

# *Holding “free and unfair elections”: the electoral containment strategies used by incumbent political parties in Albania to secure their grip on power*

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## **Abstract**

*The purpose of this article is to highlight the clientelistic strategies and informal practices that the ruling political parties in Albania use during the elections to ensure an unfair advantage in their favour over the opposition challengers. One of the main characteristics of the political developments of the transition period in Albania since 1991 has been the flourishing of informal practices and clientelist networks of political parties within state structures, which has produced an extreme politicization of these*

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*institutions. These strategies that in general terms we label as “clientelistic” and that have been used to a large extent by the incumbent political parties have had a direct negative impact on the conduct of free and fair elections in Albania by distorting their main goal: to reflect the will of the people. This is because such clientelist strategies, together with the informal practices/mechanisms that accompany them, have influenced the creation of an unlevelled playing field, and have produced a hyper-incumbency advantage in the electoral contests between political parties in Albania. The case of the recent elections held in Albania on 25 April 2021 will be the empirical case of this study, in which are evidenced the electoral containment strategies and practices that the ruling political party used to provide an unfair advantage in its favour and to secure its grip on power.*

**Key words:** *Democratic Elections, Unfairness, Clientelistic Strategy, Ruling Parties, Party Patronage, Incumbency Advantage, Unlevelled Playing Field.*

## **I. Introduction**

Thirty years ago, at the peak of what is known as the “third wave” of democratization and where different authoritarian/totalitarian regimes were overthrown one after another, there was a strong teleological tendency in the literature that was best reflected by the transition paradigm (O’Donnell 1996) that the way to democracy was now open and that the new regimes that were holding competitive elections in their environments would gradually move towards the deepening and consolidation of their democracy. As Rose and Shin have pointed out, various studies at the peak of the third wave of democratization went so far as to treat the institutionalization of electoral competition as sufficient to consolidate democracy (Rose & Shin, 2001: 332). However, what really happened in many post-communist countries was that the panorama of political developments was not so enthusiastic, and the transformations of their regimes did not lead to the consolidation and well-functioning of democracy in their environments, despite the expectations of the different authors within the paradigm of transition. One of the main characteristics of many of the new post-communist regimes, of which Albania is also a part, was the holding of pluralistic elections between different political parties, but which were always associated with problems in all three phases of the electoral process (before, on and after the polling day). To distinguish some of the tactics and mechanisms that incumbent political parties have used in their “electoral containment strategies” to secure an advantage over their competitors in opposition, they range from the authoritarian control and selective application of “rules of the game” to the detriment of their opposition challengers, the violation of the civil and political

rights of citizens, the effective restriction of their right to choose freely between political options, and to the forms of intimidation and corruption of voters related to vote-buying practices and providing various tempting incentives to secure their votes. Andreas Schedler warned about these electoral developments in the new third-wave democracies, “the danger of forgetting that the modern history of representative elections is a tale of authoritarian manipulations as much as it is a saga of democratic triumphs” (2002: 36).

Regarding the crucial importance of the elections in the new post-communist regimes, where their outcome also determined the holder of power in a fierce competition between the parties where typically “the winner takes it all”, Elklit and Svensson expressed that “it is not surprising that politicians and voters in formerly colonized states or nondemocratic countries – as well as individuals, countries and international organizations that subscribe to democratic principles – take a great interest in elections and referendums. Yet this has contributed to the development of a distorted picture of the process of the transition: the poll itself has become the focus of attention...” (1997: 34). In this way, the ruling political parties in post-communist countries, and especially in Albania, which also constitutes the case study of this paper, have increasingly developed clientelistic strategies and informal practices within state structures and institutions, to provide unfair advantages over their opposition challengers in the electoral competitions that have taken place. In doing so, they have distorted the development of regular electoral processes in their environments by creating an unlevelled playing field and producing an unfair hyper-incumbency advantage in the electoral contests between the political parties.

Identifying and emphasizing clientelistic strategies and informal practices evolved within state structures and institutions by the ruling political parties and actors in Albania to ensure institutional and resources advantage in their favor in the elections will be the main goal of this study. First, in the next (II) section, we provide the theoretical and normative considerations based on relevant literature of when elections can be considered free and fair, and then (in Section III) explain some of the contingent related strategies of when democratic norms in the conducting of elections are violated by the political incumbents.

## II. Theoretical and Normative Considerations on “Free and Fair” Dimensions of Elections

Among the many contentions observed in the literature between different authors regarding the definition of democracy, a certain consensus can be evidenced in their agreement that elections are its most essential component.

Thus, for them, free, competitive, and fair elections are the *conditio sine qua non* of a well-functioning democracy and its defining component. In this line, Samuel Huntington, following the Schumpeterian tradition, defines democracy “[as a political system that exists] to the extent that its most powerful collective decision makers are selected through fair, honest, and periodic elections in which candidates freely compete for votes and in which virtually all the adult population is eligible to vote” (1991: 7). Similarly, Di Palma argues that democracy is “premised ... on free and fair suffrage in a context of civil liberties, on competitive parties, on the selection of alternative candidates for office, and on the presence of political institutions that regulate and guarantee the roles of government and opposition” (1990: 16).

However, what should be emphasized about elections, even in the case when they are conducted periodically and with reasonable competitiveness, is that they are not always classified as democratic. Neither Andreas Schedler has pointed out in relation to this, “democracy requires elections, but not just any kind of elections. The idea of democratic self-government is incompatible with electoral farces. In the common phrasing, elections must be “free and fair” in order to pass as democratic” (2002: 38). In this sense, a set of norms and principles must exist and must be applied in all the circumstances so that we can classify the elections held in a specific country as democratic, and they must offer to the free, equal, and unhindered citizens the opportunity of effective choice to elect their future decision makers.

These above definitions of democracy given by Huntington and Di Palma are both focused on centrality of elections, to which they add some surrounding conditions and prerequisites in order to distinguish a regime as democratic (or polyarchy) or not. Regarding the surrounding conditions and prerequisites necessary for elections to be classified as democratic, they have to do with *freedom, fairness, and competitiveness* as critical dimensions to fulfill democratic standards. Following Robert A. Dahl and Guillermo O’Donnell, the democratic ideal of elections requires that: all citizens enjoy “unimpaired opportunities” to formulate their political preferences; they are “free” in order to make real choices, in that citizens are not coerced when making their voting decisions and when voting; to “signify” them to one another; and to have them “weighed equally” in public decision making, in that each vote should count equally, and be counted as such without fraud, irrespective of the social position, party affiliation, or other qualifications of each one (Dahl 1971: 2; O’Donnell 2001: 12-13).

Also, further specifications regarding the dimensions of “free” and “fair” of democratic elections are given by Elklit and Svensson, which also outline certain evaluation criteria for each of their respective indicators. Thus, regarding the dimensions of “free” and “fair” elections, these authors define them as follows:

“Freedom, as Dahl notes, contrasts with coercion. Freedom entails the right and the opportunity to choose one thing over another. Coercion implies the absence of choice, either formally or in reality; either all options but one are disallowed, or certain choices would have negative consequences for one’s own family’s safety, welfare, or dignity. *Fairness* means impartiality. The opposite of fairness is unequal treatment of equals, whereby some people (or groups) are given some unreasonable advantages. Thus, fairness involves both *regularity* (the unbiased application of rules) and *reasonableness* (the not-too-unequal distribution of relevant resources among competitors)” (Elklit & Svensson 1997: 35).

Thus, *freedom* (of voters) is a vital dimension of democratic elections as it determines the possibility of citizens’ participation and their effective choice for the political parties/candidates in the contest in the absence of various constraints or impediments. As Schedler points out in this regard, “democratic elections are mechanisms of social choice under conditions of freedom and equality” (2002: 39). Likewise, on the other hand, the dimension of fairness is equally crucial for the classification of elections as democratic as it has to do with the equal opportunities offered to the voters to make real choices, but also to the political competitors in the contest to be able to compete on equal terms. “In competitive elections, the opportunities available to various groups are especially important. There should be no question of any group or political party having a greater chance of winning the election than any other group... the notion of “levelling the playing field” epitomizes this aspect of “fairness”. (Elklit & Svensson 1997: 36).

Building on these two main dimensions (“free” and “fair”) of democratic elections, Elklit & Svensson also compile a list of evaluation criteria with the respective indicators [of these two dimensions], so that an election assessment (or the evidenced cases of their violation) can be done for each of them. The checklist given by these authors and presented below in Table 1, as they point out, is not exhaustive but represents a schematic outline of the assessment process (Elklit & Svensson 1997: 36) of when elections can be considered “free” and “fair”.

**TABLE 1:** Checklist for Election Assessment Dimensions

Time Period	“Free”	“Fair”
Before Polling Day	<ul style="list-style-type: none"> <li>- Freedom of movement</li> <li>- Freedom of speech (for candidates, the media, the voters and others)</li> <li>- Freedom of assembly</li> <li>- Freedom of association</li> <li>- Freedom from fear in connection with the election and the electoral campaign</li> <li>- Absence of impediments to standing for election (for both political parties and independent candidates)</li> <li>- Equal and universal suffrage</li> </ul>	<ul style="list-style-type: none"> <li>- A transparent electoral process</li> <li>- An election act and an electoral system that grant no special privileges to any political party or social group</li> <li>- Absence of impediments to inclusion in the electoral register</li> <li>- Establishment of an independent and impartial election commission</li> <li>- Impartial treatment of candidates by the police, the army, and the courts of law</li> <li>- Equal opportunities for political parties and independent candidates to stand for the election</li> <li>- Impartial voter-education programs</li> <li>- An orderly election campaign (observance of a code of conduct)</li> <li>- Equal access to publicly controlled media</li> <li>- Impartial allotment of public funds to political parties (if relevant)</li> <li>- No misuse of government facilities for campaign purposes.</li> </ul>
On Polling Day	<ul style="list-style-type: none"> <li>- Opportunity to participate in the election</li> </ul>	<ul style="list-style-type: none"> <li>- Access to all polling stations for representatives of the political parties, accredited local and international election observers, and the media</li> <li>- Secrecy of the ballot</li> <li>- Absence of intimidation of voters</li> <li>- Effective design of ballot papers</li> <li>- Proper ballot boxes</li> <li>- Impartial assistance of voters (if necessary)</li> <li>- Proper counting procedures</li> <li>- Proper treatment of void ballot papers</li> <li>- Proper precautionary measures when transporting election materials</li> <li>- Impartial protection of polling stations.</li> </ul>
After Polling Day	<ul style="list-style-type: none"> <li>- Legal possibilities of complaint</li> </ul>	<ul style="list-style-type: none"> <li>- Official and expeditious announcement of election results</li> <li>- Impartial treatment of any election complaints</li> <li>- Impartial reports on the election results by the media</li> <li>- Acceptance of the election results by everyone involved.</li> </ul>

Source: Elklit & Svensson 1997: 37.

Taken together, these criteria or attributes of “free” and “fair” dimensions constitute the possibility of the effective choice of citizens in democratic elections. But, on the other hand, in practice, there is also the possibility that one or more of these criteria are violated through different strategies/tactics that political incumbents use to gain (an unfair) advantage over their opposition challengers. To best illustrate the *effective democratic choice* of citizens and when an electoral process (from its beginning during the election campaign to its end after the

counting of votes and the announcement of the winners) can be considered as free and fair, Andreas Schedler uses the metaphor of the chain: taken “together, these conditions form a metaphorical chain which, like a real chain, holds together only so long as each of its links remains whole and unbroken... If the chain of democratic choice is broken anywhere [in the checklist items], elections become not less democratic but undemocratic” (Schedler 2002: 40-41). The normative premises and conditions (listed in the specific indicators in Table 1) make sense if they are in function of complementing and supporting each other. But in practice, as we will argue in the next section, incumbents’ parties or authoritarian elites often choose different contingent strategies/tactics to violate [some] of democratic indicators of elections listed above, which ultimately aim to give them an unfair advantage over opposition challengers in the contest.

### III. Contingent Strategies and Tactics Used by Incumbents in Violation of Norms of Democratic Elections

The list of potential strategies and tactics that can be pursued by incumbent political parties to violate one or more of the indicators in the above (Table 1) checklist can take different proportions in the restriction of the effective democratic choice of citizens in elections, therefore an elaboration of them is necessary to be given here. “Rulers may choose a number of tactics to help them carve the democratic heart out of electoral contest” (Schedler 2002: 41-42).

First, a strategy that can be pursued by authoritarian rulers in certain settings to limit the “risk” that may come to them from the elections, is by circumscribing the scope of elective office through the use of *reserved positions* (e.g., enabling certain public authority positions to be elected and some others not), or by establishing *reserved domains*, which limits or cut off the effective decision-making power (Schedler 2002: 42) by authorities that people have elected. Such strategies would automatically classify elections as undemocratic as they place severe restrictions on the sovereignty of the people in electing their decision-making authorities.

The second strategy of electoral containment that can be pursued by authoritarian rulers and that affects the creation of an unlevelled playing field between the political parties in the contest has to do with the *possible exclusion or the fragmentation of opposition forces* in order to have an unfair advantage. As Schedler expressed concerning this strategy that violates the norms of democratic elections, often “ruling parties’ hand-tailor legal instruments that permit them to exclude opponents from electoral competition” (2002: 42). This strategy that restricts the possibility and access to the electoral arena of opposition forces [even by fragmenting their participation through specific electoral laws/provisions] is

unfair in that it creates an unlevelled playing field between the political parties in the electoral contest (as listed above in Table 1, in the evaluation criteria of the “fair” dimension before the polling day).

A third strategy, which can be followed by the ruling political parties in their electoral containment strategy, and thus effectively limiting the opportunities of the opposition parties to compete on equal terms in the democratic electoral contest, has to do essentially with the *unequal and dishonest access* that they enjoy in the state’s abundant resources and the media. In this way, by not guaranteeing equal opportunities for political parties and independent candidates, as well as by misusing the government facilities and the state budget for campaign purposes [of the ruling party], the conditions of fairness in the electoral race are directly violated. “This unfairness has to do with money and the media. Usually, electoral authoritarians enjoy ample access to public funds and favorable public exposure. The whole apparatus of the state—often including government-run media—is at their beck and call, and they often can harass or intimidate privately owned media organs into ignoring opposition candidates (Schedler 2002: 43).

In another strategy to limit the possible “surprises” that may come from the uncertain outcome of elections, political incumbents may also *restrict through practical and informal ways the citizen’s suffrage*, which is often done through subtler ways for the purpose of gaining advantages over oppositional forces. These practical and informal ways of restricting the right to vote of citizens may include control mechanisms that can be imposed on them, collecting their ID Cards to prevent them from going to the polls etc.

Another strategy of violating the democratic norms of holding elections, also related to the previous one, is through the exercise of various *forms of pressure and coercion on voters* in expressing their political preferences. Regarding the infringement of this important norm of democratic elections, the strategies used by the political incumbents range from the intimidation of voters, the provision of tempting incentives through party patronage, the clientelistic vote-buying strategy, etc., that ultimately distort the electoral competition and equal opportunities for political parties in the contest.

Finally, another potential strategy [also not uncommon] for violating the attributes and norms of democratic elections, and usually pursued by incumbent parties after the polling day, has to do with the “*redistributive election management*.” Schedler states in this regard that, “rather than devising a minimally neutral framework of competition, they [political incumbents] impose strongly “redistributive” rules to keep an eventual loss of votes from turning into a loss of power (2002: 45). In this strategy, which has to do essentially with administration and management of the electoral process, violations of democratic election norms by incumbent political parties can range from fraudulent practices and manipulation of their outcome by alienating the people’s will, to politicized

administration of the electoral process and up to the treatment not impartial of election complaints by the relevant institutions.

In practice, it often happens that authoritarian/political incumbents pick one or more of these tactics/practices in violating the normative premises of democratic elections to ensure an electoral containment strategy, and thus, also limiting the opposition's possibilities to win the elections. As we will show in the section, where the case of election conduct in Albania is taken as a case study, different strategies/tactics of electoral containment followed by the incumbent political party have influenced the creation of an unlevelled playing field and have produced a hyper-incumbency [unfair] advantage over opposition competitors in the electoral contest.

#### **IV. Free and Unfair Elections: The Electoral Containment Strategies Used by Incumbent Parties in Albania to Hamper Political Power Rotations**

One of the main features that have characterized the political developments and the very defective nature of the democratic system in post-communist Albania since 1992, has been the conduct of very problematic elections, which has not provided at all free, equal, and fair conditions for the political parties in the electoral contests. Elections in Albania have always been contested by the oppositional political parties regarding their irregularities, unfairness, fraudulent practices, and the extreme politicization that accompanies the entire process of their conduct. However, if there is a feature that could be distinguished in the conducting of various electoral processes in Albania since the founding elections in 1992 until today is that there has been a gradual shift in the electoral containment strategies pursued by ruling parties to make it more difficult the possibility of their overthrow from power by oppositional political forces. Thus, if in the 1990s these strategies of electoral containment could be classified as authoritarian (by violating the attributes of freedom dimension of elections such as the impediments to standing for election by political parties and independent candidates, infringing the civil and political freedoms of citizens, and by fraudulent and manipulative practices by the incumbents), in our present day, the electoral containment strategies pursued by ruling parties have gone further towards the use of more subtle informal (mainly clientelistic) practices and mechanisms that guarantee them an institutional and resources advantage in their favor over the opposition competitors. Thus, through these clientelistic strategies and informal mechanisms are being violated increasingly the indicators/attributes of the *fairness* dimension of democratic elections, by creating in this way, an unlevelled playing field and a hyper-incumbency

advantage, and by effectively limiting the opportunities for opposition parties to compete on equal terms to win the elections. Now, let's move on to the explanation of some of these strategies (used by the incumbent political party in Albania in the case of the last parliamentary election held on 25 April 2021) that violated the attributes of fairness of the democratic election.

One of the main strategies pursued by the incumbent Socialist Party for securing votes and providing an unfair advantage over the opposition political parties has been the use of *party patronage* for electoral purposes. In fact, the use of party patronage has been a long-standing phenomenon of the Albanian political scene, with different political parties across time that have used state positions as spoils to reward their loyalists. "From the very start of regime change, Albanian political parties have treated the state as a piece of property to be distributed among respective militants and loyalists without any consideration of professional credentials or requirements for the job. The recruitment of political militants and loyalists in key state institutions – privatization boards, public companies, the judiciary, security services, public administration, constitutionally independent entities, and even the academic system – was instrumental in controlling the spoils of the state" (Elbasani 2017: 27-28). However, the strategy of party patronage has become more sophisticated in the present day, with Albanian parties increasingly using it not only to reward their "loyalists" but also as a way to secure votes from the floating parts of the electorate. Thus, the ruling Socialist Party since 2013 in Albania, used the almost absolute dominance it had over the central public administration (and the local one at the same time, where it governs in 59 out of 61 Municipalities of the country) with about 183,500 employees as an effective way to ensure unfair advantage in obtaining votes from the electorate. In this direction, also various [informal] mechanisms of control, pressure, and even intimidation have been developed for public employees in order to secure votes for the ruling party. As stressed in a Monitoring Report of Elections of 25 April, "Public administration employees at the local level have submitted allegations to KRIIK observers in which they claim to have been subject of pressure to engage in the campaign, in the form of active participation or to secure electors for the ruling political force<sup>3</sup>. Such allegations also include blackmail or intimidation for dismissal or non-benefit of social services" (KRIIK 2021: 27). Likewise, the employment in the public administration by the ruling party was increasing with the approach of the election date as a way to entice the electorate to vote in its favor. Public employment increased significantly in the lead up to the elections, with the Albanian government (led by the Socialists) which authorized exclusively an

<sup>3</sup> Also, in ODIHR Final Report on Elections of 25 April 2001, there are findings on attempts that many civil servants, a group vulnerable to pressure, were encouraged to vote for the ruling party (OSCE/ODIHR 2021: 16).

additional of 2,472 positions in the public sector (on 24 December 2020), just one day before the entry into force of legal moratorium on the authorization of new employments (OSCE / ODIHR 2021: 16), while about 11,000 new positions in the administration were added in the period just six months before the elections.

Another strategy in violating the attributes of fairness of the democratic election by the ruling party has been through *the misuse of state resources and capacities*. This strategy of misuse of the government facilities and state budget to gain electoral advantage by the incumbent party directly undermined the equal opportunities of (opposition) political parties to stand for the election and their ability to compete in a leveled playing field. As noted in executive summary of OSCE/ODIHR final report on elections of 25 April 2021 in Albania: “The ruling party derived significant advantage from its incumbency, including through its control of local administrations and from the misuse of administrative resources. This was amplified by positive coverage of state institutions in the media” (OSCE/ODIHR 2021: 1). Regarding this strategy, the ruling [Socialist] party used several ways (by misusing state resources) in attempts to influence the vote by providing different incentives and enticements for the citizens. First, in this regard, we can mention the earthquake compensation funds allocated by the government for the affected citizens precisely during the electoral campaign period. Nearly half of this compensation fund allocated by the government (about 70 million Euros) to the 11 Municipalities<sup>4</sup> and then to the affected citizens, were distributed precisely one month before the election date of 25 April 2021, within the limits of what the Electoral Code considered as the start of the election campaign. In this way, the incumbent Socialist Party had the opportunity to control the distribution of earthquake compensation funds “effectively” and “thoroughly”<sup>5</sup> as an incentive to provide an electoral advantage. Secondly, another practice used to provide a (clientelistic) incentive in order to influence the citizen’s vote has been through the distribution of issuance of permits validating illegal construction during the time of the pre-electoral campaign, something that the Albanian Electoral Code also prohibited. This legal norm though openly contradicted the legal framework in force<sup>5</sup>, did not prevented the officials [of the Socialist Party who directs the agency] from distributing over 6300 legalization permits validating illegal construction of citizens during the months of the pre-electoral

<sup>4</sup> All of 11 Municipalities (Tirane, Durres, Kruje, Kamez, Kurbin, Shijak, Vore, Kavaje, Rrogozhine, Mirdite, Lezhe) where the funds were distributed, were led by the Socialist Mayors and Councilors because of the boycott of the local elections of 30th June 2019 by the main opposition parties.

<sup>5</sup> Decision No. 9 of the Regulator Commission (CEC) provides that in the four months prior to election day, prohibited activities include the distribution of permits validating illegal construction, registration of property titles, use in the election campaign of state resources, use of pre-university school students, employment or dismissal of staff of public institutions; furthermore, there should be no acts providing the increase of wages, pensions, financial or social support, reduction or abolition of taxes, waving of fines/taxes, or privatization (Cited in OSCE/ODIHR 2021: 15).

campaign to ensure electoral advantage. Third, in the frame of the misuse of state resources and capacities, the Albanian government led by the Socialists also intensively used the vaccination program as a way to gain electoral advantage by positive coverage of Ministers and the Prime Minister. In this regard, as stressed in a Monitoring Report of Elections, “the vaccination campaign was used massively in function of the electoral campaign, not being divided in nature as an institutional campaign, as an obligation of health institutions and that of the government of the Albanian state to vaccinate and ensure the health of the population” (KRIIK 2021: 27). Thus, the dividing line between the work of public institutions and the campaign activities of the ruling party was blurred again by misusing administrative resources and state institutional activity in order to gain an electoral advantage over other opposition parties.

Other strategies used by the ruling party in Albania in violation of the attributes of the fairness dimension in democratic elections have to do with *unequal access to the media and the non-transparent financing of the election campaign*. In this regard, the greatest (positive) media coverage that the ruling Socialist Party enjoyed during the electoral campaign period in front of the opposition competitors also contradicted the legal criteria set out in the Albanian Electoral Code, by thus violating the equal opportunities for political parties and independent candidates to stand for the elections. Thus, in the findings of a Monitoring Report of Elections of 25 April 2021, it is stated that: “In the three weekly reports published by AMA for the period March 26-19 April 2021 in relation to this monitoring, it was noted that the airtime given to the ruling Socialist Party in news broadcasts, political shows and live broadcasts is higher than that given to the Democratic Party... it is noticed that the main televisions in the country, private national, which cover a large part of audience of the country, have devoted more television time to the Socialist Party in their news broadcasts than the Democratic Party. While the coverage for the SMI and SD parties remains under the airtime defined by the Electoral Code. In this report, it is noticed that all televisions have not given the defined space to any of these parties” (KRIIK 2021: 33-34). Also, in this report was noted even that there is an imbalance in the reporting of news editions [of political parties, favoring the incumbent Socialist Party and its officials like the Prime Minister, Ministers on political news coverage] on Albanian Public Radio and Television, which has a primary legal obligation to be balanced (KRIIK 2021: 31; OSCE/ODIHR 2021: 20-21). An imbalance in the media coverage of the political activities of political parties that violate the attribute of equal access in the publicly controlled media and that demonstrates again the incumbency advantage and the unlevelled playing field in which the electoral contest takes place in Albania.

Quite problematic is even the “dark” financing of electoral campaigns in Albania, which also violates the principle of equal opportunities of political

parties to stand for the elections and ultimately distorts the fairness conditions of electoral contests. Thus, although the Law on Political Parties in Albania and the decisions of the Regulatory Commission (CEC) require that political parties must submit their campaign donations and spending records within 60 days after the election (by also placing spending limits on their campaign), transparency regarding activities and the financial expenses of the parties during the campaign can be said to have been non-existent, reducing in this way “the possibility of voters to make an informed choice based on knowledge of the sources of campaign funds” (OSCE/ODIHR 2021: 18). Political parties in Albania, especially the ruling party which enjoys even more funding opportunities (informally or/and illegally) by the “strong groups” in the electoral districts (Manjani 2017) and by business companies, have never reported accurate data on their real incomes and real costs that they spend during the campaign period, thus hindering transparency and distorting the election contest by playing unfairly. This was also stressed by the monitoring report on elections of 25 April 2021 in Albania: “the shadow campaign continues to be a very disturbing phenomenon and one of the ways to hide the expenditure of the election campaign” (KRIIK 2021: 31); but also, by the OSCE/ODIHR Mission final report in which is emphasized the need that “consideration should be given to requiring contestants to disclose their campaign incomes and expenditures before election day” (2021: 18).

Lastly, but not in terms of its significance, another strategy of electoral content pursued by the incumbent political party in the elections of 25 April 2021, and which directly violates the attributes and normative premises of the free choice of citizens in democratic elections, has to do with *clientelism and voter corruption through vote-buying practice*. The “control” of elections through the clientelistic practice of vote-buying, but also by various incentives and intimidation forms towards citizens, clearly has serious implications for the unfairness of the conditions in which the electoral contest between political parties takes place. This because, it distorts the will of the citizens in democratic elections and violates the equal opportunities that political parties have to fight for their votes giving a hyper advantage to the incumbent political party, which has much more access to resources and money for buying the votes, or for the distribution of jobs or other spoils of the state. This clientelist strategy is somewhat similar and overlaps to some extent with the strategy of the misuse of government resources and capacities for electoral purposes by the ruling party, but it should be noted that the financial resources that a party has (especially the incumbent one, which enjoys even more ties with “strong groups”, the business, etc.) can be much more enormous and undeclared, and in this way can be made available for the vote-buying practices. Regarding this clientelistic vote-buying strategy that the incumbent Socialist Party (especially, but not the only party) used in the last parliamentary elections in Albania to have an

(unfair) electoral advantage and to make it much more difficult the political power rotations, there were many reports in the Election Monitoring Reports in Albania, but also from the high number of denunciations that were made public by the media (despite the great difficulties of evidencing the vote-buying cases). In the very first paragraph of OSCE/ODIHR final report on elections of 25th April 2021, it is stated that, “allegations of vote-buying by political parties were pervasive during the campaign and a high number of investigations were opened in this regard” (2021: 1). Some media providers and political parties, in particular those of the opposition, filed with Special Prosecution Office (SPAK) a series of denunciations of attempts to buy votes in cash or in kind, and cases of intimidation of electors [threats of job dismissal, termination of social assistance, or pressure to vote for the ruling party through the so-called “patronage system” and the supervision by the party “patronageists”], while a significant number of cases were made public by the media. SPAK opened criminal proceedings for 91 cases (KRIIK 2021: 10, 23-24). Practices that were unfair and violated the attributes of democratic elections, producing a hyper-incumbency advantage and an unlevelled playing field for the political parties competing in the 25 April Parliamentary Election in Albania.

## V. Conclusion

The aim of this study was to identify the strategies and practices, which in general terms, we classified as *clientelistic*, that the incumbent political parties in Albania have used to ensure an unfair electoral advantage over their opposition competitors. These strategies and practices have increasingly characterized the development of electoral processes in Albania and, are unfair in that they create an unlevelled playing field and produce a hyper-incumbency advantage in the electoral contest between the political parties by making much more difficult the possibility of the political power rotation between them. Among these clientelistic strategies and practices, we mentioned *the party patronage, the misuse of state resources and capacities for campaign purposes* by the ruling party, *the unequal access to media and non-transparent financing of electoral campaigns* along with *the use of “filthy” money* in it, as well as the *vote-buying practice*, which remained widespread in the last parliamentary elections held on 25 April 2021 in Albania. In this study, it was argued that such [clientelistic] strategies and practices violated some of the attributes of the fairness dimension of democratic elections, characterizing the latter in Albania in what the authors call “less-than-democratic-elections” (Merkel & Croissant 2004: 205). Electoral containment strategies pursued by the ruling parties (as the case of the Albanian election conduct in this study showed) constitute an interesting field to be studied further also in other post-

authoritarian countries, as long as we may say that the focus of the political incumbents has shifted increasingly toward the development of sophisticated informal/clientelistic practices to “control” the outcome of the election and to secure their grip on power.

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## *The revaluation proces in Albania during 2016-2021*

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### Abstract

*The constitutional reform related to the system of justice realized in 2016 in Albania, was welcomed with a positive enthusiasm by all stakeholders, civil society, business groups, including the political class who voted for this reform unanimously. One of the goals of the implementation of this reform is not only the restoration of new justice institutions and the strengthening of existing ones but above all the re-evaluation of all judges and prosecutors who are part of the judiciary in three main aspects: - asset valuation, a background and integrity check to discover the links to organized crime and a qualification assessment. The total number of all judges and prosecutors in the Republic of Albania is over 800 subjects, starting from the courts of the first instance and the prosecutor's offices near them to the Constitutional Court. The re-evaluation process is carried out by two new constitutional institutions that are established and function for a transitional period, the Independent Qualification Commission (IQC) as a first instance with a mandate of 5 years, and the Appeals Commission (AC) as a degree second with an 8-year term.*

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