

August 27, 2022

INFORMATION BRIEF

MONITORING OF THE ALBANIAN PARLIAMENT

(January - August 2022)

The Institute of Political Studies (ISP) with the support of the Swiss Embassy in Albania (*Swiss Agency for Development and Cooperation Program*) is monitoring the Assembly of Albania in the context of a comprehensive and long-term review of all parliamentary activity in the country. ISP has continued the monitoring started in 2016, initially with the support of FES and then by the Dutch Embassy (2017-2020). The purpose of the monitoring effort is to keep track of the developments in and around the parliament, by regularly identifying bottlenecks and pointing at shortcomings and good practices for promoting parliamentary activity, the standards of transparency and accountability, role of parliament and parliamentary representation, public discourse of MPs and public perception on the parliament. In addition, our monitoring of the parliament also covers the fulfilment of the constitutional functions by this institution.

The current monitoring project continues until March 2023. The online platform www.deputetim.al supports the project. The platform serves as a main carrier for publishing our monitoring reports, for publishing parliamentary activity updates, in addition to sharing current data on MPs, the indicators of their efficiency, their speeches and other specific MP-related data. The database is constantly updated with new information collected in the framework of our monitoring effort.

This monitoring project is a continuation of the previous monitoring effort carried out by ISP from 2016, initially with the support of FES (2016-2017) and then with the support of the Dutch Embassy in Albania (2017-2020). The Embassy of Switzerland remains active in promoting the role of civil society in monitoring democratic, decision-making and representative processes in Albania.

1. MAIN FINDINGS

- I. The January-July 2022 parliamentary session saw the Assembly of Albania returning, at least formally, to normality. This session saw the active participation in the plenaries of all political parties, including the opposition, which in the previous session invested more in internal political squabbles than in actual parliamentary work and parliamentary representation. The main topics in the parliamentary discourse and in the parliamentary initiatives remained vetting in politics, justice system reform, the links between politics and crime, corruption, the increase in the cost of living and major corruption-related scandals like that of the incinerators, on accounts of which two MPs elected in 2021 are in prison.
- II. The parliamentary rhetoric was mainly based on personalized attacks and mutual accusations, with derogatory language and lack of respect for the opinions of the political opponents. The ruling majority used its votes to monopolize all political decision-making. Despite the practice of sessions dedicated to voters, in general the parliamentary discussions overshadowed their issues by focusing on the political debates of the day.
- III. The three most important acts of the parliament during the January - July 2022 session were the election of the new President of the Republic, the amendment of the constitution regarding the mandates of the vetting bodies, as well as the launch of the investigative commission for the incinerators.
- IV. During this session, there was no motion of confidence or no confidence, there was no special session of questions for the Prime Minister, and although 19 interpellations were recorded, the Assembly as a whole failed to make progress in implementing the constitutional function of controlling the executive branch.
- V. The prevailing climate of tension, the perceived arrogance of the parliamentary majority and the aggressive behaviour of the opposition weakened the quality of the parliamentary debate and made it difficult to build on the work of the Assembly. Although the current chair of the parliament, unlike some past legislatures, does not provoke incidents and parliamentary conflicts, the deputies do not consider this as a positive opportunity for more constructive behaviour. The leaders of the parliamentary groups have failed to influence the parliamentary debate and the role of the minister for the parliament marked a significant regression in relation to the constitutional responsibilities and public expectations.

- VI. The extension of the mandate of the vetting bodies is a positive step for the continuation of the implementation of the reform in the justice system. Nonetheless, the vote taken in the Assembly in the absence of an analytical report of the emerging problems shows once again that the tradition of post-legislative review is lacking. The special electoral and territorial reform commissions were set up late and did not make any significant progress on their agenda. The extension of their mandates continues to be a critical concern while the parliament does not have an effective system for respecting its deadlines and decisions.
- VII. The constitutional initiative to introduce vetting in politics continues to be on the parliamentary agenda, although it is widely considered as a step taken to ensure political advantage rather than to strengthen the fight against corruption and to ensure transparency and accountability. However, until the end of the session, the parliament failed to make an exhaustive decision regarding this initiative.
- VIII. The Assembly adopted a large number of legal acts (61 laws, 29 resolutions and 64 decisions), but most of them were procedural acts or legal amendments. No important law related to reforms was part of the parliamentary agenda. The government continues to have a monopoly on legal initiatives, following the tradition according to which the Assembly remains passive in the legislative process. Among the parliamentary initiatives of the deputies, the most constructive ones were rejected, a discouraging signal in relation to the necessity of a greater exercise of the legislative right, especially of those who do not belong to the majority political group.
- IX. The most important achievement of this session in terms of investigative commissions was the establishment of the commission on incinerators. The commission held 19 hearings and interrogated a large number of high-ranking officials, including the prime minister and several mayors. The work of the commission was widely covered by the media, the public showed great interest, the testimonies brought data of investigative interest for the Special Anti-Corruption Structure (SPAK) and, despite the fact that there was no agreement on the report of the Commission, its practice remains a significant achievement and an illustration of how the investigation is carried out and parliamentary control by the political minority.
- X. The ongoing crisis in the Democratic Party has had an impact on the entire activity and performance of the parliament, especially on the agenda of the opposition and of its individual deputies. The Assembly does not have an effective system to verify the legitimacy of parliamentary groups, and the majority created the impression that

it wants to use its power to dictate its terms on the opposition. It rejected serious initiatives from other deputies, who, according to the majority, do not represent the “formal” opposition, although according to the Constitution, every deputy is equal in the right to legal initiatives and that all deputies have the same source of legitimacy from the parliamentary elections of 2021.

- XI. The ongoing internal crisis inside DP, the largest party of the opposition drained plenty of energy from its ranks and created the perception that it’s MPs vote and take positions based on their own priorities rather than on a collective political platform. Its representation in parliamentary bodies, including leadership in committees, was qualitatively weak, affecting the weakening of the role and constitutional function of the parliament.
- XII. The Socialist Party secured in continuity the votes of the Social-Democrat Party (PSD), creating the perception that they are the same party, while some MPs with parliamentary experience in the SP became critical voices on legal initiatives, debates and parliamentary acts of public importance, a positive value of the current parliamentary legislature. A SP MP was arrested for corruption and resigned, whilst several other MPs are still under investigation.
- XIII. The Assembly elected the President of the Republic, but the process was almost formal: for three rounds there was no voting and no candidate, in the fourth voting round, the process turned more into confirmation of appointment. The majority weakened the parliament when it decided to vote potential candidates for President in its parliamentary group, while the opposition weakened the process when it refused the constitutional right to propose candidates for President.
- XIV. The parliament failed to abide by the legal deadlines of rotation of positions in the institutions established by the Assembly, and overall, in the election cases, there was only one candidate in the race. Competition and meritocracy procedures were reduced by prior political decision-making. The annual reporting of institutions to the Assembly reflected political preferences. In the hearings, there was no addressing of civil society's concerns, nor was there an invitation to participate in them. The online system of the institutional consultation platform was not functional and despite the promises that it would be an innovation in the process of transparency and accountability, the Assembly failed to implement it.
- XV. The observance of the Code of Ethics, especially in the parliamentary discourse and in the declaration of the conflict of interest and the system of gifts or declarations related to the participation and involvement in activities of third parties, was an

issue to be highlighted, as the Code was not respected as a whole. During this parliamentary session, there were numerous cases of insulting and derogatory language towards other MPs, violations of ethics in communication, only 6 declarations of conflict of interest while an investigation against the foreign minister continues to be under the parliamentary procedure. No declaration on the participation of deputies in activities organized by third parties was submitted during this session.

- XVI. The Assembly made minimal progress in terms of increasing the overall transparency of its activities, mainly through the development of online committee meetings with public access, as well as with the publication of detailed data related to plenary sessions. Other categories, such as calls for vacancies, candidate data, decriminalization forms, as well as timely publication of minutes and financial data, continue to be far from "open parliament" standards. Throughout the session, the online page of the Assembly continued to be "under construction", creating the wrong perception that any problems related to access for information are justifiable because of technical glitches.
- XVII. With regard to the evaluation of efficiency of individual MPs during the parliamentary session, the deputies with the highest level of performance were once more confirmed to be Jorida Tabaku (PD) and Erion Braçe (SP), two deputies with the highest evaluation for the past parliamentary sessions. Some of the new MPs had increased visibility and parliamentary activity, while at least 17 MPs failed to deliver any speech in the Parliament. Women MPs were more active than male MPs (+2% at a comparative level in parliament with male MPs). At the group level, SMI MPs had the highest efficiency coefficient (37 of 100 points), followed by DP MPs (35), SP (34) and SDP (18%). The SDP group of deputies had minimal activity, not having any discussions in committees or in plenary sessions, as well as not using any of the legislative and representative mechanisms offered by the Assembly.
- XVIII. During this session, the Assembly supported the promotion of the Parliamentary Institute, which anyway, apart from reports on sensitization, informational or research activities, has no data or verifiable online products. The "Kuvendi" magazine continues to publish articles, although the study streams from the MPs are minimal, a concern for the professional level and parliamentary knowledge of the MPs themselves.

2.1 KEY RECOMMENDATIONS

- I. **The Assembly should build a long-term reform agenda in terms of legislation and constitutional controls, which will enable it to play a more active and essential role in the exercise of its constitutional functions. The practice of pursuing short-term agendas dictated by emergencies and procedural obligations greatly weakens the role of parliament, in terms of trust in Albania’s representative political system.**
- II. **The Assembly should create standards of transparency and accountability comparable to standards of EU countries, not to its own past legislatures. The Swiss support to the parliament and Civil Education (PACEP is working to address this issue, by introducing transparency standards based on international practices and agreed by stakeholders. The opening of the EU membership talks should be reflected in a new institutional approach of the parliament, new standards and a greater sense of responsibility in parliamentary representation, in the operation of the parliament as an institution, as regards both decision-making and relations to the public.**
- III. **The Assembly must put an end to the practice of delaying the establishment and operations of special investigative commissions. It should support the functioning of these commissions, especially in relation to electoral reform and territorial reform, as both have a great role to play in the upcoming local elections. The revision of the legislation for special and investigative commissions, to make them more functional and efficient, will have to be part of the strategic priorities of the Assembly.**
- IV. **The Assembly must engage in serious efforts to replace daily political rhetoric with actual parliamentary decisions. It should respect minority opinion and respect parliamentary minority, in order to adopt a consensual decision-making system for laws and decisions related to public interest and important reforms. The parliament should seriously engage in the exercise of its essential constitutional function, the control of the executive power.**
- V. **The Assembly must reform its rules and regulations and amend the law on the statute of the deputy, to make them more contemporary in relation to transparency, accountability and political and public responsibility.**

- VI. The Assembly should engage in strengthening its own role in the legislative process. Deputies should be more proactive with regard to initiating bills, make amendments and proposing parliamentary acts. On the other hand, the Assembly should be able to provide better quality legal and institutional assistance to the MPs. Deputies should launch more initiatives to establish investigative commissions and encourage consensual conclusions, to make parliamentary instruments more reliable and functional.**
- VII. With regard to its electoral dimension, the Assembly should strive towards becoming a model institution for respecting legal deadlines, the system of meritocracy, transparency for candidates and the competitive process, whilst aiming to transform this process into open competition away from formal predetermined votes.**
- VIII. The Assembly should reform the annual reporting mechanism of the state institutions, to ensure more consultation and accountability, by adding elements of interaction to correct the institutions. This would enable the Assembly to close the gap between the self-evaluation of the institutions and their evaluation from the public.**
- IX. The Assembly must promote, monitor and enforce the respect of the Code of Conduct in all its elements, promote institutional ethics and investigate cases of conflict of interest and participation of MPs in lobbying or activities of third parties.**
- X. In order to increase transparency, the Assembly should regularly update its website and make then necessary preparations to publish in time the minutes of parliamentary committee meetings, asset declarations and decriminalization forms, CVs of candidates and any other act related to parliamentary activity. Transparency and accountability is in the interest of the public, of the legislative process and of the trust of the public in the Assembly.**
- XI. The Assembly should provide continuous training to deputies on the Assembly's regulations, parliamentary control instruments, legislation and the process of parliamentary and post-legislative supervision. The Assembly may consider increasing the assistance for MPs for their parliamentary activity, strengthen the component of the engagement of MPs in their constituencies and ensure the timely and quality fulfilment of all the demands of MPs related to the exercise of their constitutional and legislative functions.**

