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CONDENSED BRIEFING NOTE

THE ASSEMBLY AND THE MPs: CONSTITUTIONAL ROLE, CODE OF CONDUCT – GENERAL OBSERVATIONS

Monitoring Period: September - December 2022

Since the beginning of the 2021-2025 legislatures, the Institute of Political Studies (ISP) with the support of the Embassy of Switzerland in Albania is monitoring the Assembly and parliamentary activity in Albania. The focus of the project is to monitor the quality of parliamentary debate, the role of the Assembly and the activity of the deputies, the implementation of the Code of Conduct. ISP also monitors the independent institutions created by law. Since the beginning of this legislature ISP has published two monitoring reports, the first covering the period September-December 2021, the second covering the period January-July 2022. This is the third follow-up report for the period September-December 2022. The support of the Embassy ends in March 2023; however, ISP will continue monitoring the parliament, now as a public responsibility and contribution.

ISP is the only civil society organization that monitors Albania's Assembly and parliamentary activity since 2016. Initially the monitoring was supported by FES (2016-2017), by the Embassy of the Netherlands (2017-2020) and finally by the Embassy of Switzerland (2021-2023)). In addition to these efforts, ISP has also carried out specific monitoring and reporting related to ethical behaviour of MPs and conflict of interest standards (supported by the Norwegian Embassy), on the role of parliament during COVID-19 (supported by NDI), and continues to monitor the implementation standards of decriminalization (supported by NED). The results of

the monitoring efforts of project are published online at www.deputetim.al. This site is constantly updated. It also works with a corresponding application for Android devices.

Unlike the routine monitoring practices, ISP has brought innovation through the application of a new methodology, by ranking the level of efficiency of the deputies, based on the main indicators of their legal and constitutional responsibilities. This ranking gives citizens the opportunity to get quality information on the role of their representatives, MPs and parliamentary political parties, by enabling them to understand their political and parliamentary performance. Contrary to our expectations, with the exception of a small minority, most of the MPs thing highly of our report and quote it and its findings.

The ISP also links permanent monitoring with periodic surveys on public perception of parliament and representation. One such survey was carried out during the period October-December 2022 and it will be shared with the public at the end of January 2023. The report serves not only to document our independent and professional monitoring, with references, archiving and citation values, but also as a summary document of recommendations for improvement, a test for the deputies themselves, the parliamentary groups, the Assembly and the parliamentary administration. The survey completes the other part of the picture with findings on public perceptions regarding the parliament.

The ISP has put together its data further to meticulous monitoring and expert analysis, creating a complete database for the entire legislature. ISP thanks the Swiss Embassy in Albania for the support and the parliament itself for the correct institutional communication and for its openness to our reports, recommendations and proposals.

KEY FINDINGS

- Over the reporting period, the Assembly of Albania continued its normal and periodic parliamentary activity, remaining the country's main political decision-making institution. Unlike the previous legislatures, there was no boycott or contestation of the parliament, and the session was not accompanied by violent protests or political acts running in parallel to the parliament. However, even in this session, the Assembly failed to exercise control over the executive branch, the government was not accountable to the parliament, and the government often equated itself with full legislative power.
- The session monitored by ISP was dominated by harsh political rhetoric, derogatory and personalized discourse, bullying of MPs and the diversion of speeches from issues on the agenda into personalized or collective attacks on political rivals. The Code of Conduct was not respected and the disciplinary measures by the Assembly followed

double standards, penalizing only opposition MPs. The most important leaders of the two political parties were the main bearers of this rhetoric, a more negative development compared to the other two sessions of this legislature.

- In terms of legislation, the parliament approved a considerable number of acts, all initiated by the government. Of the 23 legislative initiatives, only a small number were really serious and individual initiatives: Jorida Tabaku (on strategic investments, on territorial planning, on concessions), Erjon Braçe (on agriculture), Petrit Vasili (on energy), Agron Shehaj (on owners benefits). Some of the government's acts pursued an accelerated parliamentary procedure and were followed by serious criticism of their intentions.
- This parliamentary session was shaped by electoral interests related to the upcoming local elections than by priorities feeding into normal political debate. Acts related to territorial reform, taxes, budget, municipal police, strategic investments, energy or health sectors were related to the local electoral impact more than to the programmatic priorities announced at the beginning of the legislature.
- The Assembly failed to create a climate of trust and political dialogue. The two special commissions, the one on territorial reform and the one on electoral reform, did not produce results due to the use of the veto by one political party, while there was no consensus on the initiatives of the investigative commissions and those on dealing with the past.
- The Assembly faced considerable difficulties in fulfilling its function to elect and appoint suitable candidates to fill constitutional vacancies, including the People's Advocate. This situation failed to be resolved even after 7 months of parliamentary procedure.
- The parliamentary life was weakened by the problems within the opposition and the difficulty in identifying it in debates, groups and parliamentary structures. The duality of the opposition also reflected specific functions of the Assembly, such as electoral, legislative and representative functions.
- The MPs with the highest rating in this parliamentary session were Jorida Tabaku (PD) and Erion Braçe (SP), the PSD and PDIU groups were the least active groups in parliament, Fier district was the most active and Shkodër district the least represented, women female MPs were 6% more efficient than male MPs. In total, 22 deputies spoke

"silently" during the four months of parliament, and almost the same did not even participate in the discussions in the parliamentary committees.

- Two MPs waived their parliamentary mandates and left politics, and four others have announced their intention to run in local elections, - a critical development for MPs' own confidence in parliament and parliamentary life in Albania.
- In the session, 5 interpellations were held and one request for interpellation was rejected, while 22 deputies addressed 43 requests for information about central and local institutions. About half of the deputies were involved in parliamentary activities abroad, as well as some of them in subcommittees, special commissions or support initiatives for youth, gender and environmental policies.
- The Assembly encouraged its opening to visitors, youth groups, students and high school students, open sessions were held with experts and historians, as well as consultations with civil society on integration issues, gender and environmental policies were promoted, and social initiatives were encouraged. and closer cooperation with the parliament of Kosovo.
- The Assembly created a new online site, which is still incomplete, in an effort to increase information and transparency. However, no MP was registered in the Conflict of Interest or Gifts Register, there were delays and omissions in the publication of parliamentary documentation, and some parliamentary procedures were neglected or bypassed.

RECOMMENDATIONS

- The Regulation of the Assembly, the Law on MPs and the Law on Investigative Commissions need revision, improvement and reform, to adapt to the challenges of the parliament of a country involved in negotiations leading towards membership in the European Union. We suggest that the detailed recommendations provided by ISP and civil society in this regard be taken into consideration.
- The Assembly can and should be invest in strengthening its constitutional role, identity and legitimacy, broaden the space for constructive debate and higher standards, whilst transforming itself into a more productive institution in terms of living up to its mandate on participatory political decision-making and representative democracy.

- The Assembly needs to invest more efforts in facilitating political dialogue and creating a climate of trust, focusing on key reforms and pursuing a long-term and sustainable development strategy in view of the challenges the country is facing.
- The Assembly may have to strengthen its controlling role over the executive power. It should create mechanisms that enable compliance with the legal deadlines for the elections of governing bodies and officials originating from it, as well as reform the mechanism of annual reports of the institutions, to enable for transparency and accountability.
- The Assembly must strengthen its mechanisms for monitoring and preventing conflict of interest, as well as implement all the principles of the Code of Conduct, following the same standards in relation to the sanctioning of abusive cases, whilst discouraging insulting and derogatory rhetoric in all instances. his debate.
- The Assembly should invest more to implement the standards of the open and transparent parliament, with accurate, fast and complete data of the acts under consideration, consultation and decision-making, with detailed publications of decision-making and with the application of the hearings. open hearings with civil society and interest groups.
- The Assembly should promote the timely and quality implementation of all responsibilities arising from its internal regulatory acts related to the submission of annual reports of internal commissions and structures, financial reports, reports from third parties to the parliament. It should also invest on the development of a long-term strategy related to shaping parliamentary activity.
- The Assembly should encourage parliamentary groups and MPs to participate in trainings, to reflect on Albanian practices and those of other countries. It also should demonstrate added interest to obtain professional knowledge regarding the acts under consideration and parliamentary responsibilities, as well as to invest as a whole in public for a better image of the parliament and parliamentary life in Albania.