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ELECTORAL SYSTEM AND ITS IMPACT ON POLITICAL PARTIES IN ALBANIA

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Purpose: Political parties are an important element of the development of a democratic system. Electoral systems affect democratic systems today. Both are elements which give the system either democratic character or authoritarian or dictatorial. In Europe and elsewhere there are known totalitarian, communist, fascist systems, etc.. In these systems there have been operating different electoral systems and always has been the authority of a single political force. Exactly even Albania in 45 years has been under a single party. By changing the system it also changed the concept for political rights and freedoms. The further electoral systems gave assistance to the appearance of more than one political party in Albania.

Research Methodology/Approach: In this paper we will focus on how the electoral system has contributed to political parties. In brief we will see that electoral systems that have been operating in Albania after the Independence in 1912. In parallel with the progress of the electoral system in Albania the development of political parties has progressed too. With the guarantee of human rights and political freedoms after 1991 and the most comprehensive coverage in the Constitution of the Republic of Albania in 1998 of the political parties, they are now highly developed. Through the comparison method, we will emphasize those elements that have changed the political parties since their genesis.

Findings: What serves as findings is the fact that in the history of political parties in Albania they have not always had the role of the sister parties throughout Europe. Albania has gone through two stages in the communist system where only one party was known and the democratic system where political pluralism was known. From this point of view emerge even peculiarities of the political system in Albania.

Value: Values of this paper consist in the fact that it is an original work based on different historical facts that have influenced the development of political parties. Highlighting the role of political parties as an important promoter of state functioning makes this an important study. All political game is organized by political parties themselves which with their own candidates influence lawmaking, decision-making, other acts emerging from the central government. Moreover, the different electoral systems play an important role of course.

Paper type: Academic Research Paper

Keywords: electoral system, constitutional, political parties, political system, state.

Introduction

Before treating the influence of political parties on the electoral system we should explain what should be understood by election according to the Electoral Code and the political parties according to law no. 8580, dated on 17.02.2000 "On political parties".

In Article 2 of the Electoral Code of the Republic of Albania in 2008 it is defined that: "elections are voting for the Assembly, local government units and referendums". While Article 1 of Law no. 8580, dated on 17.02.2000 "On Political Parties" it states that: "Political parties are voluntary unions of citizens on the basis of ideas, opinions or beliefs of common political interests, which tend to affect the life of the country through participation in people choice and representation in elected bodies of power".

If we refer to the Electoral Code we see that elections are voting for the Assembly. The Parliament is a political body which is composed of political parties. Through elections the political parties send their representatives in Parliament. On the other hand even in the law on political parties, two of the aims of political parties are participating in elections and representation of people in elected bodies of power. Thus the connection between elections and the electoral system with the political parties is too close because depending on the functioning electoral system there will be the categorization of political parties, or will be decided how many parties will enter parliament, etc..

While the Italian authors provide such a definition to the electoral system "set of rules that express the transformation of preferences of votes into seats in parliament¹." This definition includes two elements, the possibility that the ballot allows voters to express their preference and the consequences of these preferences in taking positions for which is voted.

If we look at history, political parties have not been as developed as they are today. They have existed as political groupings in ancient Rome or Greece. In classical liberal period they have been treated as parliamentary groupings: "The Right" or "The Left", deprived of a real strength in the country. Later this era was followed by the extension of the franchise and the transformation of political parties from organizing elite groups into the real measures party. The latter are characteristic of modern states.

All this led to the necessity of constitutional recognition of political parties as an important social formation which happened for the first time in Italy with the Constitution of the Second World War². Later sanctioning in the constitutions spread in all countries of Europe. Even works on political parties at the beginning of the XX century have been scarce. Thus the famous author Giovanni Sartori in his work "The parties and the party system" stated that

¹ Baldini G., Pappalardo A., "Sistemi elettorali e partiti nelle democrazie contemporanee", 2004, fq. 3.

² Omari L., Anastasi A., "Constitutional Law", Tirana 2008, pg. 175.

there was a huge shortage of work for political parties despite initial work of Duverger in 1951.

Political parties are an intriguing phenomenon. They intrigue interests of people in the organization of the political parties, in increasing political participation in decision-making in an attempt to gain power, in promoting the national interest in protecting their rights. Research on parties includes abundant writings by foreign authors, the reason of which lies mainly in the desire of a researcher to analyze the study of political parties from a distinctive perspective or simply better than other researchers. Despite the fact of the few works about parties as mentioned by Sartori, different authors have given different definitions about parties. Lord James Bryce defines political parties as "organized bodies with voluntary membership, their shared energy in pursuit of political power."

Max Weber defines a political party as "a voluntary organization for propaganda and agitation, seeking to acquire power in order to achieve objectives, goals or personal advantages or both". Edmund Burke thought the party as "a group of men who had agreed on a principle that national interests were the priority." Leon D. Epstein (1967: 127) argues that the political parties understand "each group, however loosely organized, in search of choices that government posts under a certain label³."

This variety of definitions shows that it seems difficult to present a universal definition for the parties. Each of these authors is based on a certain element, but mainly political parties have some common elements, which is the organization, purpose, ideology, etc.. Of course in this matter it also plays an important role the electoral system or rather the electoral system and political parties are in parallel.

During the years 1912-1939

Until 1912, Albania was an occupied territory and under Ottoman administration. In the years 1908-1912 two last electoral processes of the Ottoman Empire were organized. At that time, Albania was divided into four electoral districts, Albania of today in two areas, one area based in Skopje and one in Kosovo⁴.

In all aspects of these elections do not result to have had any of the features of modern elections. Officially there were some political groups and associations, mainly based on regional and religious divisions. In these elections, especially in 1912, there were two candidates list, a list of candidates proposed by the Ottoman and another list of candidates that should not be elected. There was no list of voters, the majority of the population did not

³ Shafer E. Byron., Leon D. Epstein, "*PS: Political Science and Politics*", nr. 4, vol. 39, pg. 937

⁴ Bufi Y., "*The Temple of Democracy*", Tirana 2010, pg. 137.

have the right to vote. Elections were held with two or three rounds and the winning list of candidates was approved by senior levels of the Empire.

In 1912, Albania had started a nationwide movement for secession from the influence of the Ottoman Empire. The National Assembly was gathered in Vlora Albania and declared her independence on 28th November 1912. The Assembly addressed to the chancelleries of great powers to recognize the Albanian state as an independent state⁵. This marked a new era for Albania where the political and territorial administration would be required to be made by the Albanian authorities and citizens. However the influence of the Ottoman Empire could not disappear so easily and its remains were seen to the Organic Statute of 10th April 1914. Under this statute, Albania was a monarchy with a prince to come from the outside and even this statute was granted by the Great Powers.

From 1912 to 1920 we cannot speak about electoral or political party system. In this year when the Statute of Lushnje was adopted (1920), on 12.05.1920 there was adopted even an electoral law which was called "For the election of representatives." On the basis of this law were held the first elections for the National Council in 1921. It envisioned a two-tiered election system where women were not entitled to vote. This law had significant shortcomings and left the issue open for further improvements. The law did not foresee any way for the regulation and functioning of political parties.

On 30th September 1923 it was adopted a new law on elections in the Constituent Assembly. This law decided direct voting as well as electoral age was determined. While on 23rd February 1925 the Law "On election of the Chamber of Deputies was adopted". Even this law as former ones sanctioned universal male voting by not stipulating the right of women to vote. Under this law, electoral districts were divided and placed under prefectures, defined the modalities of election, voting procedures, conditions of being a deputy⁶ etc.. Even in this law there was not devoted any particular significance to political parties. This law remained in force until 1939.

So from 1912 to 1939 by the election laws that were created in those years there was no specific prediction for political parties and their role in the election. And that was because the political parties themselves in Albania in this period were not yet crystallized. Some patriots' movement occurred outside the borders of Albania. A political organization was created in the U.S. and various political societies in Turkey, Italy, Belgium etc.. These organizations abroad kept alive the Albanian tradition and culture. The most organized group was "Vatra" operating in the U.S.. It was created in 1912 and its first president was Fan Noli and Faik

⁵ Anastasi A., *"The political institutions and the Constitutional Law in Albania (1912-1939)"*, Tirana 1998, pg. 17.

⁶ There pg. 144-145.

Konica later.

In Albania there were some movements in the period of the works of the Congress of Lushnja of 1920. For this historical period of Albania's development speaks an author Bernd Fischer, who notes that the Albanian political parties and parliament were born in an unknown terrain, in difficult circumstances in terms of historical and a lack of democratic experience⁷. Despite such difficulties it was getting difficult to create a suitable ground for the emergence of genuine political parties. So after the Congress of Lushnja a law was approved about political parties. Immediately after the adoption of this law on October 10, 1920 a group of MPs came up with a political program under the name of "National People's Party"⁸ with key leaders Fan Noli and Ahmet Zogu, but later the party was under the leadership of King Zog.

At the moment when the Zog's efforts to strengthen his personal power became public many supporters in the party as well as the party opposed him. Some of these members, who disagreed with the National People's Party program and thoughts of Zog, announced the creation of a new political party which was called Progressive (Democratic) Albanian Party. However, except for the Popular Party and Progressive Party it was created even a different political group called "Holy Union" or "Sacred Union". Much of the three groups had similar programs⁹.

So mainly the political parties that were pointed out in this period were the People's Party and the Progressive Party. The truth is that the People's Party and the Progressive Party were not built and operated as a party, neither in structure nor in their activities. They did not also managed to create local party structures, build structures and implement a parliamentary election process within itself. Author Bernd Fischer says, "*can not be called real parties since both present a vague program and cannot be distinguished from each other based on their constituents*"¹⁰. This situation would continue until December 1923 when elections were confirmed by two new political forces, the People's Party (Governmental) of Zog's and the Democratic Party of Noli. In 1928 when Ahmet Zog came to power he eliminated all opposing forces by obliging them to emigrate abroad. By law, Zog did not allow the creation of other political parties in order to have all the power himself.

Until 1939, there was no new development on the electoral system and on political parties. Their existence and function was poor as Faik Konica stated: "*These are headless parties, bodiless and especially breathless*"¹¹.

⁷ Fischer J. B., "Albania at war, 1939-1945", Purdue University Press, korrik 1999, pg. 49.

⁸ Dervishi K., "The history of the Albanian State 1912-2005", Tirana 2006, pg. 115.

⁹ Anastasi A., "The political institutions and the Constitutional Law in Albania (1912-1939)", Tirana 1998, pg. 47

¹⁰ Fischer J. B., "The King Zog and attempts for stability in Albania", Tirana 1996, pg. 57.

¹¹ Konica F., "The Comedy of Parties", "Dielli", December 1923, pg. 14.

In the years 1939-1944

Before 1939, about in 30s when there was a risk of fascist invasion were spread the communist ideas¹². In the years 1935-1936 the Albanian communists abroad tried to join political groups and migrant Albanian workers to establish the fascist National Front. This was a positive initiative in terms of eve of the World War II. According to the French experience of this period, the Popular Front would unite all Albanian nationalists to protect the country's independence. All political groups of Albanian immigrants adhered to the Front, with the exception of Mustafa Kruja. His program included: the establishment of a democratic republican regime, carrying out agrarian reform, repeal of all economic concessions etc. Despite efforts, the Democratic Front did not become an efficient organization.

On 7th April 1939, Albania was occupied by the fascist Italy. The Assembly headed by a former official from the former regime, Xhafer Ypi, took a decision prepared by the Italian Ministry of Foreign Affairs, which announced the fall of the monarchy of King Zog and its abrogation of the Constitution. The main aim of the Italian occupation was the annexation of Albania so the Italian rulers tried to italianize everything in Albania¹³. In this period we can not talk about the existence of the electoral system and the political parties since the conqueror decided its political organization.

So on June 2, 1939 the Fascist Party was created in Albania modeled after its counterpart in Italy. The Albanian Fascist Party was a branch of the Fascist Party in Italy¹⁴. The program this party unveiled was for a larger Albania including Kosovo, but in reality the party failed to extend its influence throughout the country.

Only on September 16th, 1942 Peza Conference was held which elected a National General Temporary Council of 7 members, a body which had political, but practically with a limited activity¹⁵. This was the only time that could be talked about political activity independent of the conqueror.

In the years 1944-1990

After the end of World War II even Albania as well as Europe underwent the process of development and the country's post-war recovery. While most of Central and Western Europe were oriented towards a development of democratic and pluralist party, Albania was oriented towards communist eastern countries experience and specifically towards the expertise of the

¹² There, pg. 92

¹³ Kallis A. A., "*Fascist Ideology: Expansionism in Italy and Germany 1922-1945*", London 2000, pg. 53.

¹⁴ Wikipedia, U.S. Library of Congress, Country Study, Albania.

¹⁵ Omari L., "*Parlamentary system*", publications of "Elena Gjika", fourth edition, pg. 197.

former Soviet Union. The ideas of Marx, Engels and Lenin made that in the former Soviet Union to be placed the communist system based on class division and the dictatorship of the proletariat. These principles were adopted well by the Albanian government after the war.

From 24th to 28th May 1944 the I Congress was held, National Liberator Anti-fascist one in the town of Permet. The congress elected the Anti-Fascist National Liberation council as the main legislative body as well as the Anti-Fascist National Liberation Committee with all the attributes of an interim government. Since the first day of creation the Anti-fascist National Liberation Council worked to establish a genuine communist dictatorship in Albania¹⁶.

Elections for the Constituent Assembly were held on 2nd December 1945 under the procedure set forth by the electoral law. The electoral law sanctioned the majoritarian system where the candidate with a relative majority of votes won. In this elections took part around 90% of voters and over 93% of them voted for candidates of the Democratic Front.

The Democratic Front was the only political body led by the Communist Party. This body (Democratic Front) was democratic only in name because its actions it obstructed the way of creating other political groups, it sanctioned the communist system which inevitably lead to a completely totalitarian and repressive regime¹⁷.

On January 11th, 1946, the Constituent Assembly which was elected in December 1945 abolished the monarchy and proclaimed the People's Republic of Albania. For the first and last time the Constituent Assembly had a genuine opposition, but was quickly knocked by communist methods. On March 14th, 1946 the Assembly adopted the first Constitution in Albania¹⁸. This constitution was the prelude to the start of operation of communism in Albania.

The new government was created in spring with Prime Minister Enver Hoxha and the Constituent Assembly became the National Assembly.

The new constitution was adopted on 28th December 1976 by the National Assembly and declared Albania People's Socialist Republic based on the dictatorship of the proletariat. The Constitution was stated that : "*The National Assembly determines in accordance with the general line even the objectives of the Labour Party of Albania, the main directions of internal and foreign politics of the state.*" So, after the 1976 the Communist Party whose name changed in the first congress into the Labour Party of Albania was strengthened even more. The goals of the party and later of its general secretary, Enver Hoxha were drowning any attempt to create other parties in Albania. This was written in the Constitution and in the

¹⁶ Wikipedia, U.S. Library of Congress, Country Study, Albania.

¹⁷ Omari L., "*Parliamentary system*", publications of "Elena Gjika", fourth edition pg. 202.

¹⁸ Anastasi A., "*Constitutional Law*", series of lectures, Tirana 2004, pg. 51.

article 3 of it was determined that : " *The Labour Party of Albania is the only political force leading the State and society.*"

The meetings of the National Assembly had no political debate. By eliminating the opposition group led by Riza Dani disappeared once and for all the possibility of any opposition not only against, but simply opposing the National Assembly¹⁹.

Through one-party regime, the former dictator Enver Hoxha established his absolute power in Albania violating any rights and fundamental freedoms, disposing and interning all of those labeled as agents, traitors, but who were only people against the dictatorship. Everything was focused on the state party and around the dictator Enver Hoxha. Even the electoral laws that were adopted in this period were under the function of the communist principles.

The electoral laws that were adopted in this period were the law no. 1017, dated on 20.01.1950, "On Elections of People's Assembly", Law no. 2624, dated on 17.03.1958, "On Elections of People's Assembly", Law no. 4121, dated on 03.17.1966, "On Elections of People's Assembly".

After 1990 until the present day

The student movement in December in 1990 opened a new page in the history of Albania. Pluralism became a reality in Albania, but this time in more favourable conditions than those when the independent Albanian state was recovered after the Congress of Lushnje.

In November of the year 1990 was made a change in the last electoral law mainly to allow the submission of candidates for deputies even from the *measures` organizations* (youth organizations, women, writers, etc.), changes aimed at creating a pluralistic image. Only after the legalization of political pluralism in December of 1990 (Decree 7442, dated on December 17, 1990 "On the creation of political organizations and associations"), the electoral law underwent some changes in order to allow the competition of new opposition political formations in the March elections of the year 1991.

The first multiparty elections of 31st March 1991 were held under the majority system, inherited by the communist regime, which favored the Labour Party, which was holding the reins of power. In these elections, which were attended by around 98.92% of voters the Labour Party won again, but that was followed by a significant percentage of the Democratic Party. The first pluralistic Parliament was convened on 15th April 1991. The Democratic Party proposed in parliament the establishment of a set of laws and not to hurry with the creation of a constitution. This proposal was accepted in Parliament and on April 29th was approved the Law no. 7491, dated on 29.04.1991 "*On the main constitutional provisions.*"

¹⁹ Omari L, "*Parliamentary system*", publications of "Elena Gjika", fourth edition, pg. 205.

This law played the role of a constitution in Albania until 28th November 1998.

The first pluralistic Parliament on February 4th 1992 adopted the Law *"On elections of the National Assembly of the Republic of Albania"* (Law No. 7556). The adoption of this law, which completely changed the electoral system, was preceded by a change in the Law on Major Constitutional provisions, Article 17, first paragraph, which sanctioned the composition of the National Assembly of 250 members²⁰. Under this law, the National Assembly shall be composed of not less than 140 members, of which 100 would be directly elected by the majoritarian system based on a single-member list for each party. And 40 other members would be elected by the proportional depending on the percentage of votes each party would receive. In each area, the winner candidate was the one who received an absolute majority of votes in the first round.

On 22nd March 1992 preterm elections were held in which the winner was the Democratic Party and after it were ranked the Socialist Party, the Social Democratic Party, the Union of Human Rights and the Republican Party.

In February 1996 an amendment was made to the electoral law of 1992. In this change was defined a limit to be represented in the parliament which for each party would be 4%, whereas for the coalitions with two parties 8% and for coalitions with more than two parties the percentage of limit increased for each party with 4%. On the basis of the electoral law of 1992 as amended in February 1996, new elections were held on 26th May 1996.

The winner in these elections was the Democratic Party again. The parliament would be built in such a way, the Democratic Party 122 MPs, 10 MPs the Socialist Party, the Republican Party 3 MPs, the party of Union of Human Rights 3 members and National Front 2 members. The Albanian parliament because of the current situation in Albania during 1996-1997 on May 16th, 1997 approved an amendment to the election law. According to the amendment the National Assembly would be consisted of 155 members, 115 elected through the majoritarian system and 40 members elected through the proportional system.

To gain additional seats at national level the minimum threshold of votes received was reduced from 4% to 2%. The preterm elections were held on June 29th 1997. Beyond the uneasy situation in Albania due to the riots that occurred and the arming of the population, these elections were conducted smoothly. The foreign observers considered these elections as acceptable and appropriate²¹. The winning party in these elections was the Socialist Party and after it was ranked the Democratic Party. In parliament also participated the Legality Party, the Democratic Alliance Party, the Union for Human Rights, the Social Democratic Party, the Republican Party, the National Front party in total 13 political parties.

²⁰ Bufi Y., "The Temple of Democracy", Tirana 2010, pg. 140.

²¹ "Albanian Human Development Report" 1998, publication of PNUD (UNDP), Tirana, pg. 66.

On 28th November 1998 was enacted the coming into force of the Constitution of the Republic of Albania which was approved in Parliament and by referendum. Under the Constitution, the electoral system would be majoritar corrected where 100 deputies would be elected by the majority system and 40 members by proportional. A political party to take part in the Assembly should have won 2.5% of the votes while the coalition parties should have reached to a limit of 4% of votes. However, the exact formula for the calculation of the seats in parliament became clear with the Electoral Code of 2000 that was implemented in the general elections of the year 2001. In that election the winning party was again the Socialist Party with 73 seats. The Democratic Party won 32 seats and the other parties further. This parliament had a total of 12 political parties.

The Electoral Code was changed again in 2003, and elections were held in a round in which the candidate who received more votes than others was the winner, but not necessarily an absolute majority. On July 3rd, 2005 the next elections were held where the winner was the Democratic Party. In the new Parliament the Democratic Party would have 56 members, 42 members of the Socialist Party, the Republican Party 11 MPs, the Social Democratic Party 7 MPs, the Socialist Movement for Integration 5 MPs etc. The Assembly was composed in total of 13 political parties.

After the objections raised by international organizations and their recommendations for new changes in the Electoral Code before the elections of 28th June 2009 , after much debate in the Assembly, especially outside of it, it was made possible to adopt a new electoral code on November 18th of 2008²². The approval was based on an agreement reached between the two major parties, Democratic and Socialist. Before changing the Electoral Code was amended the Constitution of the Republic of Albania on 21st April 2008. The electoral system changed from a mixed system into a regional proportional system since deputies would not be elected on the basis of a single list on a national scale, but on the basis of multi-name lists in various electoral areas. Even in the elections of 28th June 2009 the winning party was the Democratic Party. In these elections decreased the number of political parties that participated in the Assembly, from 13 which were after the elections of the year 2005 into six parties in the elections of the year 2009. These parties were the Democratic Party with 68 MPs, the Party for Justice and Integration and a member of the Republican Party (in coalition with the DP) , LSI 4 MPs , 65 MPs Socialist Party and Union Party on Human Rights (the coalition with SP) 1 MP²³.

The elections that were expected to be held in June 23, 2013 were elections, which more than ever would have a greater monitoring of their performance. In meeting the conditions for EU

²² Omari L, Anastasi A., "Constitutional Law" (re-publication), Tirana 2010, pg. 282.

²³ www.cec.org.al

integration and is even the implementation of fair elections in accordance with the law. After the elections on June 23rd, 2013 the winning coalition was the one of the Socialist Party which would be represented by 84 deputies in parliament and the coalition led by the Democratic Party would be represented by 56 deputies. In these elections were 68 registered political parties to contest and won the right to participate in the Assembly only seven political parties, SP, DP, SMI, PR, PJIU, HRUP DPA. These elections were praised by the international bodies as normal and within the required standards.

Conclusion

The political parties in Albania as well as in Europe have not been developed since the first moments of their creation. Around 1900 and subsequently had occurred several events of a political nature, but had no organization of today's parties. Along with the historical development the political parties were developed in Albania too. Along with this development, evolution has undergone even the electoral system, when during the years of independence could not be talked about a system or electoral law with democratic features. At that time only a few electoral laws defined rules and modalities for the counting of votes. Certainly greater development political parties and election laws throughout Europe took after World War II. And in Albania was expected something like that, but that did not happen as in Europe. Albania during the Communist regime went a step backwards in relation to the rights and political freedoms. In that period the electoral law defined the modalities of elections for the only party that existed ; the Labour Party of Albania.

Greater development the political parties and the electoral system got after 1990, when Albania underwent processes of democratization. From 1990 the electoral law and the electoral system in Albania have changed, that change is reflected in political parties. It seems at first glance that the electoral system and the electoral law does not affect on political parties, but in fact affects the electoral system and determines the number of political parties to be introduced in parliament. In Albania has acted the majority system, majoritarian with proportional elements and vice versa and recently the current system which is regional proportional.

Before the new Electoral Code was adopted in 2008, the electoral system in Albania was a mixed system, majoritarian with proportional elements. This system favored a greater participation of political parties in parliament, and as practice shows that the 2001 elections were 12 political parties participating in parliament and in the 2005 elections, 13 political parties. After changing the electoral system into regional proportional, mainly the political

current focused on two majorities in parliament that consisted of 6 or 7 political parties like the practical cases in the elections of 2009 and 2013.

So today it is important to realize that the electoral system affects significantly the number of political parties participating in the parliament. It is also important to realize that the democratization of a country is reflected in the electoral system and the consequences come to political parties. The opposite example of this is monistic Albania when there was only one political party and a real example of democracy is the system in Albania nowadays.

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