important role in main decisions – visibly a bigger number compared those who recognize this attribute to the membership.

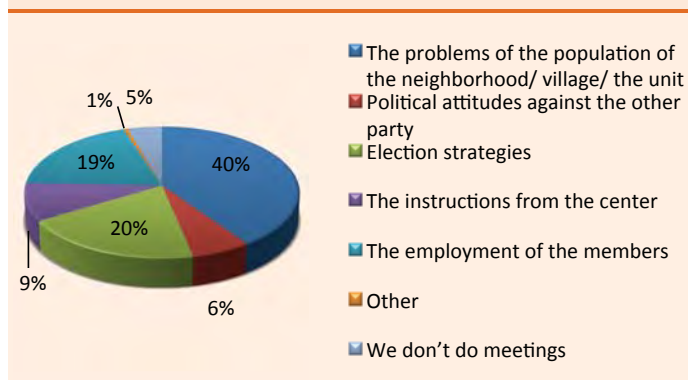
3.3 Organization of internal consultations and topics treated in them

By maintaining the international comparative scale, we notice that even in the organizational model there are essential differences between the German and Albanian parties. The concept of participation of members in the activities of German parties is based on the regular involvement of the members in working groups, committees, debate circles, professional groups, etc. Taking on board of their ideas and the involvement of all members in the drafting and consultation during the decision-making and party politics, is a constituent feature of these political forces.

Such practice is absent even formally in Albanian parties. The closest model in Albania coincides with the *ad-hoc* organization of events as the consultative gatherings of the party, conferences or electoral meetings.

Figure 5

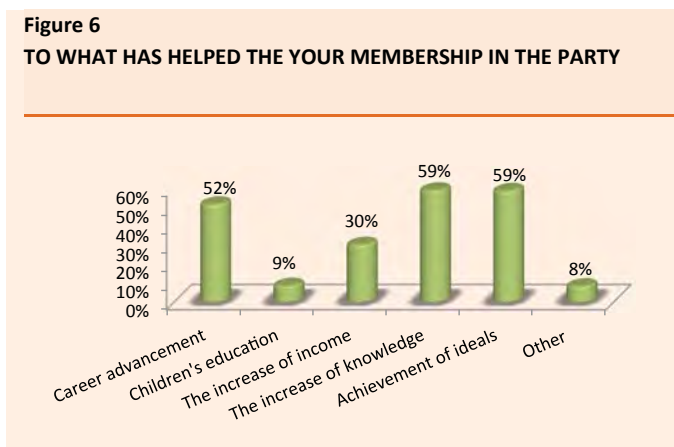
THE MOST FREQUENT ISSUES DISCUSSED IN THE MEETINGS OF THE SECTION, ARE:



For the biggest part of time, the party member is inactive and is only interested in employment issues or instructions received from above.

In the responses received on the role of the Party Section during the consultation of the statutory documents, we create the impression that the section remains the main structure of the political life in the base but without real impact on decision making. Two-thirds of the members admit that they have never proposed an act, action or other political initiative in the meetings of their section (a certain part of them even thinks that this is not the duty and responsibility of the members).

However to the question on the dominant themes that are discussed in the meetings of the section, less than half of respondents declare that they talk on local community issues. In these meetings, the discussions on electoral strategy or hiring of the militants appear to have the same importance - a feature that characterizes electoral and clientelist parties. If in the questions that are related to political issues the majority of members states that the decisions come from above and find it natural, only 9% declare that in the debates in sections and other meetings at this level, real debates take place over the instructions that arrive from HQ. This modest space for discussion does not leave place for other activities that may affect the political education & information of the members or the involvement of the



party structures in qualitative debates and real consultation mechanisms. However 60% of the respondents belonging to the three political parties, think that party membership has improved their knowledge and the implementation of their political ideals. More than a half thinks that party membership did significantly contribute to their career.

3.4. Some features a clientelist and electoral party model

These features, characteristic for society in democratic transition periods, are supported by the response of 60% of the respondents. They believe that the hiring in public institutions should be decided by the deputy, the minister or the office of the party, - so outside of the legal chain of competition on the basis of merit and rules of recruitment of the civil employees. If the simple party members think that the policy makers (the minister and the deputy) have more weight in the public employment of persons than the members of the Party Assembly, this tends to show that the distance between the political employee and the base is bigger than the distance between political employees of and the members of the Assembly.

The fact that twice more simple members state that the employment is done only through personal relations when compared to the elected ones, deepens the perception over the clientelist nature of the public

Figure 7

HOW IS DECIDED IN YOUR PARTY FOR THE EMPLOYMENT IN PUBLIC ADMINISTRATION?

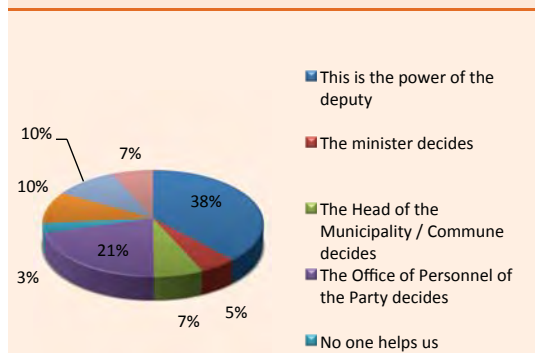
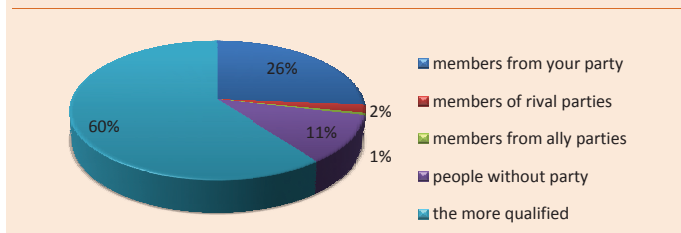


Figure 8

WHO DO YOU THINK SHOULD CONSTITUTE THE MAJORITY OF THE EMPLOYEES IN PUBLIC ADMINISTRATION?



employment system. The perception of a party-supported recruiting although camouflaged with the alibi of “meritocracy”, is reinforced by the interviews. About 60% of party members think that it is the best that should be hired / promoted. However they do not even agree that the appointments may benefit the members of rival parties (1%) or allies (2%), thus attributing to their political party the monopoly of public hiring.

3.5. The profile of National Assemblies

CDU and SPD have formalized the obligation for their National Assemblies to meet once in two years based on the approach that the practice of periodic meetings and elections makes the parties active and competitive²⁵. Its leaders are voted regularly and periodically despite the victory or loss in elections. The model of German National Assemblies can be characterized as “working sessions” with active participation of all delegates, involving debates in groups and resulting in different views by the discussants in the main panels. The focus point is the political speech of the party leader²⁶ where are also presented the party political orientations.

In France, SP has adopted an internal organization system that enables

25. *Innerparteiliche Demokratie*, in Andersen, Uwe/Wichard Woyke (Hg.): *Handwörterbuch des politischen Systems der Bundesrepublik Deutschland*. 5., aktual. Aufl. Opladen: Leske+Budrich 2003. Lizenzausgabe Bonn: Bundeszentrale für politische Bildung 2003.

26. *Political Parties in Germany*, in *Political Parties and political systems*, 302, Ilar, Tirana, 2008.

members, indirectly but actively and inclusively, to evaluate and vote on the political platform presented by the main factions in the party. The political representative quotas and candidacy in internal elections depends from the success of competitive proposals platforms. The final political program is the one that gets the most votes from the delegates. In most of the cases this is a compromise among the main thesis that appear during the political debate in the party²⁷.

This practice is different for Albania, where parties call national assemblies once in four years, where electoral mandates rarely are respected and where Assemblies / Congresses indiscriminately follow the same form, - a political speech by the main leaders and an inactive audience that participates only through the expression of support and enthusiasm to them.

3.6. Administrative routine and positions of supporters and partner organizations

Other statutory elements of party internal functioning, such as leadership meetings at least every two months, the special mandate of the general secretary in organizing and coordinating the party, the diversity and number of partner organizations and groups represented in the party, the transparency of consultation procedures for political candidates for national and European elections, etc., make the working practices of the SPD, CDU and other western parties still distant from the centralized decision-making practices and functioning of Albanian parties. In the Albanian model there are written by-laws and rules about the party meetings meetings, their minimum number, the sharing the tasks & responsibilities of the leaders in the organizational hierarchy of the party, etc, but with substantial differences to their western equivalents regarding their formulation and content. The nature of statutory documents of Albanian parties is mostly declarative, without defining neither internal structures with clear and measurable responsibilities, nor clear operational modalities with concrete tasks. Such a situation often produces grey areas and conflictual scenarios.

27. *Political Parties in France, in Political Parties and political systems, 308, Ilar, Tirana, 2008.*

Another phenomenon is found in the SPD²⁸ statute, (article 10) where it is recognized special place and role to the guests or the sympathizers of this party. They are not regular members but have the right to participate in any meeting or discussion of the membership and make proposals that are taken into consideration by the leading structures. They can maintain this status for one year with the right to repeat it once again. As a logical consequence, in the statutory documents of the CDU²⁹ it is stressed the political aim to represent and protect the interests of different social groups, including women, workers, local politics, middle class, displaced persons, the elderly, etc, which although have significant organizational, financial and political autonomy, are able to bring their point of view in the programmatic principles of CDU.

In the British Labour Party there are two types of membership: regular individual members and collective members that come from supporting organizations, mainly the trade unions. The number of regular individual members is many times less than the number of collective members³⁰. This difference significantly affects the political decision-making weight of the membership, because the collective part of the members is more dominant and almost always holds the majority. In Italy DP³¹ allows the preliminary vote of the membership on the candidates for leader, allowing not only the participation of the members but also of various sympathizers that may be inactive in party life. Unlike the French parties, in Italy the non-members can vote and their candidates and their supporting list can be nominated, but not the various political platforms.

In Albanian parties the specific articles for this situation are found in SP³² statute, (article 12), according to which “*the supporter*” has the right of

28. *Organisationsstatut: Wahlordnung, Schiedsordnung, Finanzordnung der Sozialdemokratischen Partei Deutschlands, 2014, www.spd.de*

29. Andersen, Uwe/Wichard Woyke (Hg.): *Handwörterbuch des politischen Systems der Bundesrepublik Deutschland. 5., aktual. Aufl. Opladen: Leske+Budrich 2003. Lizenzausgabe Bonn: Bundeszentrale für politische Bildung 2003*

30. *The membership in the LP, 2014, www.labour.org.uk.*

31. *Lo Statuto del Partito democratico. Documento conclusivo votato in Assemblea, 2010. www.partitodemocratico.it*

32. *The Statute of the Socialist Party, 2014, www.ps.al*

participation, debate, to propose, and has special card. In reality there has been no case of public acceptance of the application of this principle. Rather, being a party member is widely considered as a prerequisite for political commitment, career and for having the right to make proposals or criticism in the party.

3.7. Documents and practices (not) statutory

In western parties, especially in German and British one, the statutory limitations regarding the validity of the program and statute is strictly respected, thus avoiding unpredictable situations. For example, the German SPD held a membership-wide referendum (2014) to decide on the entry into coalition with the CDU; the Greens in 1999 held a dramatic but very democratic debate on changes in foreign policy program. The cases of major German political debates always has been resolved through comprehensive consultations and continues down to the direct questioning of the wide membership. Through this practice, two German parties have successfully passed tense moments in the life of a party, as was the political rotation at the head of CDU (Kohl - Schauble - Merkel) or the rotation policy in the SPD (La Fontaine - Schroeder - Platzeck - Beck - Gabriel). Applying such high standards helps turn the party democracy into a functional model and constitutes an important element in the political stability of the party system.

In the Albanian parties such cases are missing. From research in the archives of these parties and from the discussions with the Offices of the Organization we can draw the conclusion that SP possesses the largest number of statutory and regulatory documents. As mentioned earlier, SP has a better tradition of documenting the by-laws, rules and work practices. For example only in the period 2004-2006, this party did draft and approved in the first version and later with sub-sequent improvements, more than five working regulations for the governing structures and for the processes of internal organization.

In DP and SMI this practice is different. Although in each of these parties the statute is the document with the longest life expectancy, most electoral

and organizational problems are solved through various instructions, with intended short-term effect but with almost permanent validity. Their biggest political crises especially those related to representation and political direction have been generally resolved through non-statutory instruments. In DP such practices were used to go solve the post-electoral crisis of 1997 or before the General Council of 1999. In both cases the critical members were not allowed in the competition ore were forced to resign. SMI as well has looked for and applied decision making practices – in its most critical moments such as the decision about the coalition in 2005, or the crisis amongst its leaders in 2010) that have been different from what stated in its statute. SMI itself is the product of such a behavior applied against its members during 2003 – 2004. The pressure strategy applied through the political action as implemented by a group of SP deputies in 2003 to block the parliamentary decision-making of the party³³, was not based in the SP statute. As such it provoked an non-statutory reaction and increased the scope of the internal conflict up to the change of government. It latter ended in the creation of two parallel party lines, one of which created the base for the establishment of SMI (2004).

Such solutions do not allow the creation of a transparent statutory routine, supported with implementing structures and respective regulations, known and accepted by the membership and that guarantees the uniformity of decision, stability and long-term effectiveness of the respective political formations. On the contrary, they create double standards. For example deputies who joined the boycott against the majority of their own party (see above) party managed to benefit from the political crisis. In 2007 when from the same parliamentary group some deputies voted against the group's political decision during the election of the President, the party excluded them from the group and membership.

33. *In 2003 a group of SP deputies lead by the leader of SPP, Nano, boycotted the parliament. It blocked the Meta government in its efforts to create a parliamentary quorum and to approve the changes in government. "Movement for catharsis" inside the Left, caused the resignation of the Prime Minister and the fall of government. This is the first case when a fraction in a party manages typo impose through parliamentary political acts the fall of their own government, also profiting from the active absence of the opposition in the Parliament.*

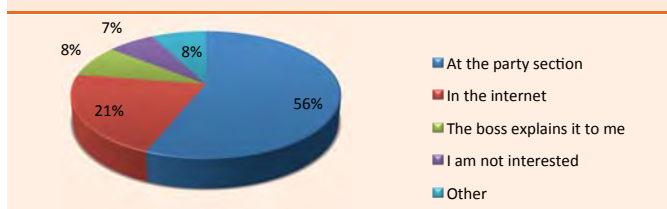
IV. STATUTORY MECHANISMS OF INTERNAL PARTY DEMOCRACY

The statutes of the main political parties (SP, DP, SMI) share between them similar organizational structures and in general, the same implementing instruments in terms of internal party democracy. Each party in the preamble of its statute emphasizes the democratic principles on which it is organized and functions.

The importance of the statute remains high for the political parties. But its recognition and respect remain a challenge and a main weakness of the current party system. According to our field consultations, nine in ten respondents declare to have read the statute and program, but when they are asked specifically on practical knowledge of statutory documents, about 20% admit they do not know any statutory act, regulation or directive that regulates party relationships. Half think that the recognition of statutory rules is not an obligation for them but is the responsibility of the higher structures of decision-making. It is interesting to note that slightly more than half of the members that accept the value of statutory documents, declare to be active in party life through consultations in the sections and base structures for different organizational issues. A fifth get to know statutory documents through the Internet and about 8% of the respondents recognize their immediate bosses the monopoly on the interpretation and information over statute and other party documents.

Figure 9

WHEN YOU NEED CLARIFICATIONS, WHERE CAN YOU FIND AND CONSULT THE STATUTE/ THE PROGRAMS/ THE REGULATIONS ETC ?



4.1. Sanctioning the internal democracy with the statute

In the Statute of SP (2003, amended in 2006, amended in 2010 and current) at the beginning of the chapter on democracy and internal discipline in party, it is emphasized³⁴ *“internal democracy in party is a political, organizational and moral condition for its existence and development. The personality and dignity of the member of the party are inviolable”*. It continues by stating that the *“leading bodies of the Party represent and serve the will of its members and supporters, SP is an electoral and functional party and its members and sympathizers participate actively in social and political activity of the country”*. Further, the statute states that this party *“harmonizes the direct democracy with representative democracy. The party member expresses directly or by delegation his will. Voting delegates as a rule, have mandates with the same duration with the elected ones.... The Party Discipline is based on the convergence of views over the development alternatives. After the decision is voted, the will of the majority is implemented “*.

Further on it is sanctioned the freedom of opinion inside the party (article 2), justified from the need for *“implementation and improvement of the Program and of the Statute*. SP obliges the central structures to attract and *“to submit the opinion of their voters including the different opinions”* and within a month to respond to any complaint that comes from membership. Among the principles of leadership, SP ranks the collegiality, the professional opinion, the personal initiative and self-initiative (article 3), emphasizing the obligation of any governing structure to ensure teamwork. In this context, initiatives and suggestions emanating from regular members are required to be in compliance with the Program and the Statute of the SP. Under the principle of transparency, the SP Statute sanctions the obligation of any leading structure to inform and report to the members (article 4).

The Statute of DP also sanctions the democratic principles of internal organization. Specifically, in the introduction of the Statute, article 2, in the political orientations and goals, is emphasized: *“DP guarantees*

34. *The statute of the Socialist Party, approved in 2006, confirmed 2011, www.ps.al*

free expression of political sensibilities that constitute it. It is based on the respect for gender parity in the life of the party and in the electoral and executive participation". Further in article 8, are stated the basics of functioning of the party *"in internal democracy, expressed through the vote of its members. The represented vote is only recognized to representatives as mandated by the members ... Democracy is also applied in the process of publishing the electoral candidates"*³⁵. "Also in the statute are cited all the basic civic and political rights sanctioned by the Constitution of Albania. For example, a whole article is about the guarantee of free expression for each member, (article 58) by stating: *"when issues under discussion generate "pros" and "cons" opinions, the expression of minority opinion (must) be guaranteed"*.

In the SP Statute (article 40), are determined the modalities of decision-making *"after the debate and the free exchange of opinions ... the decision approved with a majority of votes is obligatory for all the members of the body that receives it and for those to whom is refer to. The minority that has voted against, has the right to express its views in meetings or in the Party press and may request the reconsideration of the controversial issues in the common governing body"*³⁶. The only structure that can annul decisions are the decision making structures (not defined further) or the Commission of Statutory Guarantees (CSG). SP also recognizes the right of the lower hierarchical structures to not implement the decisions of higher bodies *"when it is deemed that is contrary to the Party Program and Statutes"*. In this case, the objection should be argued at the local governing structure that has taken that decision or at CSG. In practice we have not noticed such cases.

Referring to the Statute of Socialist Movement for Integration (SMI) its internal organizational principles rely on the same universal principles used by other democratic parties like DP and SP. Also SMI is committed to guaranteeing and protecting the freedom of expression of every member, *"for every problem that has to do with the organization, functioning and all political and organizational activity of SMI; for the role and performance*

35. *The Statute of the Democratic Party, approved in december 2009, www.pd.al*

36. *The Statute of the Socialist Party, approved in 2006, confirmed, 2011, www.ps.al*

of representatives and its elected; for the basic documents and other important issues"³⁷, etc. Basically, the differences with other parties are minimal. Specifically, the statute of SMI, article 6.1/c sanctions the right to create factions within the SMI structures. Further in the Statute, in Article 14, is re-emphasized the recognition and the guarantee of representation of factions in SMI forums on the basis of a regulation set by the National Convention of the party.

During the 10-year existence of SMI there has not been any case of announcement of a faction, but there were cases when a group of leading politicians did thought otherwise and adopted critical positions towards the official policy of the party (September 2009). Here can be mentioned the debate and personal accusations amongst leaders on a very high level (the case of Deputy Leader Prifti after the affair of the video recording). In both cases the critical side (or the rebellious) was forced to resign or was dismissed. Also against them was applied publicly a denigrating rhetoric – a practice regularly encountered in Albanian politics and concerning all the political parties.

It should be emphasized that such exclusion or denigration practices happen in open defiance with statutory documents of political forces and to the principles of internal democracy that parties promote. The SMI Extraordinary Convention of 7 July 2009; the DP extraordinary Conference of August 1992 or March 1995; as well as the famous meeting of the SPC at SP in December 2001, - were publicly dominated by denigrating rhetoric and exclusion appeals for political critics of the respective party leader³⁸. In each case the leaders won and critical voices either were eliminated, either were forced to resign, or were removed from important political positions.

37. *The Statute of the Socialist Movement for Integration, 2009*, www.lsi.al

38. *In SMI (2009) The Convention reacted severely against the two leading and critical figures, the vice-leader P. Xhufi and the ex deputy S. Brokaj. In august 1992 from DP was expelled a group of supporting deputies for a critical motion on the politics of the party, while in march 1995 with request of the presidency was fired the leader of DP Selami. In SP the meeting of LPC put in front of the majority supporters of the prime minister Meta and the minority of the leader Nano. Although the first won, the effects of the meeting contributed positively to the return of the party leader in the position of the prime minister in less than a year (2012)*

The narrowing of the visible difference between the written principles of internal democracy and their practical implementation, constitutes one of the critical challenges of transition in all political parties, even if in this study we are limited only to the three parties involved in the analysis.

4.2. Institutions of guarantees and statutory rights

Based on the inspiring and governing political principles expressed in the statutes, each political party has built functional mechanisms that provide statutory guarantees for the realization in practice of said internal democracy. With reference to the statutes of the main parties, each of them includes provisions on the existence of a “party tribunal” in various forms and names, as well as the concepts of the right of appeal, of complaint, free expression, internal criticism, refusal, etc.

In the statute of SP the main institution for guaranteeing internal democracy is the Commission of Statutory Guarantees (CSG). In the early 90s this structure was formalized but did not have any relevant activity. Later in the second decade of transition, it became active and with practical impact in some of the important moments in the internal political developments. The CSG organizational model between 2002-2005 was on two levels: a local CSG for each branch, and a central CSG unit that coordinated local structures. In the current statute of SP, CSG is unified as a central structure. Its main function³⁹ is to “*decide about the issues pertaining to the application and interpretation of the Party Statute, decisions and regulations of the central forums of the Party*” (article 32). CSG consists of 9 members with a 4-year mandate each, elected by the Congress. Each candidate should have at least 3 years of membership in the party. The mechanism becomes active on the basis of complaints and requests received from members, structures and forums of the party. Decisions are taken by open voting, by simple majority and are obligatorily implemented. The only issues that remain outside its jurisdiction are the decisions of the Congress and the National Assembly of SP, or the political decision making of the party.

In SP in the same way as for some other internal political structures, also for

39. *The Statute of Socialist Party, approved in 2006, confirmed 2011, www.ps.al*

CSG exists a standard regulation on its detailed working practices, its activity, decision making, functioning, powers and consequences of its decisions. Most of the definitions are about the technical elements that resemble to a routine practice of an “internal tribunal” within the party. However there are details that are worth to be mentioned. For example, the CSG leader is elected by the members through secret and competitive⁴⁰ voting (article 3); the meetings should be held not less than once in every two months; and decisions should be taken and published within a month from their approval. Also, in the case of voting, “one member - one vote”, CSG decides within 72 hours (article 6); there is no abstention vote in the decision making; in examination of the case participate all involved parties; etc. In contrast to a typical “judicial” practice, in the case of this party structure, it is not clearly defined in the party statute who proposes the list of candidates for member of the CSG, and what are the procedures for an individual to compete. Meanwhile according to the statute their selection through secret voting happens in the National Congress.

In the Statute of the Democratic Party as approved in National Conventions of 2005 and 2009, a special chapter is devoted to the party control⁴¹ & supervisory bodies, the Committee of Organization and Control of Electoral Operations (NOCs), the Central Committee of Appeal (CCA) and the Permanent Committee of the Statute and Internal Regulation (PCSIR). In the Democratic Party, CCA is the “tribunal” that ensures the respect of the statute and of democratic norms within the party. According to article 51, CCA consists of 7 members, elected by the National Council. For comparison, in the 1997 statute (article 33) it was determined that the Disciplinary Committee was elected by the Assembly and consisted of 5 members⁴². The object of its work includes every complaint coming from members or party structures and its decisions are not appealable.

DP statute restricts the right of CCA to make public its decisions, especially in cases when “a presidency decides to take a sanction against a member

40. Regulation “The Commission of Statutory Guarantees of the SPA” approved with decision no.46, date 12.10.2006 in CA of SP, publication of SP, Tirana 2006.

41. The Statute of the Democratic Party, approved in the National Assembly, Tirana 2009.

42. The Statute of the Democratic Party, approved in the National Assembly, Tirana 2009.

who holds an electoral mandate, in the executive or parliament". Following the request of the party leadership, CCA should decide regarding the eventual inconsistencies with the Party Statute of decisions taken by the central authorities or the members. In contrast to the CSG model in SP, in the Statute of DP is defined the exclusive right of the Presidency of DP that *"in the three months preceding any election campaign and a month after it, to declare against a member, whatever his condition, one of the sanctions that the Statute provides, if he/she creates obstacles during the implementation of decisions dealing with the candidatures"* and especially the exclusive right of the leader of the Party that *"in emergencies, and especially in electoral campaigns, can exercise the power of statutory sanctions"* with the condition that the implemented sanction is presented for approval *ex-post* to the party leadership in the shortest time possible, but without specifying the maximum length allowed for this period.

In DP there is another statutory reference (article 32) regarding the Sub-branch Appeal Committees (composed of 3-5 members elected by the assembly of the sub-branch). The responsibility of this committee remains at the local level for operations, treatments, reporting issues and respective decision-making. In DP there is also a Permanent Committee for the Statute, elected by the National Council with the proposal of the Presidency with the function, to formulate *"proposals for changes in the Statute or Internal Regulation that are generated from the party leadership or the National Council. Proposals for changes in statute or regulation made by the membership and leaderships are addressed to the party leadership which examines them and if necessary presents it to the commission"*.

The structure of statutory guarantees in SMI is known as the Appealing Council (AC). As in the case of DP, in SMI this structure is elected by the Leadership Committee (Council) among competing candidatures through secret voting. It has a 4-year mandate and its decisions are obligatory (article 13, paragraph 1, 2, 3, 4, 5, etc)⁴³. As in the case of SP, the decision-making of the National Convention (structure that in SP and DP has the name National Assembly) cannot be appealed neither they judgment subject. But unlike SP, in the SMI is implied that decisions of its NSC are part of the competences of the AC.

43. *The Statute of the Socialist Movement for Integration, 2009, www.lsi.al*

The principles expressed in the statute of SP, DP and SMI differ also in the relative weight of general concepts versus practical provisions. For example in the statute of SP there is more explication of concepts and procedural details. At SMI, and especially in DP, there are many concepts and little procedures and details.

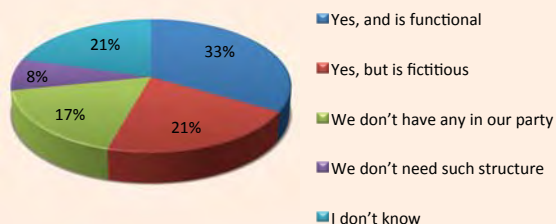
From the comparison between the statutory models of the main parties as referred to internal democracy guarantees there are other significant changes. These differences are found:

- in the way of election and the power of the representative mandate (from the national assembly or the national council);
- in the modalities of proposing the future members (by the central leadership or by the members);
- in the restrictions applied to the “judgeable” issues (without restrictions or with restrictions decided by the presidency);
- in the reach of the applicability of decision-making to higher structures;
- in the existence of specific procedures of functioning (based on regulation or lack of regulation thereof), etc.

In any observed case and in every political party, the guarantee and appeal structures show an obvious contrast between their importance and their specific weight as stated in Statute and their formal implementation.

Figure 10

DO YOU KNOW THAT IN YOUR PARTY THERE IS A STRUCTURE (THE INTERNAL TRIBUNAL) WHERE YOU CAN COMPLAIN WHEN YOUR RIGHTS AS A MEMBER ARE VIOLATED ?



This gap between written rules and their practical implementation is illustrated through the interviews. Only a third of respondents know that in their party exist responsible functional structures (such as internal courts) that guarantee the implementation of the rules, and judge over cases of violation of the rights of party members. One member in five has a negative opinion on their operation, a quarter of them answers that either there are not such structure, or those are not needed at all in their party. A fifth did not have an idea if there such structures exist. Through these indicators appears a clear vision on the challenges with which is faced the daily operation of internal appeal instrument and the protection of the rights of members in Albanian political parties.

4.3. Disciplinary measures, procedures and practices

Disciplinary measures in political parties follow the examination phase of confirmed cases of violations (or debating) of the rules of internal functioning of the party. In the statutes of the main Albanian political parties (SP, DP, SMI), there are standard practices and standard norms dealing with the cases of violation of discipline and the consequences.

4.3.1 The regulatory context of the internal disciplinary procedures

Specifically, in the Statute of SP⁴⁴, article 11, is emphasized that disciplinary measures are taken in the following cases: absence in the meetings for six months, non-payment of financial quota for six months, when the member “*violates the decisions of forums, seriously violates the social norms and the behavioral ethics in the party*”, “*puts his candidature as an independent or for other political forces or contributes to their benefit in election campaigns without the authorization of the relevant party forums*”; “*publicly declares its position against the representatives candidate of the party*”; “*is a member in other Albanian political parties, inside or outside the Republic of Albania*”; “*participates in events that create conflicts with the party political line*” and “*when does not participate in electoral voting without justifiable reason*”. Some of these norms are standard for all political parties, some are specific to a particular political party. This is the case of the last disciplinary measure,

44. *The Statute of Socialist Party, approved in 2006, confirmed 2011, www.ps.al*

“when he does not participate in electoral voting without justifiable reason” where the party regulations interfere with the right of voluntary participation in elections which is a constitutional and inviolable right.

Among the SP disciplinary measures one can mention the;

- individual note,
- removal of the voting right in the party procedures for up to one year,
- dismissal from elected party bodies,
- removal of political support for the received mandate,
- exclusion from the party (which is the extreme case).

In the political and organizational practice of SP there have been cases of application of each of these measures. As a conclusion, we can state that in SP the respective regulations of the activity of political and organizational structures, are regularly completed with the cases of application of the disciplinary measures and of the political reaction towards them.

In the statute of the Democratic Party there are no specific articles devoted to the application of cases discipline and respective sanctions. The Discipline issues in this political force are treated case by case and their legal base is found indirectly within other articles. For example, the most approximate and complete definition of this issue is found in article 14, where are specified the obligations of the member of the party⁴⁵. According to this article, every member must “*respect the Party discipline specified in this Statute and in the political acts promulgated by the DP. Breaking the discipline of the Party and not fulfilling the obligations of membership brings sanctions and restrictions over the rights of the member of the DP. Procedures of giving sanctions for the members are defined in the Internal Regulations of DP. Measures that can be taken against the members are: suspension and exclusion. These measures can be appealed before the disciplinary committee. They can become public*”. However, in practice in DP have been identified cases of applied disciplinary measures, but not based neither on the letter, nor in the spirit on this article. Here we can mention the case Cakuli (suspension of membership in the National

45. *The Statute of the Democratic Party, approved in the National Assembly, Tirana 2009.*

Council because of a critical show in the media that he ran⁴⁶) or Ngjela case (suspension from the party functions due to a verbal conflict with the leader of the party⁴⁷).

In the past, the statute of DP contained specific penalisation instructions, which were removed in 2005. Such was the article 12, according to which⁴⁸, a reason for punishment of members was “*giving confidential party information to media or to political opponents*”, and “*public disclosure in the media against the declared policies of the DP*”. Today these terms seem unimportant, but in 1999-2000 some well-known DP deputies were demoted by leading structures and by the parliamentary group of the party based on this article. The accusation was that excluded members gave to the media information on possible similarities between official DP party status and a Serbian political party⁴⁹. DP MPs did not accept the charges and years later they were proved right. Meanwhile this specific article and the respective charges were used to penalise *de facto* internal critical attitudes towards the policy followed by the chairman of the party in those years.

In the SMI statute⁵⁰, article 8, provides the obligation of every member to respect the party discipline. In the list of disciplinary measures are quoted only “*advice*” and “*suspension of membership for a year*”, while the concept of exclusion from the full membership does not appear. Notwithstanding

46. *Filip Cakuli, ex candidate for deputy and member of the NC in DP leads an investigative emission. In this professional function he ordered critical TVchronicles against his own party. As a consequence, the leader of the party ordered his suspension from the party functions and then his exclusion.*

47. *Spartak Ngjela, deputy and in the moment of suspension from the functions was the leader of the Commission of the Laws in parliament and also secretary of the public relations in DP. He was suspended after a political debate in the office with the leader of the party, and the subsequent publication in the media of the audio registration of the debate.*

48. *The Statute of the Democratic Party, Eurolindja, Tirana 1998.*

49. *Amongst the deputies excluded from the group were the vice/leader Genc Pollo, Leonard Demi and Ylli Vejsiu, ex state secretary and ex education minister, all three high officials in the party hierarchy. Four years later they were reaccepted, thus confirming that the charges and the procedures of the exclusion were abusive, the real cause being their criticism against the leader of the party.*

50. *The Statute of the Socialist Movement for integration, 2009, www.lsi.al*

this liberal conception in the statute, even in this party the routine practice of working, includes cases where have been undertaken disciplinary measures unforeseen in the statute, including the exclusion from the party and from the parliamentary group. A number of political officials, including the ex minister Prifti, have been object to such measures, despite the statutory determinations and guarantees.

4.3.2 Legal Interpretation and implementation modalities in reality: the case of loss of membership

The assessment of statutory documents for alleged cases of breaking the party discipline reflects a complex problem. During the legal interpretation of the statute of each party, it is common to find conflicting interpretations among particular articles. Moreover on the stage of assessing, arguing and deciding the punishment, the adopted punitive measure often is more important than what is foreseen in the legal base. In this spirit, in special occasions measures that are not derived from the specific referring article are also applied. So, in the statute of SP apart of article 11, there is another case of extreme mass of exclusion from the party: article 51 covering the financing of the party. In this article, it is emphasized⁵¹ that “*the use of illegal resources to finance the activities of the party or on its behalf, and use of material and financial resources of the Party for personal gain is incompatible with the moral norms and organization of the SP*”. As a result, depending on the degree of error or fraud of the member, the exclusion measure is adopted by the party that may go up to penal charges before the justice.

The SP statute, article 10, provides the interruption of membership when the member for example, is temporarily employed abroad or when he does not pay the fee for more than a year. But the statute does not provide the right of political life in emigration. Also referring to the period of employment, in the statute is not specified whether it is shorter or longer than the one-year period of payment of the fees, or the calculated period for participation in the meeting within six months, as stated in the following article. SMI⁵² offers another solution. According to article 7.6 every member who leaves abroad

51. *The Statute of the Socialist Party, approved in 2006, confirmed 2011, www.ps.al*

52. *The Statute of the Socialist Movement for integration, 2009, www.lsi.al*

can maintain the membership by “*expressing*” his commitment to the political and financial obligations that derive from the statute, but without specifying how is realized the procedure of “*expressing*”.

Another specific case of exclusion from the party, is the case when the member “*is condemned by a final decision of the judiciary*”. This practice has created problems in its implementation in practice. During the years 1994-1997 the leader of SP himself Fatos Nano was sentenced with final decision by the judicial authorities. However not only he did not lost his membership, and remained the leader in absence even after the amnesty, but he even he became the prime minister and then he required the revision of the trial and eventually got himself cleared.

In the case of DP statute of recent years (2009-2013) there is not such a clause. However, in the previous versions of the statute are found approximate definitions, which can be used to support different interpretations. For example, in the early 90s in DP was maintained unchanged the obligation that the party member should “*enjoy moral integrity*”⁵³, and in any case he should respect the constitution and the law. SMI also put the condition that its members should not be included in any activity or show behavior which is compromising for the moral of society and affect the party image (article 7.6). But the concept of “*moral*” in both cases is non-detailed and in political parties, as in any political organization, this can lead to different interpretations. On the other hand, the relationship with the law without specifying the nature of this relation and the acts for which one is judged, leaves much room for interpretation. In fact many party members such as deputies, high officials, etc, have had to do with the prosecution, courts and / or other state legal structures receiving charges and / or other judgments for different alleged or verified legal violations. DP also had deputies who were arrested and sentenced to prison, but this act was not followed by the loss of membership. The same phenomenon has occurred in the SP and other political parties.

Another case where the statute defines the loss of membership in the DP (article 15), is when the member resigns voluntarily announcing it to the relevant structures⁵⁴. This is a formal occasion that has rarely happened in

53. *The Statute of the Democratic Party, Eurolindja, Tirana 1998.*

54. *The statute of the Democratic Party, approved in the National Assembly, Tirana 2009*

practice. It seems to rarely happen that a member notifies in writing the party structures that he is leaving. Also today in the DP the member loses its membership for not paying for two consecutive years the financial quote of membership (article 7), a significant extension of this period compared to the duration of nine months that was in force with the statute of 1996, 1997 and 1999. Again in practice, this principle is not applied and the parties themselves - indirectly through their declarations to the CCE – accept that the payment from the membership fees is in modest levels compared to the amount of the total financial incomes of the party.

Another difference between the statutes of SP-DP-SMI is that of temporary loss of membership due to a legal or political function incompatible with party membership. While in the SP this is clearly expressed in the statute, DP and SMI statute lacks the equivalent specifications. The two major parties SP and DP accept that public figures for example, such as the President of the Republic, in respect of the Constitution can not be party members, but both include a clause in the statute that the elected President with proposal of the respective party becomes a permanent member without a vote in the National Council / National Assembly.

In 2014 statutory changes, DP corrected this definition precisising that it concerns the “*ex presidents, ex prime ministers and ex leaders of the DPA, which are members of the DP at the time of gathering of the National Council*”⁵⁵. Through this change it was avoided the formalisation in party structures the presence of ex presidents Moisiu and Topi, and of the ex Prime Minister Meksi. All three had been proposed by DP, but now are not members of the party’s organizational Assembly. In the SP there are cases that practically create problems if the statutory capitalize is respected. For example, according to article 27, “*the leader of SP, the party members who had mandate as Party Leader, of the President, the Prime Minister, the Leader of the Assembly*” are automatically members of the National Assembly. Referring to the current practice, in SP there are at least two ex prime ministers and an ex Assembly leader, who do not enjoy this right. In one case, (K. Islami, ex leader of the Assembly from 1991 to 1992), we have a paradoxical situation because of his statute as a member in NA of the SP, and because currently he is a member of

55. *Proposals for statutory changes, Democratic Renaissance, 26.09.2014.*

Figure 11

WHAT HAPPENS IF A PARTY MEMBER PUBLICLY EXPRESSES ITS OPPOSITION AGAINST A DECISION FROM THE TOP :



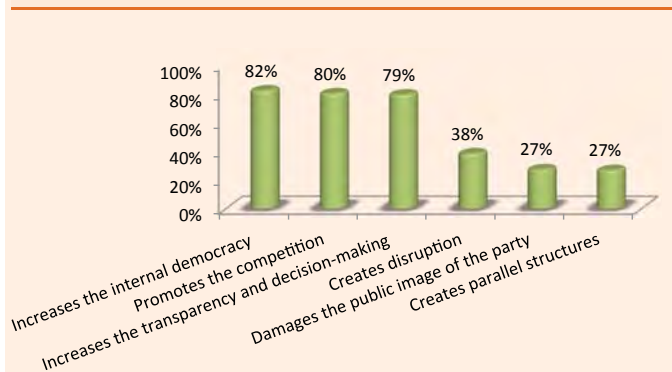
parliament elected under DP in 2013 and has the status of a member in NC of the DP. Towards him there has been no known official decision by the SP to remove the membership. Neither DP has made public any action of verification of his *de jure* membership in another political party.

The process of consultation with the members of the three selected parties extensively dealt with the concept of the functionality of statutory instruments in cases of critical thinking, the existence of factions, etc. To the question of what happens if an individual within the party express publicly a critical opinion against the decisions taken by the party structures, half of members stated that the rights and the opinions of the individuals must be heard. A large number however (41%), notwithstanding the risk of being penalized neither the slim chances of being heard, suggests that any critical opinion should be expressed only within party structures. The right to be critic should remain inside the family. While logical, this classic principle takes its real value when party structures operate and meet periodically; otherwise (as in Albania) their dysfunction creates problems in the relationship between the member and the organization. However, the number of those who think that the party should distance itself publicly, or that the member making the criticism should be excluded is minimal.

The reaction of the political parties to the existence of factions within them comes in contrast with the statutory written rules. The latter prevents the creation of the faction and considers it as a threat for the internal discipline and decision-making in the party. On the other hand the field observation revealed another

Figure 12

WHAT OPINION DO YOU HAVE ABOUT THE CREATION OF MINOR CRITICAL GROUPS / FACTIONS IN COUNCIL AND PRESIDENCY



tendency of respondents. The number of members who see the faction in the positive sense, as an indicator of the growth of democracy, of the promotion of competition and of decision-making transparency is twice higher than the number of those who see the faction as a mechanism that creates division in the party, the damages the image or further, or that create parallel structures within the party.

4.4. The application of the principle “one member - one vote”

All three political parties, DP, SP and SMI have accepted and sanctioned in the statute the internal election process with the principle “one member - one vote” after 2004, when all major parties signed a commitment protocol for the application of this principle with the assistance of an international research institute involved in issues of democratization in Albanian political parties.

4.4.1. A principle sanctioned in the three political parties

In SP the principle “one member - one vote” is sanctioned as a statutory norm for party elections at every level, from the selection of delegates for the Congress to the election of the party leader. According to article 25⁵⁶, “Congress

56. *The Statute of the Socialist Party, approved in 2006, confirmed 2011, www.ps.al*

delegates are selected from the membership of the Party municipalities / commune according to the principle one member one vote and the norm of representation approved by the CA of SPA". Also the Congress (article 27) applies the same principle for the vote from the membership for the election of party leader. In the election regulations of SP are programmed in detail all the procedures relating to the candidature, management and development of direct voting by the membership, for both the elections in local level and for those of the center level. SP has applied in at least two occasions the national vote from the membership in the election of the party leader, once with a single candidate and another time with more than one candidate.

In the DP statute in article 22, is emphasized that "*sub-branch bodies of DP are selected in the Sub-Branch Assembly with the vote of all members of the DP according to the Principle "one member, one vote"*". With the 2014 statutory changes the same principle of one member one vote⁵⁷ became the norm for elections in each level. The practice of voting in such cases is as follows: "*The Secretary of the sub-branch publishes the number and names of the members eligible to vote on 31 December of the preceding year of the party election, who have the right to select and be elected in sub-branch structures of DP (as leader of the sub-branch, sub-branch member of the headship, member of the Party's National Assembly, member of the disciplinary committee of the branch)*"⁵⁸. Also in the DP the leader is elected by the same principle, one member one vote. In practice, elections for leader through this principle have been applied only in 2013, and elections according to the article 22, for the lower levels have never been held.

SMI also has⁵⁹ adopted the practice of voting by the membership when electing the leader. In its statute, article 9, the party has "*at its foundations has the internal party democracy, the freedom of expression and religion, the right to select and to be elected according to the principle" one member - one vote"*". The vote of membership, according to the statute is applied at three levels: for leaders in the local level, for leaders in district and for the leader of SMI. This party also has applied at least twice the membership vote for general leader, once with a single candidate and another time with more than one candidate.

57. *Proposals for statutory changes, Democratic Renaissance, 26.09.2014.*

58. *The Statute of the Democratic Party, approved in the National Assembly, Tirana 2009.*

59. *The Statute of the Socialist Movement for Integration, 2009, www.lsi.al*

4.4.2 A principle that is not wholly applied in any of the parties

In general the principle “*one member - one vote*” is not applied with the required quality and appropriate standards in any of the three political parties. Current cases of intra-party elections have been mostly with a single candidate, or converted in a fictitious race with a second candidate who has no real chances of threatening result for the favorite candidate. The reasons are many, but the principal remains the real narrowing of opportunities for intra-party competition, due to the strength of the nominal power of its leader. The only real competition have been in cases where a rotation has happened on top of the party following the resignation of the historic leader and the procedures to select a new one. This was the case in SP in 2005 between Rama and Meidani (in Congress) and competition through membership voting between Olldashi and Basha in 2013 in DP.

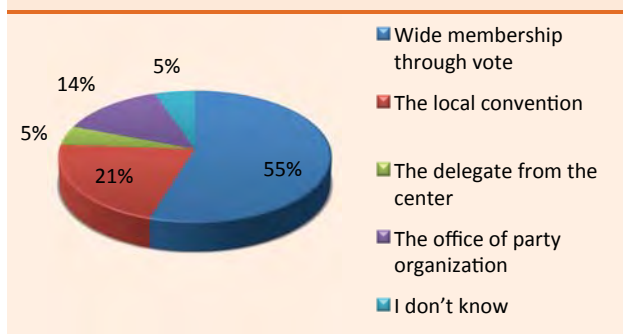
One of the problems faced by parties in cases of voting by the membership, is the credibility on the evidence for the party membership. So for example, in 2013 DP reported to have invited to vote about 104,000 members, but in voting came only 41.500. Successive political statements questioned the existence of the first voter registration, so in 2014 DP launched a national re-registration of membership. At the end of the recount it resulted 101,000 members, while in the statements of the CEC in 2013, DP did state that had received paid the quotas from 102,000 members. In SP also in voting by the membership in 2009 were invited 82.300 members, but participated only 55.900 members. SP says its membership has reached over 94,000 members, while in statements of the quotas in CEC for 2013 has declared 105,000 members. Differences between the CEC statements, public statements in cases of Congresses / National Assemblies, with the number of voters prove the vagueness and uncertainty still present regarding the realistic figure of membership in Albanian political parties.

To create an idea on this aspect, one of the issues discussed during the observation on the ground was related to the mandate and the way the delegates for each of the three main parties are selected. Interviews confirmed that the party base has a specific role in the selection of delegates (55% of statements), and that central structures may affect up to 20% of cases. Considering that the Assembly / Congress is the main election and decision-making body, then the membership weight while electing the delegates should have been higher so as to give its

due importance according to the principle “*one member - one vote*”. In practice parties face challenges, which depend on the relationship of the moment that the party has with the power (is in government or in opposition), as well as the objective of the organization in the respective Congress /Assembly.

Figure 13

WHICH STRUCTURE OF THE PARTY SELECT THE DELEGATES FOR THE CONGRESS / ASSEMBLY ?



For example, all parties through the instructions or as-it-goes operational decision-making have given a privileged place to specific groups in the party, as the youth and women in local government and in central government. Depending on the political need of the moment each party determines that a variable percentage of 15-35% of seats in the elected bodies is reserved to women and equally to the youth. For example, SP in its statute⁶⁰, article 26, states that “*not less than 50% of the list of candidates for members of the CA of SP* “ have to be women. Also in the new statutory changes, DP (September 2014) defined in article 35 that in the National Council⁶¹ “*the number of winning ladies should not to be less than 30%. The number of young people, with age no more than 30 years, should not to be less than 15%*”. Such positive conditions while equilibrating the needs of representation and image of the parties, create nevertheless an imbalance in voting because candidates of the other sex or of older age, with a potentially greater number of supporters, can not win.

60. *The Statute of the Socialist Party, approved in 2006, confirmed 2011, www.ps.al*

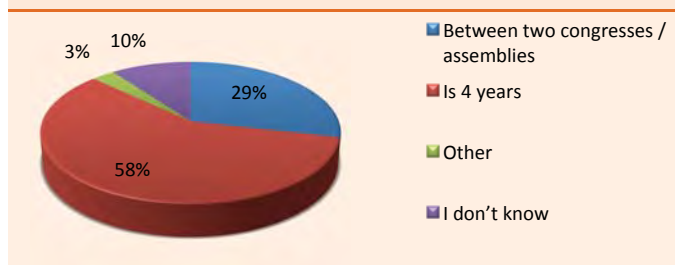
61. *Proposals for statutory changes, Rilindja Demokratike, 26.09.2014.*

On the other side, the removal from the election regulations of all quotes and statutory instructions that promote specific groups, would create a unique candidacy list. This practice was implemented in the early years of political pluralism. In such a vote without gender and age restrictions, one gender or one age group could result as the winner, and specific regions in the country or different groups of population may not be represented. This direct voting product would not be politically beneficial for parties who claim the central power and that need to behave as popular parties with the aim of gaining votes in horizontal and vertical axis, from every community, gender and social group.

While comparing both practices, more productive for the current parties remains the approach of orientating the votes by regulating the space for each gender and support group, as has happened for years in the main political parties. During the interviews party members clearly expressed the need of the parties for more young people, more intellectuals and more gender diversity policy.

While discussing about the duration mandate of the delegates, in Assembly/ Congress, we found an interesting division of the responses. Only a third accept the concept of the duration of the mandate equal to the time-lapse between two congresses / conventions despite the time when they are convened (every 3-4-5 or more years). More than half of the members think that the mandate is a fixed 4 years. Furthermore, one in ten asked persons have no knowledge of the exact duration of the mandate.

Figure 14 WHAT IS THE DURATION OF THE MANDATE OF THE DELEGATES OF CONGRESS/ ASSEMBLY IN YOUR PARTY?



Also, by analyzing the responses of each party emerge many uncertainties in the perception of the mandate. For example, in SP the statute has clearly defined the mandate for 4 years (which somehow justifies the unclear replies of its members as above), while in DP this is a new practice undefined by statute. However, both party members give the same wrong answers and percentages. Also the most informed are the members of the assembly compared to the simple members, although the mandate is related to the interest and the representation of the latter during the process of decision-making.

Historically the main problems during the election process consist in: a) the lack of space and guarantees for a reliable competitive process; b) the absence of a list of names of the voting membership which is reliable and acceptable; c) the practical impossibility of simple members to compete with the political, financial, media and infrastructure resources that possess the traditional party leaders or their favorites. In contrast to the successful models applied in Britain, or closer (the Italian left), in the Albanian case political parties have not yet created within them the culture of freedom and opportunity for equal competition. This phenomenon can be illustrated with voting of 2009 in SP when the challenger candidate Arben Malaj withdrew at the last moment complaining about the impossibility of competing. In 2013 the challenger candidate in DP, Sokol Olldashi, contested the race on the very Election Day with allegations for inequity in the treatment of candidates and fraud.

4.5. The rights and responsibilities of the members

Individual membership in the party is completed on the basis of free will and is associated with the political beliefs of the individual. Through the membership the citizen commits to a public engagement, aims to realize its political goals, but also to influence the decision-making processes. Being a party member may be due to personal political convictions, ideological positioning, the need to achieve a social status, the desire for a career, etc. Referring to various interviews, our observation found that more than half of the members declared to have joined a political party to realize their ideals. An equal number said that membership has helped

them to increase their own personal knowledge. The concept of ideals and knowledge is subjective, but when 52% answer that they are there to advance in the political career their motivation becomes more precise. The political parties continue to be one of the main mechanisms to promote an individuals' career in Albania. Party membership increases the chances for personal advancement if the party has the potential to come to power. Going back to our field interviews, only a third of the members surveyed said that they see the party membership as a resource to improve their financial income and a small part link it with the best opportunities for the education of the children.

Over the years since their establishment, Albanian political parties have also changed the minimum age of admission as a member. In the early 90s the minimum age was 18 years. Subsequently the parties reviewed the minimum age continuously lowering it. Currently the minimum age of members is 15 years for DP, (article 12), and 16 to SP (article 7) and SMI (article 7.1). The acceptance criteria for each party remain the same: the acceptance of the conditions of membership, the acknowledgement of the party program and statute, and the exclusion from membership in other political parties. SP specifies the right of foreign citizens residing in Albania to become members, while DP does not allow its members to belong to other organizations that are not its partners. None of the parties provides any instrument or structure to verify the incompatibility with those conditions, what indicates that determining of limitations with the statute has more a symbolic value than a real one.

4.5.1 Protecting with statute the rights and responsibilities of the members

The rights of members are defined in article 8 of SP statute, in article 14 in the DP and in article 7 in the statute of SMI. Here are included the classic rights as the right to participate in party activities, to meet, right of opinion, of election, to vote, of competition, etc. At SP is emphasized the right for the member to nominate candidates in legislative and executive structures, and the right to become acquainted with the activities of the Party representatives in these bodies. At DP it is prohibited being in more than two party presidencies at different decision-making levels. In SP there

is a clause dating from 1999, according to which, the party member has the right “*to be protected by the party when he is attacked and persecuted for his political beliefs.*” In this case it is interesting to underline that the said political protection stands in dichotomy with the legal concept of the protection of individual freedoms, so the party’s obligation to protect its members currently contrasts with the democratic principles of the rule of law in the country.

In responsibilities list of the members, the shared criteria between the parties include the participation in party life, being equipped with membership card, payment of fees, the respect of majority, respect for internal discipline, the right to propose ideas and to participate in party activities. SP and SMI also add party “proselytism” in the form of obligation for the member to engage in increasing of the ranks of the party and the influence of the respective parties in the community where the member militates. DP has a shorter list of responsibilities and focuses mainly on the strict obligation for payment of quota within 60 days from the given date, otherwise it loses the right to vote and the membership right (article 8). In fact, this principle is inconsistent with another determination that specifies that the membership is lost when the quotas are not paid for two consecutive years (article 12).

A specific case among the statutory practices is the statutory document of DP 1998-1999, according to which⁶² “*are not accepted as members in the DP persons who have taken an active part in the State Security, or who have been part of the high-communist nomenclature*”. This exclusive and unique definition, is not found in any other statute of this party (or other parties) and is explained with the nature of the debate and political discourse after the events of 1997. Therefore, after overcoming that political moment even this party was forced to remove it. Moreover the DP did not have any legal verification instrument of the past of persons that may have been implicated in the organs of State Security, so any decision referred to this article would have not been enforceable and may have created space for abuses and speculative decisions.

62. *The Statute of the Democratic Party, Eurorilindja, Tirana 1998.*

4.5.2 Internal party communications and application of the rights and responsibilities

All other routines that refer to the regular participation of members in conferences, in internal structures, with their participation in direct voting and in other elections processes vertical or horizontal, are based on working practices that varies depending on the historical period in each of the political parties. As a result, the knowledge of simple members is vague in this direction.

To this goal, it is one more time the party section that provides the most significant part of the information and explanations for the members.

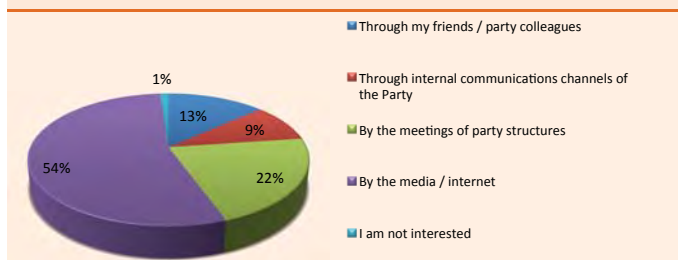
Most of the respondents that we met go to the section to require clarification when they need interpretation or better information on the application of the statute or regulations. Interestingly, one fifth declare to find the answers using the internet.

That means that documents are published on the internet, while in fact the only party documents that we could find online are the statutes of political parties. No regulation or other organizational act is published, even if they may exist and circulate inside party structures.

Moreover the statutes as well are not easy to find on the internet as found from our experience.

The importance of internet and media increases significantly in the case of the transmission of political decisions from the center to the base and

Figure 15
HOW DO YOU GET TO KNOW THE DECISIONS OF THE GOVERNMENT / OPPOSITION?



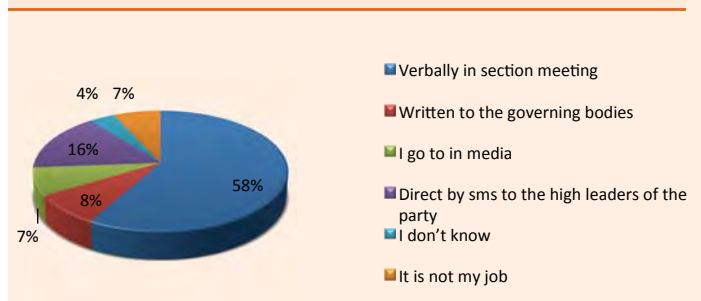
in their acknowledgement by the simple members. Two thirds of party members state that they obtain the main political information, including the policies of their party (or rival party), through Internet and news in media. Only one five are informed by the party sections, and only one ten through the internal party instructions. This latter figure, is even lower than the percentage of members that is informed through the social (social contacts) channels of communication. The information that in the case of uncertainties in the application of the party statute members go to party sections, while in the case of political information & positioning they go to internet, indicate that intra-party information leaves much to desire and that management structures feel comfortable leaving media to perform the function of feeding the political information towards their own party members.

4.5.3 Application of the rights and responsibilities of members

An interesting finding of the interviews relates to the way the simple members as well as the elected ones express their critical opinions against the other political party (being in government or in opposition). More than half of them declare that they express their critical opinions in the party sections (the structure that throughout the interviews results invisible in the process of formulating policies and official attitudes). Only an almost negligible part (eight times less) expresses the criticism in the media or in the public media. An novelty in political communication is the fact that

Figure 16

HOW DO YOU EXPRESS YOUR OPPOSITION TO THE GOVERNMENT POLICIES / ATTITUDE OF THE OPPOSITION?

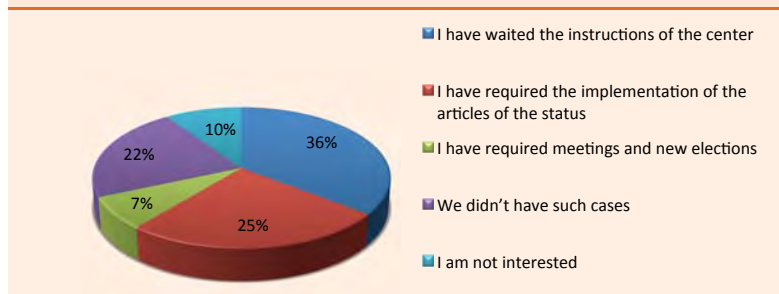


one in six surveyed declare to express their critical opinions for the other political party through direct communication by sms with their leader or with the high party leaders. This way of communication implies that party members expects that by expressing their critical opinions in party sections and through communication with leaders, they have completed their mission and so delegate the responsibility of reaction or public expression towards their leaders.

Interviews also show that more than one third of our interlocutors, argue that in cases of violation of the statute regarding the electoral periods in the party, the decision must come from above, in a paradoxically way by the same structures that have committed the violation. Only one in four members requires direct application of the statute, while one in ten thinks that the expiry of the electoral mandates in the party does not constitutes any disturbance or is of any interest to them. This indifference to statutory violations or the tendency to wait for solutions from above matches with the actual reality. Currently although the electoral deadlines of the governing structures are in the main parties have been significantly exceeded, no serious initiatives or collective voice has been heard about the need for the respect of the functioning of internal democracy and application of the statute.

Figure 17

HOW HAVE YOU REACTED WHEN THE ELECTED HAVE KEPT THE POSTS AFTER THE EXPIRY OF THEIR MANDATE?



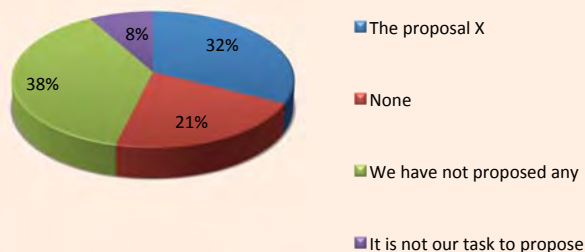
Furthermore, when they do not agree either members do not have any appropriate legal instruments to initiate a decision-making process within the party, or these movements are practically impossible. Thus, in the

SP exists the possibility of a motion of no confidence and referendum, but in practice the initiative of 1/3 of the membership is practically and theoretically impossible to be realized. Only a party with an efficient and democratic organization, and with high political culture can have internal referendums. By the way, in Albania there have been no state referendums yet, even when legal requirements had been fulfilled for such an initiative.

Also through the interviews we do not observe a pronounced support for the membership to vote for the most important political decisions. Instead members prefer the traditional method: the delegation of political decision-making power to the central structures, the Assembly, the presidency or the leader. On the other side we learn that more than two-thirds of party members have never formulated proposals for decision making structures above, ratio that is reflected also by the elected members of the assembly / council. In two categories – elected and simple members – a non-negligible number (8%) think that there is not even their duty to make proposals. This data contradicts the rhetoric that parties use constantly on consultations with their base and does not help the reflection of the input from the base in the electoral program or the party status.

Figure 18

DO YOU QUOTE A PERSONAL PROPOSAL OR FROM THE BASE THAT HAS BEEN CONSIDERED BY THE PRESIDENCY?



V. PARTY INSTITUTIONS OF INTERNAL DEMOCRACY

Although they have the right competencies, composition and functioning as foreseen in the statutory documents, in reality party institutions evolve during the execution of their powers. Almost in all political parties, the institution of the leader can be considered more equal than the other functions.

5.1. The leader, the presidency and the mandate of the leading structures

In the approach “*one member - one vote*” the party leaders result as a product of the free electoral will of the members and as representatives of their political will. In the decision-making structures of Albanian political parties the institution of party leader is the main functional and representative institution. In their existence, each party has had problems or even temporary absence in the periodic functioning of other management structures, such as Parliament, the National Council / Assembly / Steering Committee, presidency, etc., but with very rare and temporary exceptions it has not happened that the parties have been deprived by the absence of the institution of the functional leader.

5.1.1 Leaders and the party-leader

Based on the statute, SP (article 30) sees its leader as the highest political figure, “*the main responsible for the direction and coordination of the daily activities of the Party, in implementation of the Programme Party of the political line as adopted by the Congress and leading forum Party of the Statute and different Regulations*”⁶³. The leader is also the representative of the political force in the relations with third parties. He has the right to propose political acts to the party presidency, to guide the presidency meetings, to coordinate the work of the executive secretary, and it also possesses “*the right to request reconsideration of the decision of the Presidency of the SP in the National Assembly, when he judges it necessary*”.

A specific competence that distinguishes the SP leader from his counterparts

63. *The Statute of the Socialist Party, approved in 2006, confirmed 2011, www.ps.al*

in DP and SMI, is the right to propose the cooptation up to 10% of the composition of the National Assembly (article 27), the right to propose 1/3 of the candidates more than the number approved for the members of the Presidency, and also the right to propose candidates for Secretary of SP for each post. His mandate lasts 4 years, and is interrupted only: a) when he resigns, b) when “*the party loses in the general legislative elections*” and c) when “*it loses in the no-confidence motion submitted at the request of 1/3 of the members of the party* “. In the SP there are cases when this statutory practice has not been observed as when the leader resigned (1998, 2005), as well as when the party has lost the parliamentary elections (2009).

In the DP the statutory competences of the leader of the Party are fewer in number, but with few differences from the model followed in SP. According to the article 46, the leader of DP “*leads the central organs of the Party and ensures the implementation of their decisions and represents the Party in all acts of civil life.*” By statute, he has the right to appoint the spokesman of the DP and the secretary for International Relations. Another essential competency is its statutory right (article 51) at the time of electoral campaigns to exercise the power of statutory sanctions, as the practice of suspension, expulsion and exclusion for every party member he thinks reasonable. Obviously the statute establishes the obligation that these measures to obtain approval in the presidency, but in the case of electoral campaigns the value of this guarantee is minimal, as the electoral campaign is identified with the leader, and because the membership does not accept internal debates but it is focused in the election and in every critical opinion that has election consequences. On the other side, the effects on the affected individual are immediate.

According to the DP statute the leader can call the National Assembly meetings (article 39), the National Council meetings (article 41). With his proposal the presidency of the party appoints the thematic coordinators⁶⁴, etc. In DP there are neither mandate limitations due to the election results, nor confidence voting. With statute the leader has a four-year mandate (was two years during the periods 1990-2001). In the changes of the statute (2014)⁶⁵ the issue of the mandate was not touched, instead the leader was given additional

64. *The Statute of the Democratic Party, approved in the National Assembly, Tirana 2009.*

65. *Proposals for statutory changes, Rilindja Demokratike, 26.09.2014.*

competencies as for example, the right that “*depending on the specific problems or issues*” he can create assisting structures or appoint coordinators which deal with their assessment and resolution. Another right of the leader is to propose the party department heads who then automatically become members of presidency, or the right to approve the existence and functioning rules of party structures or institutions that may be permanent or temporary.

The SMI statute⁶⁶ (article 11), defines a four-year mandate of the leader, conditioned by voting by the membership and with the existence of alternative candidates. His competencies are the basic ones, with some specificities as for example, the right to appoint the administrative staff of SMI, the right to nominate the deputy leader and to give him additional duties on top of classic ones, as well as the right for proposing the leader of the Governing Council.

The limited statutory competencies for the institution of the leader of the three political parties have a visible difference with current competencies they exercise. In practice, the respective leaders of these parties propose the composition of the presidency, the name of the secretary, board members / national assembly, the scheme of organization and political decision making, the list of candidates for deputies and candidates in major cities, the names of candidates for the highest state posts - president, prime minister, speaker, ministers, etc., including the candidates for executive positions in partner organizations such as the editors in chief of the party media. In practice there is no statutory mechanism that controls the activity of the leader or his responsibilities under the statutory competencies, converting *de facto* these political formations in electoral parties and party - leader. The dichotomy between the definition in the statute and in other documents of the principles of collegiality, team management, alternative reliable race, separation of powers, etc., and the real context, demonstrates the importance and the weight of the image over the functionality and implementation of the principles within the party. In practice the institution of the leader has more competencies than the institutions of the presidency, of the national council / national assembly or other governing structures mentioned in the statutory documents.

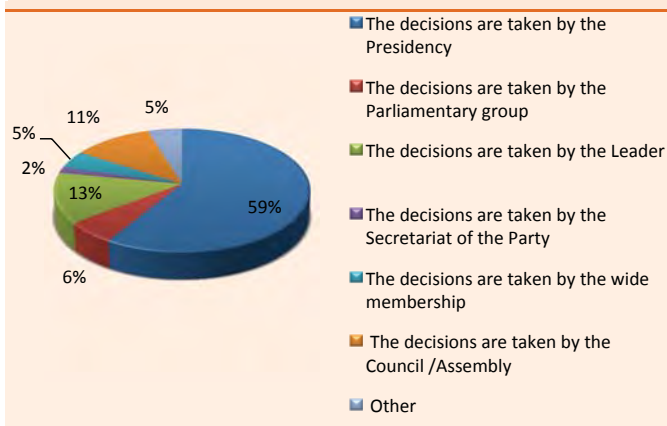
Referring to our interviews, one in eight members expressed that the important political decisions are taken by the leader of the party. This

66. *The Statute of the Socialist Movement for integration, 2009, www.lsi.al*

figure is higher than the number of decisions taken by the structure of the National Council / National Assembly and more than twice higher than the decisions attributed to party membership. While the tendency in statutory documents goes towards increasing the competencies of the leader, the structures themselves and the members seem to think otherwise. Asked which institution should take decisions about candidates, coalitions and program, only one in twenty think that the leader should exercise these attributes.

Figure 19

WHICH STRUCTURE TAKES THE MOST IMPORTANT DECISIONS IN YOUR PARTY ?

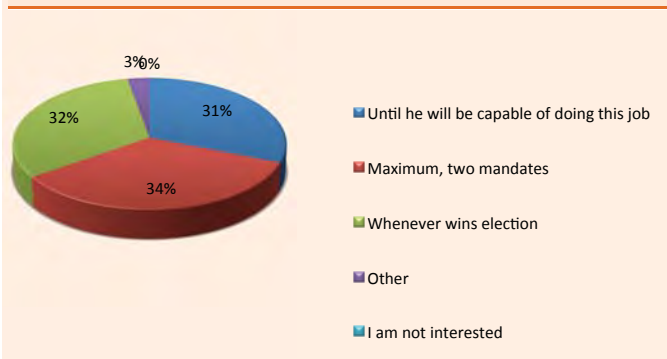


Regarding the institution of the leader, the number of members that think that their leader does not work in a democratic way is twice higher than the number of those who think that their leader is not elected democratically. A third of members claim that leaders do not consult the party base for policy decisions, one in six think that he does not consult even his closest advisers. Equally one in six think that leaders, regardless of their decisions, are “*always right*”! The difference of those opinions among the political parties is minimal, what demonstrates the existence of a classic model of the “*leader*” created in Albanian political parties, based on transversal components of Albanian society.

One of the most controversial topics relating to the Albanian party leaders is the number of mandates in the leadership position. There have been various initiatives to limit the mandates both within and outside the parties. An indication of the importance of this debate is the fact that all of the party members contacted expressed his/her opinion on the mandate, and each of them has an opinion. We observed that one third of the members think that the leader should have only two mandates, and almost as many think that the leader should be in the post as long as he wins the election (no limitations depending on his ability). The concept of “*being capable*” is more stressed by the simple members of the party rather than from the members of the management structures. The latter give priority to the option of the two mandates or to the victory in elections, more than the abilities of the leading person.

Figure 20

HOW LONG DO YOU THINK, THAT THE PARTY 'S CHAIRMAN SHOULD STAY TO CONTINUE HIS JOB IN THE PARTY?



The interviews indicated that over two thirds of the surveyed did not know there was any case when the leader has reacted against or has changed a decision taken by the Council / Assembly and that one in six surveyed think that this should not happen at all. The number of those who think that “it should not happen” is three times higher in the responses coming from the base than in the responses of the elected members. Both groups have the same opinion on the right of the leader to say the last word in any political decision. The same people when asked about the cases when

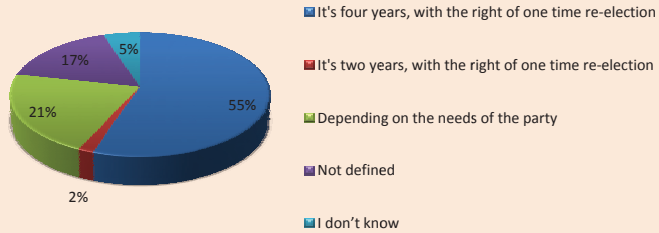
the proposals of the leader have been overthrown by the structures below, reinforce the argument that the institution of the leader is an absolute and dominant figure in any political party. Specifically, more than two-thirds believe that there were not such cases, and one in six thinks such situations should not happen, i.e. so the proposals of the leader should never be voted against by the structures of Council / Assembly.



Interesting and critical remain the fact that half of the party structure of the three parties wrongly think that their party statute defines the existence of only two mandates for their party leader. A fifth thinks the potential number of the mandates of the leader varies according to the needs of the party and only 17% think that in the party statutes this mandate is not clearly defined. When comparing between the simple members and the elected ones, the most informed part on this point turn out to be the members, with about 3-4% higher in percentage than the part of the assembly. In total in both groups about 5% have no information and no opinion regarding the mandate of their leader, a proportion that is close to the number 5-8% of those who initially stated they had not read status, do not recognize its essential elements and do not participate in party meetings.

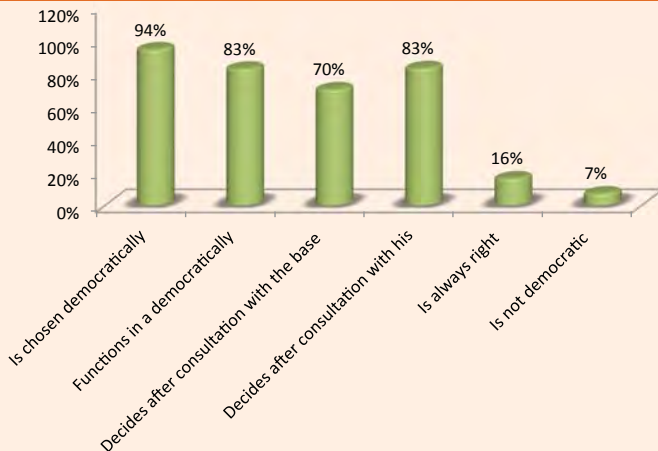
When asked about the leader of the other political party, nine in ten surveyed see their party leader better and more democratic than the political rival. But in judging the qualities that should characterize their

Figure 22
WHAT STATUTE EXPRESS ABOUT THE LENGTH OF THE PRESIDENT'S MANDATE?



ideal leader, only a third evaluates as an asset his ability for keeping election promises. Less than half of members appreciate the ability of their leaders to create a democratic climate within the party, and a sixth give priority to their leader's ability to win political elections and come to power. Interesting is the fact that only a third of respondents believe that among the proper qualities of the positive model of the leader is to keep election promises, - a concept that in the public perception is more important than any other element in relation to the features of the politicians. Also there is a significant decrease of the perception of the influence of the external factor (international) in preference to the

Figure 23
YOUR LIDER:



leaders, where only 3% of party members estimate as an important asset the relationships of trust between their party leader and internationals.

5.1.2 Presidency, the de facto “government” of political parties

The other important institution in each of the political parties is the party presidency. In SP the statute provides that the presidency should meet at least once a month, a practice that is not applied regularly. This norm is not found in the two other statutes, in DP and SMI. The competencies of the presidency in the three parties are almost the same. They include the right of leading the activities during the implementation of the decisions of higher structures, the proposal of documents and decision-making procedures that are competence of the NASP/ NA / NC, etc.

In SP the presidency proposes the leader of the parliamentary group, approves the list of the candidates for deputies and of the leaders for the main municipalities, etc. The presidencies of SP and DP have the statutory right to interfere and overturn the decisions of the lower structures in branches, to suspend local leaders, as well as to make changes in the list of the candidates for branch leaders or for candidacy positions at different levels. In the DP statute (article 36), the presidency has the right of suspension even of local party structures and could command the new local bodies, especially *“in cases of conflicts in the process of proposing electoral candidates”*. In the DP the presidency has also the competence to nominate secretaries of the branches (article 43/5), etc. The presidency of SMI has rights that DP and SP attribute to higher structures (as the Assembly / Council), such as the right of approval of political alliances (article 11:18), approval of ministers in government, etc. In each party the mandate of members is four years, their choice is made by the Council / Assembly / Committee, and there are reserved quotas for women.

The pyramid of hierarchy of each party has been constantly evolving. Initially the selected schemes mentioned the leaders and deputy-leaders; later were added the secretaries; then close to the leader was created the executive secretariat, and finally, we are in the presence of a mixed formula whose elements vary from party to party. SP does not have a

general secretary, as is the case in the DP and SMI, while in the DP there is not a leader of the assembly / council as in the other two parties. In SP and SMI the second most important figure is the leader of the parliamentary group, while in the DP is the general secretary. The SP has established mechanisms of under-secretary of section – similar to a parallel structure with the post of the executive secretary. The DP has created the post of Thematic Coordinator as well as the Policy Orientation Committee - parallel structures as well with the post of the Secretary in responsibilities and functions.

In SP and SMI, presidency has fulfilled its functions formally as well as from a statutory point of view. This has not been observed in the DP which for example, between the years 2013-2014 found itself without a formal presidency. However each party has used nominal decision-making or wider structure voting to adopt the most important political decisions, and not through a vote by the leadership.

Between 2003-2006 SP applied competitive voting in the National Congress for the post of the general secretary, creating a more complete representative structure and an obligation for cooperative behavior. But after 2009 the SP presidency evolved into the current structure where only the leader has an extensive representative mandate. On the other hand, DP has not applied this practice, except in the case of the election of the presidency in 1991, when the presidency was elected in Congress by a comparatively more representative mandate. With the September 2014 statutory changes, DP passed from an nominally elected presidency in a pre-elected presidency because of the different functions to be included. Currently in its presidency must be the leaders of the parliamentary group, of the parliamentary committees, of the departments and of the secretariat, - who are elected directly or indirectly through the NC or other structures - in different periods through different procedures. This is the first case of an Albanian political party where the presidency is not elected nominally, but consists of personalities depending on the functions that they have in the party. So it is not the persons that are elected but the functions that are nominated.

The introduction of the concept of co-optation of a series of high functionaries in presidency and in the Council / Assembly, has restricted the number of

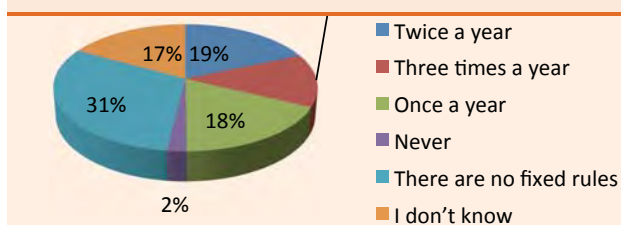
seats allocated through free competition in each party. SP and DP reserve quotas for ex- top politicians, state executives and ex-leaders, while SMI by dividing the presidency in gender quotas and especially in youth quotas. This phenomenon has *de facto* limited the competitive electoral process.

5.1.3 “Orphan” structures of the political parties: the Assembly / National Council

The statutory obligation in the SP foresees the National Assembly meetings no less often than once in 3 months, (article 27)⁶⁷. Beside the classical competencies, NA has the right to mandate the leader of the party for prime minister, or in case of his resignation, “*approves in this duty another representative who meets the relevant criteria, with alternative candidates and secret vote*”. SP has practiced this way of election in at least two occasions (1999, 2002). In the DP the National Council should meet at least twice a year (article 40)⁶⁸, and has no reference norms regarding the selection of the candidate for prime minister. In the previous statutory practice of the DP it has been noticed the existence of a relatively large number of annual meetings and also more active competencies of the NC in political decision making, in comparison with the presidency and other structures. However in the last mandate (2009-2013) the National Council has

Figure 24

HOW MANY TIMES KAS MET THE NATIONAL COUNCIL / ASSEMBLY DURING THE LAST FIVE YEARS ?



67. *The Statute of the Socialist Party, approved in 2006, confirmed 2011, www.ps.al*

68. *The Statute of the Democratic Party, approved in the National Assembly, Tirana 2009.*

met only once (as per the legal mandated list of members) from a minimum of eight times determined in the statute.

On the ground although the statute has specific obligations to the periodicity of the meeting of the Assembly / National Council, a third of respondents believe that there are no fixed rules meeting. This means that they have no statutory knowledge on this issue and that there may have been significant deviations from the rule of the periodicity of the meetings so as to confuse the members. This conclusion is confirmed by the fact that the second answer on the higher frequency refers to the meeting of Assembly / National Council: only once a year; or the existence of certain answers under which these structures have never met.

5.1.4 Parliamentary Group

Another issue that distinguishes the two major parties is the way their Parliamentary Group is organized, managed and takes decisions (SMI treats this issue as secondary because its relative weight in the parliamentary life until 2013). According to the DP statute, article 47, one of the deputy-leaders of the party is at the same time the leader of the parliamentary group. This practice has been used since 1991, with the exception of the period 2013-2014 when the executive and political structure did not exist over more than one calendar year. According to the article 49, the parliamentary group of the DP, on top of other issues⁶⁹, “*designs the program and determines the way of action and engagement of its deputies in parliament and in the respective electoral zones; decides for the appointment of its members in the parliamentary commissions, as well as prepare the regulation of the functioning of the parliamentary group*”. The last function, the drafting of regulation, has never been observed, and consequently, in the DP there are no known rules - practiced or written - on group decision-making practices, especially in critical cases and of voting differently from the decision of the majority.

In the statute of SP the article 37, determines the penalizing circumstances

69. *The Statute of the Democratic Party, approved in the National Assembly, Tirana 2009.*

of the exclusion of a deputy from the parliamentary group⁷⁰. Those reasons put in the same basket the vote against group decisions; the abstentions or non-participation in voting procedures in the case of the approval of: a) constitutional laws that require qualified majority; b) approval of the state budget; c) vote of confidence for the government, the composition and the programs that it presents; d) the selection of the high personalities of state, and e) for other matters of special importance which are qualified as such by GPS. For the last case the decision can be withdrawn after a year, while in other cases there is no revocation measure. In 2007, after the process of election of the President of the Republic, the SP based on this statutory point excluded the group of deputies who voted against the policy decision. However 3-4 years later one of the deputies was re-accepted in the SP parliamentary group, despite of the statutory limitation. This is an illustration that shows that statutory practices applicable to the functioning of the political voting in parliament are not carved in marble, and sometimes may depend more on the interest and political situation of the day than respect the letter the sanctioned statutory practices.

In contrast to DP, SP has a detailed regulation of the way its parliamentary group should function. According to it⁷¹, in the group can also be included members of parliament from other parties that accept the SP program, and confirmed with the decision taken by the presidency of the SP. The group decision-making follows the rule of simple majority of its members (article 3). The group makes the policy analysis of its activities every 6 months (article 4). The group leaders are elected by secret and competitive vote (article 6), and they may be removed from the presidency of the party with proposal of the 1/3 of the deputies, but also in this case the decision is taken by secret vote (article 9). According to the regulation SP deputies are required to participate in every plenary session (article 14), and should do no less than two meetings with voters in every three months (article 18), etc. A specific article (article 19) recognizes to the deputies in the parliament a constitutional competence, - the right “*to call in the group meeting all the members of the government and other state functionaries.*” In the statutory aspect, the deputies have the

70. *The Statute of the Socialist Party, approved in 2006, confirmed 2011, www.ps.al*

71. *Regulation of the parliamentary group of SP (approved in the meeting of the PLC, may 2004)*

obligation to pay 1% of their salary as contribution to the party. Also they are obliged to request the permission at the presidency of the group when they leave the country.

5.2. Fictitious and parallel structures in political parties

Fictitious structures, temporary or parallel to the existing ones, based or not in the statute, are a common phenomenon of the Albanian political parties. Although with a very high media profile, these structures are characterized by uncertainty in their mission, by fluidity in their position in the party of organization chart, by uncertainty in the modalities of cooperation with other political structures, unclear accountability channels, as well as in the duplication of the competencies. Another common feature is the almost total non-existence of written documents produced by these structures that enable an objective assessment of their contribution in their respective parties. However thanks to the investment in their media profile, these initiatives have fulfilled during their existence principally the needs of perfecting the public image of the respective political formation. Here we can mention the “renewal” through CPO in DP, or “re-connecting with the good historical past” through the Council of Elders in SP.

In SP since December 2011 exists an advisory structure close to the party leader, called the “Council of Elders”. At the time of its proposal and approval in the Assembly, part of this extra statutory group became two ex leaders of the Assembly (Pellumbi and Dokle), two ex prime ministers (Bufi and Majko), and two politicians with diplomatic experience (Hajdaraga and Zeneli). Over the years, especially on the eve and after the 2013 election, the council initially expanded with other personalities, including the ex President Meidani. This structure held several consultative meetings, but apart from the media image, there were no functioning regulation, regular periodic meeting or a visible role in the key political decision of the party. Currently some figures have withdrawn, some have adopted a critical view to the official policy of the party, and the Council itself has not been called in meetings for a relatively long time.

Also to improve its electoral attraction, SP already created through the

modification of the statute a new structure (article 35/2011), called “Board of Communication and Civic Dialogue”. The statute this Board, under the responsibility of the Assembly, foresees its expansion at the level of each Region, and the obligation that its activity is to be exercised through a special directive of the presidency of SP. On the eve of and during the 2013 election campaign, such structure had a positive media impact. But after the campaign was over, it disappeared from the news. Since then there has been no mentioning or any activity whatsoever. There is no information whether this statutory body exists, how it works, what are the competencies and relations with other structures within the party, who are the persons that compose them and who is its head.

In the new statute of DP (2009) it was introduced for the first time a new political structure, called CPO (Committee of Policy Orientation). The idea of CPO and the media promotion of this initiative before and during the elections of 2005 was a successful move. But during the four years that followed, its existence was never formalized neither through any internal regulation, nor by statute. Finally with its mentioning in the statute this structure should have been functional and obtained an official existence. According to the article 44, CPO *“consists of thematic coordinators and distinguished technicians from various sectors of activity. CPO is responsible for designing, proposing and implementing the policy projects of DP for specific issues or general topics, which are approved by its governing bodies. It provides the coordination of the activity in these areas between the party and its parliamentary group.”*

The delegation of the competences for the design, proposal and implementation of political projects of a party in government (DP in 2009 was and continued to be in government for a second mandate), at best redistributes *de-facto* the competencies of other statutory party structures, such as the Assembly, the Council, the Presidency and of the parliamentary group or even the government. In the worst case by not adjusting the competencies of the existing structures that are affected directly as well as by modifying their equilibrium and respective hierarchical lines, this phenomenon causes confusion and misunderstandings in the internal functioning of the party. The transfer to CPO of the competence for coordination between the party and the parliamentary group - that is the direct duty of the minister for the parliament and of the presidency of the parliamentary group - creates structures and

parallel mechanisms for a party in power. Moreover, the statute created with the article 45, the position of “*thematic coordinator*”, the head(s) of which is (are) appointed either the leader or the party presidency, and who “*respond and report for their activities in front of the Committee of Orientation of the politics and the Leader of the Party* “. So, although they are elected by the presidency, they do not do the report to the presidency, but to CPO, an unelected body - another indication of dualism in party structures.

From 2005 there were not active CPO meetings anymore, and it is not considered as an active structure in public. Its composition is not publicly known, neither. The coordinator of CPO was elected as the leader of DP in 2013 (Mr. L. Basha). After one year the CPO did not have yet a formal substituent name, which at least performs *de facto* the function of the substitution. In these circumstances, the inclusion of this structure in the new statutory changes (2014), creates uncertainty over its legitimacy and effectiveness.

SMI did not create such structures. Unlike the two major parties, it has preferred to increase the number of individuals who perform an existing function, instead of increasing the number of positions and functions. In this way it did create a new double management structure. Consequently its current structures are often over-populated, where for example appear functions such as those of deputy leaders, secretary, the leader and the secretary of the AC, secretaries in specific areas, presidency of the parliamentary group, etc, which are non-typical positions for a third political party.

5.3. Organizational structures of political parties

The organization of Albanian political parties is vertical in competences, in decision-making and in time mandates. In the statute, the highest political decision-making structure is the Assembly for DP, the National Congress for SP, and the National Convention for LSI, because of their decision-making importance. The main task of these bodies is the approval of the programs and political platforms of the respective parties. Their mandate duration, as well as delegates’ is 4 years for all three parties. Between two meetings, the most important political structure is the National Council (DP), National Assembly (SP), and the Steering Committee (SMI), with a 4-year mandate limit and the

right to change depending on the internal elections, co-optation, etc. These structures hold regular meetings at least 2-4 times per year.

The most important executive structure in those parties party is the Presidency and the Secretariat of the Party, each selected respectively by NC, NA, AC, and on the basis of proposals, which mainly come by the party leader or by a certain number of members (10-15% of them). In practice, the existence with almost similar competences of these two structures - which are the most voted (the presidency), and the most preferred by the leader (the political secretariat) – creates duplication, competition and diminishes the decision weight for each of them. In these circumstances and according to the statutory and political practice in Albania, the institution of the leader of the party remains the effective institution, symbolic, public and the most representative in the political and institutional life of the political organization. For this reason, although his mandate is also for 4 years, this duration is rarely respected. Furthermore various parties follow different election practices.

In the lower hierarchical levels, the only difference between the three parties is in the SMI model, which unlike SP and DP, has no organization on the basis of territorial division, but on the basis of zonal division determined by the Electoral Code. The same logic applies in the smaller structures such as the party organizations, branches and sub-branches, structures based on district, county or local unit. Each party has its branches abroad and also recognizes them a representative status in NC, NA, AC. This happens even if organized political activity outside the state borders and its territory is contrary to the law on political parties that refers to the concept of the party “*within the territory of the RA*”. Each party has partner organizations, mostly youth forums and women forums, but in each partner organizations the candidates for leader and their political programs are determined by the respective party structures, being it the presidency or NC / NA, / AC.

An important issue regarding the structural functioning of political parties is the relationship between the elected and the mandated members. According to the statute of each party, the leaders, secretaries and the heads of partner organizations, the mayors of the local government units (municipalities / communes / etc), are automatically members without voting from any local party structure. It should be noted that these structures decide for the

candidates for the upcoming local elections. Being inside the structure and having the privilege of a special position in political parties, makes the leaders of the main local government units, more powerful than the equivalent local party leaders. Consequently, if in the first phase of transition the party led and dictate the decisions on local governance, and therefore also their candidates, in the recent years are the mayors that get the preponderance through their political and executive power. In local elections of 2011, this phenomenon took important proportions, when in the main municipalities the major parties did re-candidate almost all the former mayors, although the majority of them were in their second or third mandate. The new statutory changes contain restrictive instructions (eg DP 2014) according to which it is not permitted for mayors to compete for the direction of local party branches and that it will be the membership vote the main principle of choice. This is expected to have positive effects, increase the competition and enhance the diversity within the parties in local branches.

However, the new territorial and administrative reform (2014) that dissolves the communes and reduces significantly the number of local units, creates practically super-local leaders, with many more voters, power, budget, competences and areas of activity. Consequently, in the next elections after the reform (2019) and subject to its completion, political parties would find it difficult not to take into consideration the opinion and the supposed local power of the leader of the Municipality. On the other hand, selection by the HQ of the local candidates as well as the concentration of several strategic functions of local government in the hands of the central government, contributes to the increase of the centralized role of the party leader (and if in power, the Prime Minister) in the case of local elections.

The dualism between central and local government often creates frictions in the governmental function of political parties. The existence of delegated persons in local governments in front of parallel local party structure, often creates overlapping and uncertainty during the implementation of the political program of the party and in its internal organization. The same conclusion is valid also for the case of the party leader vs. prime minister, the first leads the party as stated in the statute and the second leads the government in the political and administrative meaning. This practice is applicable in many other countries, including Germany, France and Italy, so basically it constitutes a

new and useful development. The implementation with the same quality and transparency in the Albania is still a controversial issue.

5.4. The debate about the allocation of the mandates

As mentioned above, another debated issue relates to the relationship between the party leader and the prime minister from the same party. According to the statute, the leader of the party (in SP is expressly mentioned) who wins the election becomes prime minister, and only if he resigns, the party chooses another name. The statute does not provide an answer to the situation whether the resignation is accompanied with a withdrawal from party leadership, neither why the same standard is not applied in the local level for the party leader in local government units to also be the main candidate for mayor in the local elections. In the first case the dualism existing in SP over the years 1998-2001 and in DP 1992-1995 led to political conflict between the two functions, the prime minister and the leader of the party. In both cases, the short-term victory belonged to the prime Minister, as he has more power, more space for action and has greater access to create a relationship of trust and exchange with members of the party decision-making structures. In 1995 DP fired the party leader and defended the prime minister, in 1999 in SP the prime minister lost for a few votes to the party leader, but the party leader lost in the internal competition in 2011 with the following prime minister delegated by himself.

In DP for the first time the political debate regarding the separation or union of both mandates happened in 1995. At that time the leader of the party, Eduard Selami, requested the unification the position of the leader with that of prime minister, as part of a change package. His proposal was rejected, and in the extraordinary conference of March 1995 Selami was fired from the position of the party leader. In the elections in 2001 the leader of the party failed to articulate clearly if he would be also prime minister in case of victory, because of negative polls regarding its personal support. For this reason DP in the final weeks of the campaign unsuccessfully claimed that the candidate for prime minister would be a new figure more acceptable, meaning the general secretary. From that time in DP this debate has been inexistent. It surfaced shortly in 2008-2009 where during few weeks was debated the idea that party would attempt to apply the division of representative mandates. In this spirit,

the chief of the cabinet of the party leader, Imami, announced his candidacy for general secretary, but then was announced that his initiative was individual and the leader of the party himself, deputy-leaders and the general secretary agreed for them to hold two or more positions in the party, in the legislative and the executive. Since then DP has not created any internal debate about the incompatibility of political mandates.

In SP the debate on mandates was born later, but became more serious. In its Congress in 1999, won the platform that supported the division party leader - prime minister and the leader was changed through the vote. In 1991 the new party leader resigned from the position of the minister, maintaining only his commitment in the party. Ten years later, after the crisis in 1999-2001, SP approved in July 2001 changes in the statute, and especially in some regulations, giving greater competences to the presidency, including prior approval of ministerial posts (even though the party leader was not prime minister). It was sanctioned even clearer the separation between the party and the executive functions, especially for their ministers. Apparently an innovation, in practice it was impossible for such scheme to function. The prime minister could not choose the ministers without their vetting by the presidency, so by the body led by the party leader not the prime minister. Consequently, a year later, in 2002, SP changed the government and selected for prime minister the leader of the party. This practice continues still today.

With statutory changes in 1999, and especially in 2003 and 2005, SP strengthened the concept of incompatibility of high party mandates and high executive mandates. So, according to the Statute of the SP 2003 (7.4) *“the function of the General Secretary and the secretaries of the CPC is incompatible with the function of the minister”* or that *“no more than 50% of the members of the presidency can be members of the government”*. The same principle was applied for the local governments.

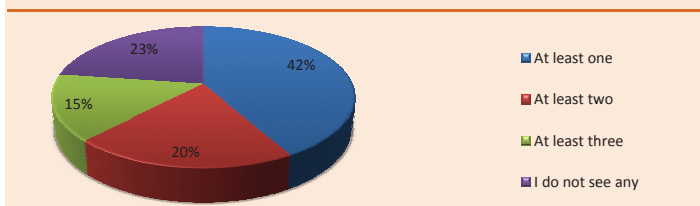
During the years 2005-2013 when the SP was in opposition it had no problems in the application of these provisions, but with the coming to power the debate returned again. Nevertheless in September 2013 the leader of the SP, and latter the presidency, approved the political initiative for the separation of the executive and legislative mandates. Although it was not part of the statute, the initiative was implemented and the current government (2013-2014) is

the first political government in 24 years built in the most of its part with the concept of separation of executive and legislative mandates.

5.5. Gender politics in the party and government

Figure 25

DO YOU HAVE IN PARTY ANY WOMAN THAT YOU CAN SEE HER AS A PARTY LEADER / PRIME MINISTER?



Can political parties promote gender politics up to electing a woman as prime minister? To have a more practical idea we paid a special attention to the opinions of the party from the regions of Shkoder, Korce, Tirane and Lezhe. In those regions in 2013 elections, the political parties nominated women in the top of the proportional list, and so, they can be considered as areas with a relatively advanced gender mentality. However the replies from the party members do not leave place for outbound optimism. Only about 40% of those consulted think that in their party they have at least one woman worthy to candidate for the post of party leader or of prime minister. Twice less think they may have at least two candidates and only one in eight manages to distinguish at least three females as potential candidates for the key position in the party and / or government. More interesting is the finding that almost the female members reply in the same percentages.

At national level, less than half of the interviewed see at least one female candidate for party leader or prime minister. The number of them who don't see any candidate is equal to the number of those who find at least two candidates. In practice, in each of the three parties it never happened to have a woman as rival candidate for the post of the party leader. In SP the highest party position by a woman is that of the secretary for foreign

affairs or of deputy / prime minister, whereas in DP the highest position is that of the speaker of parliament and at the same time the deputy leader in the party. In SMI also a woman was deputy / leader during the first years of its existence.

The only exceptions and reference cases remain two applications of women politicians for the post of prime minister in the internal party competition, both in the SP. In 1999 Makhbule Ceko lost with a third of the votes in the internal party vote vs. Ilir Meta for prime minister. Three years later, Ermelinda Meksi lost vs. of Pandeli Majko in the race for prime minister with almost half of the votes. With this fragile balance and the illustrations on the ground, we can conclude that the chances of women for political leadership and executive career continue to be slim. They are seen more as an electoral image and additional electoral feature rather than as an essential element of a political grouping with the same chances of career and promotion as their male colleagues.

In the current government, SP is presented with six female ministers and SMI with one minister, for a total of 21 ministerial portfolios.

VI. FINANCIAL TRANSPARENCY: THE “SLEEPING” ISSUE OF POLITICAL PARTIES

The issue of funding of political parties is an element with constitutional, legal, political and public importance. The Constitution determines the obligation that political parties always should publish their financing sources. Referring to the practice of the last 24 years the political parties have never made public their sources of funding in accordance with the spirit and responsibility that the constitutional text sets. The legislation on political parties obliges the annual control of their accounts by the Supreme State Control and / or CEC, mainly based on self-declaration of financial accounts. But referring to the CEC, only 13 of the 123 political parties have accurate addresses, regular statements and participate regularly in elections⁷². These data are sufficient to highlight the complex issues with which is faced the issue of financial transparency of political parties and their election campaigns.

6.1. The legal context

In the early legislation of parties, the control of finances was based mainly on the control exercised by the SSC. Based in article 9 of the Constitution in 1998, the new law in article 23 specified⁷³ that *“The Supreme State Control is the competent authority charged with the function of financial control over the parties. This control will not be limited only in the part of the budget that is provided from the public funds, but will also cover the gifts and the grants received in other ways. The Supreme State Control has the right to exercise financial control over political parties before and after the election campaign”*. So there is a new control concept, not only in the public domain that coincides with funding derived from the state budget, but also in other revenues that

72. Report for the round technical table *“The funding of the political parties and election campaigns, CCE and OSCE, 14.5.2014.*

73. Law No.8599, date 01.06.2000 *“On some additions and changes in the law no. 8270, date 23.12.1997 “About the State Supreme Control”, Official Bulletin no.15, 2000.*

are associated with the financial contributions and donations received in other ways. This expansion of the scope represents the most significant change in this law, in relation to the responsibility that derives from article 9, paragraph 3 of the Constitution of Albania. In reality, in the Report for the Implementation of the State Budget of the year 2011 and 2012, the political parties do not appear to have been audited⁷⁴.

It is this expansion of the scope of control that served as the basis of a complaint addressed to the Constitutional Court. According to the Court's final decision, *“political parties, being voluntary unions of citizens on the basis of beliefs, views and common political interests in the constitutional and legal terms can not be equal with the state institutions or other state legal persons. In terms of the constitutional provisions (article 163), the political parties remain outside the grouping of these legal entities regarding whether to be checked for their economic and financial activity”*. It judged that even gifts of aid, *“that political parties receive from parties or international unions parties, foundations and political organizations local or foreign, which are known as financial and material resources of their own, can not be object of control of this constitutional body”*.

The new law “On Political Parties”⁷⁵ determines that the funding sources are threefold: a) from the state budget according to the law, b) from membership quota and, c) from any property obtained legally. The intervention of the Constitutional Court resolved the conflict between SSC and political parties related with gifts and aid, but did not give a final solution to funding problems and to the complete financial transparency of political parties and electoral campaigns. The parliament, although it was asked from the Constitutional Court, did not intervene to fix the law and the void created by the decision of the Court. Consequently, *“from the may 2001 the political parties are not controlled by anyone for funds that they provide from the private financing”*⁷⁶.

74. Ref reports published in the web site of SSC: www.klsh.org.al/web/Raporti_Mbi_Buxhetin_e_Shtetit_82_1.php?kc=0,1,3,0,0

75. Law no.8580 date 17.02.200 “On political parties”, Official Bulletin no.6, 2000

76. Musa Ulqini. “Elections, Money and Democracy” Albanian Committee for Foreign Relations, Tirana, 2010. pg.14

With the changes in the law “On Political Parties” (2011) and in the Electoral Code of the RA (2012) was created a new mechanism of control over the finances of political parties and their costs. In the new law (amended) there were positive changes in chapter III “*The financial and material assets of the parties*”⁷⁷. According to the article 15/2 “*CCE is the responsible body for the monitoring and the supervision of financing of the party.*” The law obliges the parties to submit financial reports once a year at the CCE. These reports should contain detailed information on: a) the sources of funding based on standardized format approved by the CCE; b) costs based on standardized format; c) relations with the legal entities related, directly or indirectly, with the political parties or that are under their control; d) to submit the annual financial report, etc. Article 23/2, creates the new practice of independent audit by the expert auditors, selected by CCE and with the obligation to audit the political parties within 45 days after the submission of the financial report. Their audit report is assessed by the CCE within 30 days, and depending on the outcome, follows the relevant procedures⁷⁸.

The new practice, with all the innovations, left some uncovered space and as a result, the constitutional obligation for financial transparency of political parties continues to be unfulfilled. According to the reports completed by the CCE, EC and OSCE, political parties in Albania still do not make available to the public, their members, or to the voters their complete financial data. Their suggestions address a long list of improvements to be made in the law on parties, such as: a) the article that is related with the funding and the financial statements, b) a clear separation of the annual reporting with the reports during the election year, c) the obligation for concrete deadlines for submission of reports and their publication by the CCE; d) the obligation for public financial reporting during the campaign and before voting, e) definition of specific practices for reporting by registered parties that do not participate in electoral campaigns, f) the reducing of the financial threshold for allowed gifts, g) verification of the conflict of interest between the donors and the beneficiary political parties, h)

77. Law no.10 374, date 10.2.2011 “*On some additions and changes in the law no.8580, date 17.2.2000 “On political parties”, changed, Official Bulletin, 12, march 2011.*

78. Krasniqi, Afrim. *Constitution: lacked political and electoral transparency, MN, April 2014.*

clear limitation of electoral abuse with the public sources of funding, 1) clear definition of the differences between the advertisement and the information in the media during the campaign, etc.

6.2. Some data on the financing of political parties in Albania

The political parties are financed from the State budget through a fixed annual budget line, part of the budget line: “*Political Parties, Associations and Organizations of Veterans with Status*”. This funding serves mainly to cover the operating costs and is different from the funding they receive through the Central Commission Election in the election years. So in an election year, the annual amount of the budget of the parties consist of the regular grant plus the subvention to cover the costs of campaigning for the general parliamentary elections or the local elections.

Table. Annual budget allocation for political parties

Annual budget	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014 ⁷⁹ (est.)
The financial support (in .000)	194	194	192	192	192	192	199	200	189	189	190

In the recent election campaign of 2013 participated 67 parties and one individual. In October 2014, in the CCE web site were published 64 audit reports, (only 52 of them in January 2014 seven months after the elections). The CCE obligation for the publication of the audit reports for all the subjects is based on article 91 paragraph 4 of the Code⁷⁹.

Referring to this electoral campaign the political parties declared that they have completed the process of accounting of the spending of the campaign with deficit and electoral debt up to 34.56% of the total amount of the costs. The total electoral expenses were declared in the value 38,011,328 ALL. The party with the highest level of electoral expenditure was the Democratic Party with 39.18% of the total, followed by the Socialist Party with 33.2% of total election expenditure.

79. Law no.185/2013 date 2.12.2013

In terms of funding sources it is the private donors who contributed nearly half of party total revenues. This is the first time in the country that the private donations emerge as the most important part of the party financial resources. Circa 27.59% of the total of spending are funds received from the State Budget, while 15.3% are collected from the fees and statutory sources of the party. The Democratic Party has received 52.29% of the total private donations, followed by the Socialist Party which although the party winner of the election process has received only 37.4% of the total private electoral donations. The List of Donors of the political parties consists at least 129 names of individuals who have donated greater values than 100 thousand ALL.

The 67 audit reports of the political parties are compiled from only 9 registered accounting experts, from whom none is an auditing company and form ShA or ShPK, and none is part of the Big Four. This concentration has resulted in an extreme similarity in the form but also the presentation of the parties financial accounts audited by the same auditor. Moreover, some of the audit reports published in the web site of CCE are incomplete even if presented with no qualifications from the auditors. As a concrete example is the case of the publishing of the unqualified audit of the Democratic Party without the list of the donors. The list was added and made available to the public only after the requirements based on the respect of the right of information.

6.3. Perceptions of party members and the funding from private donations

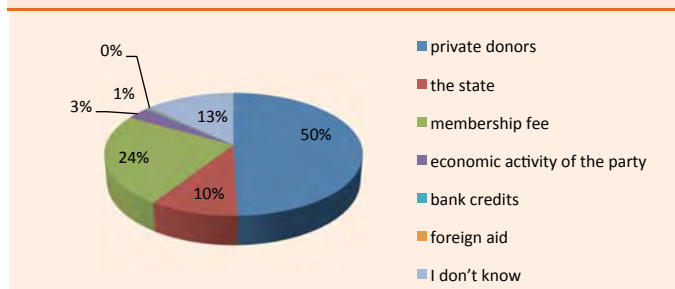
One of the interesting findings of the interviews regarding the internal functioning of the political parties refers to the case of political and electoral financing. More than half of the surveyed agree that the main source of the financial support of their party remains the private business and the private donations. This opinion is consistent with the analysis of auditors' reports mentioned above. Only one in ten members believes that the financing that comes from the state (CCE) is the main source of funding and a quarter thinks that the membership fees are the main source of funding.

There are differences between the responses that come from simple members and those elected Assembly / Council. At the simple members level, 5% stated that the main funding source is the financial activity of the party. None of

elected members gave a positive answer to this alternative. By law, the parties do not develop profitable economic activities, so they cannot have income from such sources. The fact that some simple members still see it as a source of financing, may imply that they either are not aware of all procedures and legal restrictions, or eventually they may somehow be aware of *de facto* economic activities.

Figure 26

QUOTE THE SOURCE OF THE GREATER FINANCING OF YOUR PARTY?



Another difference refers to the amounts of financial income resulting from membership quotas. Simple members believe that only 20% of the budget is covered by membership quota, while the elected ones declare around 32%. This gap may be explained with the difference in individual amounts of the fee that the simple members pay in comparison with the selected members, or with the fact that the first state what they think, the second as they should think.

Political parties officially declare every year in the CCE their financial sources, the spending and assets belonging to them. In their official statements to the CCE⁸⁰ it clearly appears that the main source of financing of political parties is the payment that comes from the state budget (between 55-65% of the total amount for the available years 2011, 2012 and 2013). In the financing that comes from the membership fees there is an apparent difference between the statements received on the ground (24-25%) and declarations in the CCE by the parties themselves (5-10%). Specifically, in the data declared by the SP for

80. Statistical datas on the funding and the reports are taken by the official web site of CCE (<http://www2.cec.org.al/sq-al/Raportet-vjetore-financiare-1%C3%AB-partive-politike>), date 5.10.2014.

2013, it results that the main financial source is the financing from the state budget with about 60% of the revenues, while the private donations occupy 27%, the quotas of deputies 5.3% and others 7.7%.

Regarding the membership, DP stated in 2012 and 2013 that had 102,000 active members. SP declared for the same period 105,160 members, SMI does not provide an exact figure, but reports that it has more than 3,000 members which is the minimum figure for the legal existence of a political party. At SP the party membership quotas and the contribution from the members of parliament deputies are counted together – they reach 3.8 million ALL in 2012 and 8.9 million ALL in 2013. For the years 2011, 2012, 2013, DP provides the same figure regarding the income from the membership fees: in the range of 1.4 - 1.5 million ALL. For the same period DP also declares income from the contribution of the deputies, a figure that ranges from 2.7 to 2.9 million ALL. SMI does not provide data on the specific contribution regarding membership quotas or its parliamentary group.

When asked about the amount that the simple members and the elected ones pay as annual quota, the received information vary from 19,000 ALL to 140,000 ALL for the same party. The drastic change can be explained by the professional activity of each of the members, (if it is elected, is deputy or political functionary, businessman or simply unemployed). The existence of such figures with large space between, creates doubts about the applicability of the statutory regulation for each political party, according to which, the annual subscription fees are unique and are set by the Conference / Congress or the Assembly / Council.

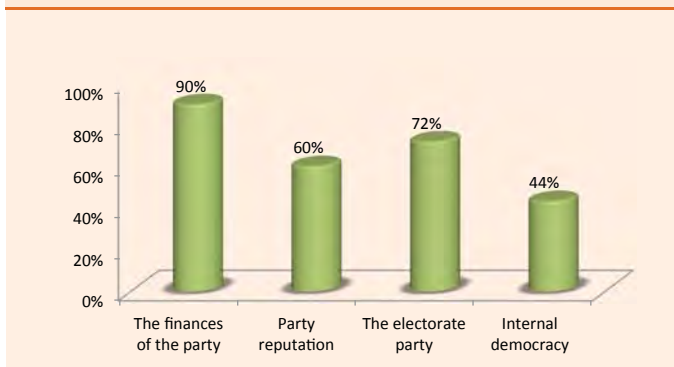
Referring to the year 2013, DP declared that the total annual income of the party was 94 million ALL, whereas SP declares a figure almost twice higher, at 166 million ALL. SMI declared an annual budget of over 45 million ALL, which is 49% of the budget declared by the DP. Although in the statements during the interviews, about 50% of the members in each party state that the private donations are believed to be the main source of funding, in the data produced by the CCE the official figures are completely the opposite. SP has over 44 million ALL donations, while SMI over 15 million ALL donations (or about 34% of the amount of donations of the SP), while DP has declared for the same year 0 income from the private donations.

Referring to the financial declarations that political parties have deposited in the CCE for 2013, there are interesting data regarding the credit that the parties have contracted with banks. Of the three observed parties, DP is the only one that did not take bank loan, SP has an overdraft worth 100 million ALL and SMI has contracted a loan of 100 million ALL. The two parties of the left are clients of Credins Bank, the only bank with 100% Albanian capital. Each party declares in its capital assets, its headquarters, other offices and other equipment. Each of them includes a list of civil donors without giving technical details on potential conflicts of interest or the positions that they may have in the party, in the administration or in society. However, in the annual reports of the parties is emphasized that the respective statements by the donors are deposited in the CCE, as requested by law.

Regarding to the relationship between politics & business, nine in ten interviewed members think that the involvement of the businessmen in the party helps increase its financial strength. The trend of the recent years regarding business involvement in politics is reflected also in the membership reactions. The involvement of business is considered as good for party finances and because it expands the membership. However about half of them think that this phenomenon damages the internal democracy of the political parties. On a side note, two-thirds answer that their engagement in the party has not affected in the improvement of their personal incomes.

Figure 27

PART MEMBERS THAT CAME FROM THE BUSINESS, STRENGTHEN:



VII. CURRENT TRENDS OF DEVELOPMENT OF INTERNAL DEMOCRACY IN ALBANIAN POLITICAL PARTIES

More than two decades after the establishment of the competitive multiparty system, Albanian political parties and their internal democracy structures are in the phase of formal institutionalization. The parties have gained experience and expertise in the government or in the opposition, have passed the tests of going to elections alone or in coalitions, and have built a public profile in accordance with the political product that they have produced, and the choice that they have made themselves. The tendency of the party system in the Albanian political context continues to consist in the shrinking of political parties from 10-12 during the three legislatures between 1997-2009 towards a system two plus one. In this scheme, two major parties continue to have the governing monopoly through rotation, and a third party alters its coalition either with the right or with the left in order to remain in government.

In this context, the way the party system will evolve in the next decade and beyond, will be significantly determined not so much by the voters, rather than the electoral system and especially by the future of some politicians identified with their respective parties. With the regional proportional system chances for third parties remain minimal. Those small parties that claim parliamentary mandates will need either to enter in pre-electoral coalitions with the major parties, or to aim the creation of the model of local clientelist parties, identified with a specific social and/or regional group in society. If the voting system changes towards a national proportional, the chances of smaller parties and especially the new political parties that may be created in the future, including extremist parties, will increase significantly. However because of the tradition, because of the way the major parties operate, because of the electoral system and electoral behavior, it is not expected anytime soon that the two major parties lose their dominant positions.

In this perspective of the evolution of the party system, must be also situated the expectations of the performance of internal democracy in Albanian political parties in the short and long term.

7. 1. Kosovo, towards a positive legislation model

The functioning of political parties in Kosovo, seen in terms of internal democracy, is no different from the model of Albania. A recent study conducted in Kosovo on the internal democracy of political parties⁸¹ (2012) came to the conclusion that “*political parties were created on the basis of the “top-down” with a principal role of national party elites in the creation and development of party organization*”. A direct consequence of this model is the limited role of the members and supporters in party decision-making, lack of party factions, the poor influence of functional groups within the parties, and the lack of related and partner organizations. In their internal organization these parties reflect a hierarchical functioning system and use indirect elections for the central party structures. All the importance of the party is focused to the central office and to the public relations department. It is noted a limited autonomy of the parliamentary group, and the selection procedures involve only the central bodies with a prominent role of the leader of the party. Also “*there are relatively frequent changes of their statutes, which are not related to real limited organizational changes as required the new laws*”.

In Kosovo there is no specific and integral law on political parties, but their scope of action is regulated by the election law, as well as a series of regulatory documents originally issued by international authorities and then by the CCE of Kosovo. Finally (2013), CCE through an inclusive document, set new norms on the organization, functioning and especially on the financing of political parties. In comparative context, it can be said that with the new changes of the last two years, Kosovo has a more functional and complete regulatory basis on political parties as compared to Albania.

With the new changes (2013) in the CCE is established the Office for Political Parties Registration and Certification, a special and functional structure with clearly defined responsibilities. In contrast to the Albanian legislation on parties that gives priority to the registration phase and does not establish specific mechanisms of control and concrete responsible for them, in Kosovo the Office near to the CCE performs both functions. Under its direct responsibility is the preservation and collection of the documentation on political parties, on

81. Daskalovski, Zidan. (2012). *Internal party democracy in Kosovo, Qendra për hulumtim dhe ndërtim të politikave, KAS, Prishtine, 2012.*

the register of parties, their statutes and programs, periodic financial reports, periodic audit reports and the registration of the party donors⁸².

Referring to internal democracy⁸³, according to the election rules “*The registered political party holds the assembly within six months from the date of registration of the party, and then at least every forty-eight months*”. According to article 6.1 of the same regulation, when a party fails to respect the deadline regarding its National Assembly meetings and the internal election process, the CCE may intervene to suspend the political party and may obligate it to conduct internal elections within 45 days. After the suspension, a party cannot be registered in the elections or benefit from funds from the state budget.

The regulation also establishes the obligation for the leader of the party to inform the participants during the National Assembly about the financial situation of the party and to submit the financial report of activities occurred between the two assemblies. The Office of Registration of the parties near the CCE monitors all the local and central election procedures, as a binding norm set by regulation in 2013. In the chapter on membership, CCE Regulation obliges the parties to establish and maintain the comprehensive register of party members, where are included many security elements such as the passport number or driver’s license, and the date of their membership. In relation to members’ financial quotes, the Regulation establishes the obligation that in no case the annual quota can be higher than 12 euros / year.

The legislation in Kosovo also obliges the political parties to declare every December any change relating to the person of the leader, the head of the finance, representatives in the central and local government, the address of all the leaders of party-branches in Kosovo and diaspora, as well as any change in the status and in the program made during the year. The legal practice in Kosovo also establishes the obligation that the political party statute includes mandatorily and clearly not only the classical principles of organization and vote, but also specific rules of internal decision-making. For example⁸⁴ each statute must define the rules of how changes in the statute and in the program

82. *Therein, article 19.*

83. *Regulation no.1, On registration and action of political parties, article 15, CCE. Prishtine 2013*

84. *Therein, article 14.2.*

are made; how the party can decide for entering in a electoral coalition; the procedures how the leaders are elected and how are appointed the candidates in parliamentary and local elections; the obligation for financial transparency before the membership; the rules of internal decision making; etc. The regulation establishes the obligation that political parties, following the request of the citizens, publish and print copies of the statute and that in any case, its sales price can not exceed 0.25 euros for page⁸⁵.

Positive changes in regulatory legislation in Kosovo are fresh and will be tested in practice by observing how political parties will respect the new rules and how they will reflect them in the mechanisms of internal democracy. A preliminary observation of the balance between legal practices and respective actions over the year 2014, when the new regulation has been applied, proves that few traditional elements of the activity of the parties have changed. Mainly it has been improved the transparency on financing of elections, and it has been easier to create parties and to exercise their activity, etc. But overall internal democracy mechanisms and structures have remained as described in the beginning of this chapter, - not very close to the standards set by developed democracies.

7. 2. Strong leaders and weak party structures

Last parliamentary elections held in June 2013 brought a political rotation where SP, SMI and their allies formed the government, while the DP and some of its allies went into opposition. This important political process was not followed by significant political changes in the political behavior of parties towards their statutory principles regarding internal democracy. The elected majority mandated its leader for prime minister, the leader selected the ministers, other political parties in the government did not consult their party structures to enter or not in government; and all parliamentary and executive positions were filled without rival candidates being them for the party or for other relevant structures. The reference to the statute and in the principles of internal democracy were ignored, sometimes on purpose and often justified with political arguments.

85. *Therein, article 14.5.*

In September 2009, Edi Rama was re-elected the leader of the SP by the vote of the membership where 55,000 members voted (out from 82,000 registered). The statutory mandate of the SP leader is 4 years, so it has expired in September 2013, when practically he was appointed prime minister after the victory in parliamentary elections. More than a year has passed and SP has not held elections for the leader, as stipulated to the rule set in the statute. The argument brought forward is that a party leader who wins the general elections has no need to be reconfirmed in the party. In support of this argument is quoted the similar case of the British Labor Party, but without a legal analysis, an official declaration or the relevant initiative that refers to the statute. Despite any individual parliamentary voice, there was neither a formal complaint to the Commission on Statutory Guarantee in SP, nor any debate by the party presidency, by the Assembly or by any group member. Mr. Rama is leader in the SP since 2005, so for a total of 9 years.

In July 2013 Lulzim Basha was elected leader of the DP by the vote of the membership, where voted 42,000 members (out of 104,000 registered). His mandate is for four years and expires in July 2017, so right after the next parliamentary elections. About 10 months after the election of its leader, DP held elections for the leaders of branches. In September 2014 was held the National Assembly for the election of the National Council, and in October was selected the presidency, secretariat, etc. So, for one year DP did function without having any mandated or elected structure, with the exception of the leader, practice that comes in obvious contrast to the statutory norms and good governance. The argument in this case was also political - the need for the party to focus on the fight against the bad government of SP – SMI coalition.

In October 2012 Ilir Meta was re-elected leader of the SMI by the vote of party membership, where 31,000 members voted (out of 36,000 registered). The mandate of the leader in the SMI is for 4 years, and the current one expires in October 2016. Mr. Meta has been leader since the founding of this party in 2004, so for a total of 10 years. At the beginning of this party, it was promised a direction with only two mandates, so for 8 years, however the well-known political argument is still used: the leader has the support of the base and thanks to him the party has succeeded. During the government with the left, SMI has not held national internal elections, but has successfully administered its political power, especially that parliamentary, by increasing fourfold the

number of its deputies. In this case, more than a disrespect of statutory norms, one can observe a circumvention of the party structures.

Referring to the lists of candidates for deputies in the last elections (2013), there are found *in extremis* cases, as for example, the rejection for nomination from the SP of Mr. Malaj as one of the leading critics of the leader of the party, as well as some other political figures including the former President Meidani, while in safe places in the list have been introduced new names without any voted or tested career in the SP structures. In any case, the decision for the candidacies, especially the critical ones, was not the product of any voting structure, but the imposed will of the party leader - a practice common in any political party. Malaj and the ex leader Nano directly accused the leader Rama for the preparation of the list and the exclusion of the political critics⁸⁶. Later Malaj, a member of the presidency of SP, put his candidature as independent in the same electoral zone the leader of the SP Rama, but lost the race to get a parliamentary mandate.

In DP the same phenomenon occurred, with a significant difference that the leader of the party did not hold a formal consultation with the party presidency for the preparation of the list and did not even formally gathered the National Council structure. The alibi was that consultations are made with the heads of the electoral staff in the regions, most of them ministers, so subordinates of the then prime minister, simultaneously leader of the party. Consequently, in the list were given safe mandates for three deputies from the left (Islami, Kadeli, Dogjani) and for three leaders of allied parties (Ndoka from CDP, Mediu from RP, Idrizi from PJJU). Meanwhile members that were well known and voted in years from the structures of the party, remained outside the list. In some cases it happened that particular political candidates, after being rejected by one party leader went to the rival party and negotiated there to be re-elected under their list. Is illustrative the example of the ex socialist minister A. Duka, who after the official meeting with the leader of SP where he was rejected the candidacy in the SP list, he searched and found support in the opposition list, reaching to be elected deputy in the right coalition!

In the public justification of such preferential and non-statutory practices, both

86. Newspaper "Panorama", 7.5.2013 the complete reaction: www.panorama.com.al/2013/05/07/arben-malaj-jashte-listes-se-ps-vendimi-i-rames.

SP and DP leaders publicly claimed that they personally bear the responsibility for the defeat and the victory, meaning their unlimited right to compile their electoral lists. Although understandable in the context of elections in Albania, this right does not appear nor in the statute and nor in the regulatory documents of the respective parties.

The new trend for the identification of political parties with the political leader; the replacement of selected central and local structures with structures near the leader and appointed by him; and the sensitive decline of the weight and the role of important political structures, such as the Assembly / Congress / Convention or Council / Assembly / Committee; of the increasing political weight of the parliamentary group; and the shift from party with activity involving its base towards a party centered over symbolic media activity, - is a warning about the evolution of the nature of the Albanian political parties. If in the 90s most of the terms used in the parties were “membership cards, leader, section, branch, electoral headquarter, congress”, etc, already half of them no longer exist in their political discourse. The parties increasingly are identified with their leader and the party members are getting used to the idea that the party is like the leader, so whoever is elected and every decision taken must be in line with the expectations and the suggestions of the leader. But strengthening the leader is proportionate to the weakening of the statutory instruments that must balance, limit and control the new power within the party, and on behalf of the party, apply it further in society and in the public life.

Another unwanted consequence of this system affects the leaders themselves. The *de facto* concentration of decision-making in their hands makes the efficient management & control of the party (and government functioning in the case of prime minister) very time-consuming. As a consequence, the leader is expected to verify personally the implementation of his orders as well as apply the corrective measures. This approach while keeps the party solidly gathered around the leader, discharges from their responsibilities the respective structures. In case of strategic reforms, especially for parties that are in government, its efficiency is hampered by the quality of information that is provided to and processed by the leader and his physical impossibility to be personally everywhere.

7. 3. The shift from popular parties to the model of electoral parties

Information gathered from interviews with party members indicate how decisions are made at high levels of the main political parties. They help us to understand the great change that is occurring in the political behavior and the inner organization of the main political parties in Albania.

The approach that party leaders are using most in their discourse and political actions, is not the party as a structure and democratic grouping, but the concept of an electoral party that is activated only on the eve of the election campaigns. Although accepted in the theory of political relations and applied in many democratic countries, this concept does not exist in the statutes of any Albanian party. The fact that it is applied without being officialised in the statute constitutes a deviation from the political principles of internal democracy and democratic functioning of the main Albanian parties.

The dimming importance of the formal meetings and functional structures; the concentration the competences; the avoidance of the debate about the divisions between the power that the party exercises in the parliament and government and the intra-party dynamics, are indicators of the transition of political parties from a current intermediary stage towards an electoral party. The experience has shown that the transition from popular party towards an electoral party is associated with the decline of the idealistic interest of the party members and of their motivation to commit to their party. It also signals a preponderance of the model of the temporary contract between the party and its electorate. So on the eve of election campaigns the frequency of meetings of party structures and internal debates will increase, especially at the stage when the fruit of the political power needs to be shared or when the eventual loss needs to be administered. But this intensive part will leave in shadow the period between elections, where parties are expected to treat statutory structures as a decor and/or rubber-stamping the decisions predetermined by their political leadership.

Moving from a popular party towards an electoral party helps in justifying the promise for the application in each level of the principle “*one member - one vote*”. Such votes fulfil two important criteria for electoral parties: they serve to mobilize the membership, as well as to create a positive public image. On the other hand, this process will inevitably reduce the number of active

militants of political parties, as well as oblige the parties to be more open in relation to new incomers. Models like those of 2005 and 2014 in DP or the new blood of 2013 in SP, characterized by the inflow of new political figures in candidates lists and in the executive political team, will continue to be used as models with a maximum short-term profit in both electoral victory or loss. Such models will accelerate the change of political elites and the creation of a new environment for the respective parties, where everybody removes from his political subject the responsibilities of the past, and promotes a new contract with his old voters.

The departure from the model of traditional parties, as “*party of the base*” and the transition towards electoral parties programmed for electoral campaigns and government, has shadowed the responsibility of political parties to create and represent certain social and/or ideologically profiled groups. Running towards a pragmatic policy that requests every vote from every potential voter, and the change of the electoral law, which gives priority to the collection of votes in certain administrative areas, has caused the big parties to convert in “*party of the masses*”, away from ideological identities. It has also forced the smaller parties to dig deeper into local communities and even towards ethnic parties, a principle that is contrary to the law on political parties of 2000.

7.4. Clientelist model vs. the model of social and ideological representation

In the short term, the tendency of major political parties to become even more popular and electoral, will be accompanied by the tendency of other parties to survive mainly through the regional clientelist politics, being it the territory, the religion or ethnicity. In the first case the major parties will face the phenomenon of increased authority of the political leader. Simultaneously they will be in front of an increased resistance from the base of the party, especially during the local elections when wanting to guide the vote for the candidates.

In the second tier case the political parties will identify more and more with their political leader and the respective political clientele and economic support, paying less and less importance to the principles and norms of internal democracy. Such clientelist models have shown their existence

signals several years in Albanian politics, and have been well received and sometimes followed even by major parties. With the strengthening of the public administration and the limitations of the informal economy, as well as the through the reforms imposed from outside in the fight against corruption, the abusive clientelist model will face institutional and public controversy, hopefully remaining a temporary transition phenomenon.

The other model of transformation of the parties towards positive clientelist representations, i.e. providing support and identification to small social, regional, religious, economic, groups and communities, is expected to last longer. It may serve as a transitory stage from the current negative clientelist model towards the model of modern political parties.

According to the scenario of positive clientelist politics, parties will aim to seek votes in well defined groups, promising them greater attention during their political activity, during the exercise of parliamentary functions, during the legislative process or in cases of coalition, and even in the central and the local governance. Such practices of lobbying exist in other countries, including many western ones, and as long as allowed by the system, receive the votes from lobbying clients and are transparent in funding and decision making, can be assimilated with a normal political process.

Albanian legislation on parties is restrictive for regional, local and religious parties, and prohibits ethnic parties. However if the lobbying phenomenon continues to develop as it is expected, the relevant legislation and the current parties' profile will need to be reviewed. As long as the state continues to be the biggest employer, clientelist methods will continue to damage the quality of administration and other public sectors. Simultaneously, the negative effect is twofold: those who benefit are identified with the party in power, those who lose are identified with the competitive alternative of the current party in government, and expected to repeat in case of victory of their team, the same selective and clientelist process.

The clientelistic model in a traditionally closed society like Albania, is consistent with the qualities of tribalism, provinciality and other elements of a pre-democratic identity. This phenomenon is expected to be more visible in the local elections, where the local interests are closer to local policies. In

parliamentary elections, where the decision of a deputy cannot dictate in an absolutely way the fulfillment of his/her promises to his supportive clientele, this phenomenon is less relevant.

All those developments are contrary to the need of political parties for a clear representativity profile, an unequivocal social identification, for identifying the differences between their promises and their policies, and for concrete actions aiming to correct the wrong decisions of the other party. The elections of 2013 showed that the parties had no obvious divisive issue amongst them, especially in terms of ideological identification⁸⁷. They tried to get every vote from every community. This practice is expected to be perpetuated in the future, and therefore, clientelist policies will in any case be damaging for the process of re-formatting of party identities, being it on the left or the right (including the two main political parties).

7.5. The future of internal democracy

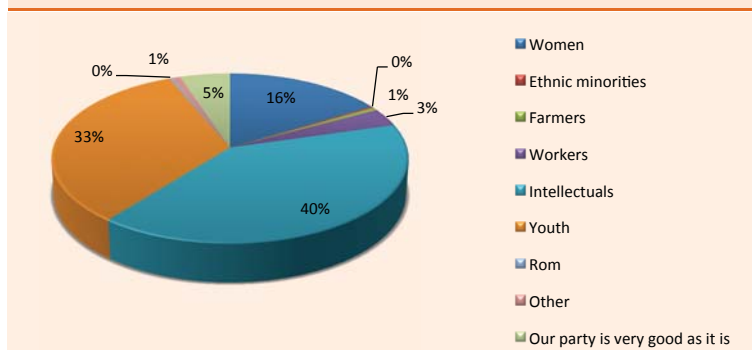
In terms of long-term political survival, there are some potential indications that may affect the rules of functioning for political parties themselves and consequently, also for their model of intra party democracy.

A determinant parameter will be the generational replacement of traditional voters (because of demography) with new voters. Currently all the voters under 24 years old, were born in the period of democracy. After 10-15 years the older voters will have spent half of their life under dictatorship and half in democracy. Consequently, generational change is expected to bring changes in the perceptions and expectations of citizens towards parties, politics, elections and political offers. The more generations change and the standards raise, the more the democratic culture is strengthened. The stronger the domination of the logic of institutional life and the rule of law becomes, the less space will be for political parties with internal non-optimal and / or undemocratic organization. The parties will be forced to change, reform, review their political behavior and create a new contract of faith and principles, first with their members and later with the potential voters.

87. *The only difference was related to the flat taxation proposed by SP and progressive tax protected by DP*

Figure 28

INDICATE THE GROUP THAT SHOULD BE PROMOTED WITHIN YOUR PARTY TO MAKE IT STRONGER?



The thesis of the generational change is supported by current data that come from the parties themselves. Another important information provided by the consultation of the party members, was their perception on the party's needs for new blood. Two categories that were needed the most are the intellectuals and youth, - which practically in a public society are the determining groups for the quality of policy and its effectiveness. Declared by a group of members that is dominated from persons declared with higher education or by the majority belonging to the older age groups, this opinion reflects a disturbing problem on the quality of the membership and the link of the concept of education to the concept of intellectuals in the society⁸⁸.

Because this process is happening while the country is continuing to have as main political priority the achievement of standards for membership in the European Union, the new electoral and civic behavior will have greater expectations towards the political parties, on the way they operate, function, introduce, compete and exercise their constitutional and political responsibilities. The impact of the EPP and PES over member

88. Another sensitive indicator is the number relatively low of the females that take part in political parties. Only one third of the members asked in the field result females, proportion comparable with the given indicators by the political parties themselves and as reflected also in the presence of the females in the current government.

parties from Albania, the process of globalization and the expansion communication through new modern forms, is expected to have direct positive consequences towards pressuring Albanian sister parties for change and reform.

The extension of the right of vote to Albanian citizens that live in various European countries and beyond, as well as the development of an interaction system of comprehensive dialogue and partnership with parties, models, voters and institutions of western countries, will also have an positive impact, in improving the standards of functional democracy in Albania.

These external factors are expected to also influence the internal reflections on how the parties will continue to function. We have seen above how the parties generally have ignored their own statutory rules and within them there are few critical voices that give importance to them. But in public, in the media and amongst political science scholars, this problem has been raised several times as a *litmus test* that shows the public expectations over the quality of democracy that parties and political leaders offer during their mandate in the government, power and public life. This trend towards the increasing of responsibilities and public standards by the political leaders, is expected to continue to grow in the future. Always in political parties will coexist one majority and different minority groups that compete with each other, either through the votes for positions, or through the functioning rules. The perfectionning of the parties mechanisms, including transparency in their public activity, will consequently increase the chances of establishment and functioning of competing institutions within the party, of the factions and other elements that possess political power and that are the requested components for a functional internal democratic competition.

VIII. SOME PRIOR RECOMMENDATIONS

This study, while assessing the issues of Albanian parties has also presented selected best experiences, and the reference models from western democracies. Their comparison constitutes the main basis for possible recommendations for improving the functioning of internal democracy in Albanian political parties. The recommendations are classified in three groups: on the legislation on political parties; on the statutory documents of the political parties; and finally, on the political climate and political environment in which the political parties operate.

8.1. Recommendations on legislation of political parties

The use of the constitutional specifications (article 9) to the principles of organization of political parties will require a different legal and regulatory approach. The law on political parties, with all the positive developments identified in this study, does not provide answers to situations that affect internal party democracy and that bypass the principles set in respective legislation over the function, the activities and the nature of the political parties. The legislation needs further analysis and reflection so that it becomes completely applicable and functional, in order to improve and monitor the quality and competitiveness of the current party system.

Some important elements regarding party legislation that deserve attention are the treatment and resolution of issues that arise during their daily routine and that may contradict the existing constitutional principles. This also includes the many claims on the violation of statutory principles upon which are created and operate the political parties. The current legislation establishes penalizing measures, but it does not specify any responsible institution for monitoring the activity of political parties, and verifying their compliance with the requirements of the law. So far no state body has had the legal responsibility or the authority to verify the legal functioning of the parties. By not paying

attention to this aspect or by justifying its absence with the claim that members themselves can go to the courts in cases of criminal or civil complaints, no guarantees are offered for the implementation of the law and the constitutional principles regarding the operation of political parties. Judicial bodies or any other institution that will result from the expected legal changes, would have to focus on these important issues, to impose legal and organizational adaptation of the political parties within the requirements and the spirit of the law

Another important issue in the legislation that must be dealt with is the right for political parties to operate outside Albania, and especially in the Albanian communities in the world. Here the most important is the creation of representation mechanisms for the immigrants given that they constitute one third of the population in voting age. The implementation of the spirit of the law on political party activity obliges openness and public transparency for the activity of the parties even outside Albania.

An important part of legal interventions may be the further clarification and applicability of the separation between the functions and the interests of the parties with the public administration, the public funds, and the public institutions. In every election campaign since 1991, every international report criticizes the over-influence of the parties on electoral management institutions. The necessary legal changes will have to deal with this problem, so as to determine accurate dividing practices, opportunities of verification and continuous monitoring mechanisms, completed with the appropriate sanctions.

Lastly, but very important, the legislation on parties (the law on parties, some definitions of the Electoral Code and other acts that are related to financial resources and the status of the civil employee) either should be reviewed and amended with dispositions that enable their enforcement or must be revised with tendency of liberalizing party activities in relation to their duties on their internal organization. The financial transparency of political parties should not be seen as a legal obligation, but as the expression of the commitment for clarity and democratic control over the resources, for the support and long-term solidity of the political formation.

In this regard apart from the victory in the elections, the efficient management when in government, or the making of a constructive opposition, parties owe to their supporters, to the people and to international partners a clear and exhaustive explanation on the way they operate. Practically in Albania some conditions on donations to parties can be established as for example setting a maximum level for each individual / subject, the possibility for the donors to declare them to tax administration, their obligatory transfer through the banks, etc. Given the strategic importance of financial resources and of “obligations” that they cause, transparency over them is a necessary and essential condition that defines the democratic character of a political formation.

8.2. Recommendations on statutory documents of the parties

After the recommendations on intervention in the legal component, the second priority concerns their self-organization based on the principles of democracy, in the “constitution” and internal law (statute, programs, regulations and other legitimate documents). The study highlighted the large gap that exists between the written documents and their knowledge, perception and implementation on the ground. Unclear texts create space and opportunity for abuse during the exercise of the activity or the decision-making processes.

The documents on internal functioning have the importance of the constitution for the party, so defects in their conception or ignorance during internal implementation put in doubt the ability of the political party to create a legal and effective model outside, in the governance of the country. Their preparation according to the model of the best cases parties member in EPP / PES, their publication for the benefit of the members, and the citizens voters, - can be considered an emergency need with positive effects for the internal party democracy.

The revision of internal documents should include the expansion of opportunities for achieving new equilibriums among the structures accompanied with clearer separation of their responsibilities, for regular and periodic internal elections, for strengthening and expanding

the rights of members and for establishing efficient mechanisms that allow the resolution of disputes within the party institutions.

Parties need to create wider citizen consultation mechanisms, starting with their own members. Implementation of a continuous consultation system has multiple positive effects, - for the members of the party, for citizens and for the central decision-making structures. Bypassing the opinion of the base and imposing from above the political decision-making, will necessarily lead in the creation of a gap in the political confidence and will limit the level of electoral mobilization, as significantly happened with SP in 2004-2005 and with DP in 2011-2013. The need for continuous consultation brings new ideas and human potential in the party, enriches its program and makes the political forces more attractive in the eye of the citizens and in carrying out their mission as an expression of the political will of the people.

Political parties need to reform the control and correction system for the members of the party, especially the representative members in the central and local government, in such a way as to guarantee space for thinking differently and to ensure a free and effective competition process. Because of the fragile tradition of internal democracy, parties should restrict to the maximum the space for exemptions and disciplinary penalties, as a preventive measure against the growing power of the institution close to the party leader. This element will contribute towards the transformation of political parties from functioning pyramidal models into flatter functioning models with a very small distance between hierarchical structures.

In this spirit, parties could re-formulate and re-evaluate the legal position of the structures in charge of judging and guaranteeing the statutory line. Those structures should be given a clear national mandate, by transforming them in functional and independent structures, by creating easy access to their official internet sites over their activity and every decision, by facilitating the application of grievance procedures of every member, and by recognizing to them the right to apply all the functions of an internal tribunal, as a condition for the optimal application of the statute and organizational procedures.

8.3. Recommendations on improving the political environment of the action of the parties

The main factor contributing to the improvement of internal democracy remain the political parties themselves and their members. To be applicable, this approach requests identifying, imposing and sanctioning new rules of behavior, of decision making and functioning. Specific role here have the mandated political structures, especially the members of parliament. They should profit from their position to ask for the respect of the statute and other regulations in letter and in spirit, to not tolerate circumventing or ignoring practices that create new operational standards unforeseen by the party documents. The opening of an internal political debate over the necessity of basing all the party activity on the statutory and programming principles is a welcome contribution.

The parties must demonstrate their political will for change and reformation. They need be more open and transparent to the public, to create spaces where any interested individual can verify their operational norms and any member is able to express his opinion freely. Parties must apply the same standards to the same problems and to all levels of voting, and increasingly move towards the principle of voting and decision-making by the membership. The principle “*one member - one vote*” should be applied in conditions of free competition and for all positions, including the leader of the party, the local mayors, candidates for political posts in central and local government, and even on the important policy decisions that affect the political identity of the party.

A very crucial element in this endeavor is the establishment of effective and permanent mechanisms of democratic education within them such as courses, schools, publications, academic and other instruments that enable the access to and the dissemination of the best standards of democratic education to its members, as well as the increase of cultural and political knowledge of their members. Only the members that are conscious of the value of democracy, of political alternatives, of the vision and the challenges can actively contribute in the democratic functioning of the parties, and of the social strata involved in elections

such as candidates, observers or even voters. Part of this formative process should be also the partner organizations.

IX. METHODOLOGICAL CONSIDERATIONS

The methodology proposed by CDI/Shtetiweb.org for study the level of democracy of political parties in Albania, was based on two main components, a) documentary evidence of rules and regulations, and b) their implementation in the daily life.

The assessment of the legal and regulatory base of the organization and the internal functioning of the party as defined by the statutes and other similar procedures internal written, constituted the first part. The work was based on the research and the study of documentary evidences of three political parties, SP, DP and SMI. It covered the period from 1920 to provide a historic perspective.

In a second phase we assessed the implementation of statutory regulations and democratic principles of the implementation in real life of the party activity. An important goal of the consultations on the ground, was to get to know the opinions of the party members regarding the application of the rules and regulations in their daily activity. We used party documents, the official data on their implementation and we illustrated them with the conclusions from the interviews.

The study followed the steps below:

1. identification of main features of a political party organized democratically in a western democracy, focused on the main german parties. To that goal were found and highlighted a list of definitions of a party organized democratically, in an EU country (Germany);
2. identification of internal democracy indicators and relevant or related issues;
3. identification and analyzing of the statutes of the three main political parties in Albania based on the above criteria. To that goal were found and studied the statutes of the main albanian political parties (SP, DP and SMI);

4. preparation of the list of secondary documents mentioned in the statutes, verification of their existence and analyzing of their content. To that goal were searched and found the list of secondary regulations of parties, instructions, orders and other documents that complete or derive from the statutes of the parties;
5. analysis of the signs and data within the parties on internal democracy (or its absence) based on selected indicators, as for example, internal contradictions in the documents, internal decision-making procedures, transparency, conflict of interest, the degree of hierarchy, the acceptance of “differences”, the existence and transparency of rules and procedures, etc. To that goal was completed their evaluation and the preparation of the list of discrepancies that affect the internal coherence of the statutes in relation to democratic principles;
6. verification on the ground of the degree the implementation of these indicators, by observing the activity of political parties, through face-to-face interviews as described in a questionnaire directed to the members of the party.

For the field study a questionnaire was prepared and tested in a small sample of party members. It served as a basis for the orientation of the interviews and the production of the illustrating quantitative information. A qualified pollster trained the interviewers. The results of the interviews were randomly checked and the non-satisfactory ones were discarded.

The consultation of the party members followed the “*purposive sampling*” methodology. Purposive sampling is defined as a non-random selection of participants on purpose. The variables to which the sample is drawn up are linked to the research question. The identification of interviewees was done through “*snowball sampling*” technique, defined as the case when existing participants propose future subjects from among their acquaintances. Thus the sample group appears to grow like a rolling snowball. This technique was used because of the impossibility of obtaining the complete list of the target population i.e. membership list of each of the three parties SP, DP and SMI. It should be mentioned that its weaknesses consist in the potential for possible biases, e.g. participants with many friends are more likely to be selected; the researcher bias as it involves deliberate choices

etc which were reflected in over-representation of the urban areas and superior education; and the difficulty of obtaining anonymity between participants, as illustrated by the refusal to participate.

In any case the opinions gathered serve only for illustration and not as a statistical representation of the membership of the studied parties.

In the national consultation were included 351 individuals, 117 for each political party, respectively SP, DP and SMI. In this number one third (or 117 individuals) are members of the National Assembly (National Council) of SP, DP, SMI (such as deputies, members of presidency and high central and local leaders, elected and mandated by these political parties). The other 234 respondents (or 66.7% of the total) are simple members of political parties. By party, the number of persons questioned with the status “member of assembly / national council” in SP, DP, SMI is respectively 34%, 31% and 35%, the rest in reports 65-69% belongs to the simple members of the respective parties. It is important to note that the persons involved in the questionnaire result to be activists with experience in the respective political parties with the average 10.1 years of membership in political party.

The member list was developed on a national scale, respecting the regional distribution and in proportion to the number of members of parliament of each region in the last parliamentary elections (2013). For example, the largest number of interviews was conducted in Tirana region with 21%, followed by Fier 12.8%, Elbasan with 10.3%, and so on up to Kukës district by 2.7%. This figures figures match the weight of official legislative regional representation in the Albanian parliament. By the social status, it results that 68.7% were males and 31.3% females, while the representation of age groups is varies 29-34% for the ages of 18-30, 31-45 and 45-60. Over 60 years-old are only 3.4% of the sample. In total about 60% of the respondents are employed, 12% self-employed, 25% unemployed and the rest retired.

More data on the profile of the party members interviewed in this study can be found in the portal www.shtetiweb.org.

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Interview roadmap

**Observing the Internal Democracy
of Main Political Parties in Albania**

QUESTIONS

Region:

Member of Assembly – Council – Simple member:

The interview started: date: _____ / hour: _____

Part 1. Participation of members in internal decision-making

**WHEN WAS LAST TIME THAT YOU WERE CONSULTED FROM
THE PARTY STRUCTURES OR VOTED:**

- This year (from January 2014
- Last year (2013)
- During the last three years (from 2010-
- During last 5 years (from 2008-
- I have never voted

**WHICH STRUCTURE TAKES The MOST IMPORTANT
DECISIONS IN YOUR PARTY ?**

- Presidency
- Parliamentary Group
- Leader
- Party Secretariat
- Wide membership

- Council / Assembly
- Other

HOW MANY TIMES HAS THE NATIONAL COUNCIL / ASSEMBLY MET DURING THE LAST FIVE YEARS

- Twice a year
- Three times a year
- Once a year
- Never
- There are no fixed rules
- I don't know

HOW HAVE YOU REACTED WHEN THE ELECTED HAVE KEPT THE POSTS AFTER THE EXPIRY OF THEIR MANDATE?

- I have waited the instructions of the center
- I have required the implementation of the articles of the status
- I have required meetings and new elections
- We didn't have such cases
- I am not interested

Part 2. Transparency and order in internal elections

WICH STRUCTURE OF THE PARTY SELECT THE DELEGATES FOR THE CONGRESS / ASSEMBLY ?

- Wide membership through vote
- The local convention
- The delegate from the center
- The office of party organization
- I don't know

WHAT IS THE DURATION OF THE MANDATE OF THE DELEGATES OF CONGRESS/ ASSEMBLY IN YOUR PARTY?

- Between two congresses / assemblies
- Is 4 years
- Other
- I don't know

Part 3. Availability, transparency, easiness of finding and respect for the basic documents

AMONGST YOUR OWN PARTY DOCUMENTS, YOU HAVE READ:

	YES	NO
• The statute	<input type="checkbox"/>	<input type="checkbox"/>
• The programme	<input type="checkbox"/>	<input type="checkbox"/>
• Other party document (specify)	<input type="checkbox"/>	<input type="checkbox"/>
• I am not interested in any of them	<input type="checkbox"/>	<input type="checkbox"/>

WHICH ARE THE STATUTE RULES THAT YOU USE THE MOST IN THE PARTY LIFE:

- Article of the statute
- That's an issue for the high party bodies
- Other (specify)
- I am not interested

WHEN YOU NEED CLARIFICATIONS, WHERE CAN YOU FIND AND CONSULT THE STATUTE/ THE PROGRAMS/ THE REGULATIONS ETC?

- At the party section
- In the internet

- The boss explains it to me
- I am not interested
- Other

WHICH INTERNAL ACT YOU KNOW BETTER:

- The regulation X
- The internal order X
- The organizational practice X
- I know other by-laws
- I don't know any

Part 4. Balance amongst political, economic and social demands amongst the party base and general population

THE MOST FREQUENT ISSUES DISCUSSED IN THE MEETINGS OF THE SECTION, ARE:

- The problems of the population of the neighborhood/ village/ the unit
- Political attitudes against the other party
- Election strategies
- The instructions from the center
- The employment of the members
- Other
- We don't do meetings

DO QUOTE A PERSONAL PROPOSAL OR FROM THE BASE THAT HAS BEEN CONSIDERED BY THE PRESIDENCY?

- The proposal X
- None
- We have not proposed any
- It is not our task to propose

Part 5. Employment of party members in public administration

HOW IS DECIDED IN YOUR PARTY FOR THE EMPLOYMENT IN PUBLIC ADMINISTRATION?

- This is the power of the deputy
- The minister decides
- The Head of the Municipality / Commune decides
- The Office of Personnel of the Party decides
- No one helps us
- Only relationship works
- Other
- I don't know

WHO DO YOU THINK SHOULD CONSTITUTE THE MAJORITY OF THE EMPLOYEES IN PUBLIC ADMINISTRATION?

- members from your party
- members of rival parties
- members from ally parties
- people without party
- the more qualified

TO WHAT HAS HELPED THE YOUR MEMBERSHIP IN THE PARTY:

- Career advancement
- Children's education
- The increase of income
- The increase of knowledge
- Achievement of ideals
- Other

Part 6. Oversight & control of government

HOW DO YOU GET TO KNOW THE DECISIONS OF THE GOVERNMENT / OPPOSITION

- Through my friends / party colleagues
- Through internal communications channels of the Party
- By the meetings of party structures
- By the media / internet
- I am not interested

HOW DO YOU EXPRESS YOUR OPPOSITION TO THE GOVERNMENT POLICIES / ATTITUDE OF THE OPPOSITION?

- Verbally in section meeting
- Written to the governing bodies
- I go to in media
- Direct by sms to the high leaders of the party
- I don't know
- It is not my job

Part 7. Role of the Leader

YOUR LIDER:

- Is chosen democratically
- Functions in a democratically
- Decides after consultation with the base
- Decides after consultation with his advisers
- Is always right
- Is not democratic

ARE YOU AWARE OF ANY OCCASION WHEN THE LEADER HAS CHANGED A DECISION PREVIOUSLY ADOPTED BY THE COMPETENT PARTY STRUCTURES ?

- Yes, the case X
- No, I am not aware of any
- Such things should not happen
- It is the right of the leader to have the last word

QUOTE A CASE WHEN THE PROPOSAL OF THE LEADER HAS NOT BEEN SUPPORTED IN THE NATIONAL COUNCIL / ASSEMBLY:

- The case of: _____
I have never heard of:
- There is impossible for such thing to happen
I don't know

WHAT DOES THE STATUTE SAY ABOUT THE DURATION OF THE MANDATE OF THE LEADER ?

- It is for four years, with the right to be re-elected once more
- It is twice with the right to be re-elected
- Is changeable depending on the needs of the party
- It is not defined
- I do not know

FOR HOW LONG, YOU THINK, THE LEADER SHOULD REMAIN AT THE HEAD OF THE PARTY ?

- As long as he can do it properly;
- Maximum two mandates
- Every time he wins the elections;
- Other: _____
- I am not interested in this issue

WHICH IS THE MOST IMPORTANT FEATURE THAT AN IDEAL PARTY LEADER MUST POSES:

- Creates / keeps a democratic spirit in the party
- Is respected by international partners
- Brings / keeps the party in power
- Keeps his electoral promises
- Is a good politician

Part 8. Representation of different groups inside the party

INDICATE THE GROUP THAT SHOULD BE PROMOTED WITHIN YOUR PARTY TO MAKE IT STRONGER?

- Women
- Ethnic minorities
- Farmers
- Workers
- Intellectuals
- Youth
- Rom
- Other
- Our party is very good as it is

DO YOU HAVE IN PARTY ANY WOMAN THAT YOU CAN SEE HER AS A PARTY LEADER / PRIME MINISTER

- At least one
- At least two
- At least three
- I do not see any

Part 9. Channeling the tensions & social problems through legal & institutional ways

THE LAST MANIFESTATION IN WHICH YOU PARTICIPATED, WAS ORGANIZED BY:

- Your party section
- Your party headquarters
- Another party
- Was not a party organization
- I did not participate in these vents

Part. 10. Conflict resolution and internal dialogue

WHAT OPINION DO YOU HAVE ABOUT THE CREATION OF MINOR CRITICAL GROUPS / FACTIONS IN COUNCIL AND PRESIDENCY

- Increases the internal democracy
- Promotes the competition
- Increases the transparency and decision-making
- Creates disruption
- Damages the public image of the party
- Creates parallel structures

WHAT HAPPENS IF A PARTY MEMBER PUBLICLY EXPRESSES ITS OPPOSITION AGAINST A DECISION FROM THE TOP

- The individual opinion is respected
- The party is publicly distanced his / her statement
- Hi should have kept his reaction inside the party
- Disciplinary measures should be taken up to the exclusion
- I don't know

HAVE YOU EVER VOTED THE EXCLUSION OF A PARTY MEMBER ?

- Yes, because
- No, because

DO YOU KNOW THAT IN YOUR PARTY THERE IS A STRUCTURE (THE INTERNAL TRIBUNAL) WHERE YOU CAN COMPLAIN WHEN YOUR RIGHTS AS A MEMBER ARE VIOLATED ?

- Yes, and is functional
- Yes, but is fictitious
- We don't have any in our party
- We don't need such structure
- I don't know

Part 11. Internal transparence

HOW ARE YOU INFORMED ON WHAT HAPPENS INSIDE YOUR PARTY ?

- Media – press conference of the party
- Media / general
- Party internal instructions
- Special publications
- Internet
- Meetings organized on purpose
- Other sources

HAVE YOU EVER PARTICIPATED IN THE VOTING ONE MEMBER – ONE VOTE ?

- Yes, last time was on:
- No, I have never voted, including one member – one vote

INDICATE THE ANSWER YOU PREFER TO THE QUESTION: “I WOULD LIKE THAT THE MEMBER OF PARLIAMENT FROM MY PARTY TO BE”:

- Voted from membership:
- Appointed by the Leader
- Voted by the Assembly / council
- I don't know

WHO SHOULD DECIDE FOR THE PRE- ELECTORAL COALITIONS, WHEN THE DECISIONS IN THE PARTY ARE TAKEN BY THE MEMBERSHIP

- The membership
- The presidency
- The assembly
- The leader

WHO SHOULD DECIDE FOR THE POST- ELECTORAL COALITIONS, WHEN THE DECISIONS IN THE PARTY ARE TAKEN BY THE MEMBERSHIP

- The membership
- The presidency
- The assembly
- The leader

WHO SHOULD DECIDE FOR THE PROGRAMME OF THE PARTY

- The membership
- The presidency
- The assembly
- The leader

COMPARED TO THE RIVAL PARTIES, I CAN STATE THAT:

- In my party has more democracy because: yes no
- Our Leader is more democratic, because: yes no

PART MEMBERS THAT CAME FROM THE BUSINESS, STRENGTHEN / DAMAGE:

- The finances of the party yes no
- Party reputation yes no
- The electorate party yes no
- Internal democracy yes no

Part 12. Financial transparency

QUOTE THE SOURCE OF THE GREATER FINANCING OF YOUR PARTY?

- private donors
- the state
- membership fee
- economic activity of the party
- bank credits
- foreign aid
- I don't know

HOW MUCH DO YOU PAY AS ANNUAL QUOTE A YEAR ?

WHICH IS THE LAST YEAR FOR WHICH YOU HAVE PAID ?

Part 13. General profile

GENDER: male female

AGE GROUP:

 i. 18 – 30 ii. 31 – 45 iii. 45 – 60 iv. 60 +

EDUCATION

- Primary
- Elementary
- High school
- University +

EMPLOYMENT STATUS

- Employed
- Self-employed
- Unemployed
- Retired

MEMBER OF THE PARTY SINCE: _____

MEMBER OF:

 SP

 DP

 LSI

The interview ended on: