

Tirana, October 8, 2019

## **PROPOSAL OF CIVIL SOCIETY ORGANIZATIONS ADDRESSED TO POLITICAL PARTIES ON THE ELECTORAL REFORM**

We, representatives of a group of Albanian civil society organizations that are working on the rule of law, European integration, political representation, and electoral reform, and

- supporting the conditions for the official opening of Accession Negotiations adopted by the German Bundestag in its session in September 2019,
- emphasizing the importance that the electoral reform and a functioning Constitutional Court have for the official opening of negotiations for EU accession, and for a non-reversible functional democracy;
- being acutely aware of the immediate need for Albania to establish an effective, reliable, and sustainable legal framework for free and fair elections,
- recognizing and considering the role of political parties as the main decision-making actors in election-related legislation,
- taking note of the public commitments of main political parties for a serious and comprehensive electoral reform,
- recognizing the fact that there is significant attention from Albania's international partners to provide assistance and support in that regard,
- confirming the large public support for changes to the electoral system, as expressed in the polls and petition by other civil movements,
- considering that Albania remains one of the only European countries with serious and problematic contestations impacting the organization and administration of elections,
- expressing our support for OSCE/ODIHR recommendations of 2013, 2015, 2017, 2019,

demand publicly the urgent initiation of a transparent, inclusive, and comprehensive process that enables the design and implementation of an improved electoral system in the upcoming parliamentary elections, as well as the integral reform of the law on political parties, electoral funding, and election administration.

The institution of free elections is one of the main criteria of democracy. In order for this criterion to be fulfilled, it is indispensable for the Albanian electoral system to secure the necessary conditions for a proportional and quality representation. At the same time this provides stability in governance, and a larger and more competitive reforming framework. A system that provides for citizens' representation and offers governing stability requires a higher level of competitiveness, as well as democratic political subjects that are capable of providing political alternatives, apply financial transparency, and secure an efficient administration of citizens' votes.

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During 1991-2017, Albania has experimented with seven electoral systems:

- in 1991 – majority system with an absolute majority;
- in 1992 – a mixed system, 100 constituencies, 2 rounds and 40 mandates with a compensatory formula for the national proportional system;
- in 1996 – a mixed system, 115 constituencies by a majority system, 2 rounds, and 25 mandates for the national proportional system;
- in 1997 – a mixed system, 115 constituencies by a majority system with 2 rounds, and 40 mandates for the national proportional system;
- in 2001 – a mixed system, 100 constituencies by the majority system with 2 rounds, and 40 mandates for the national proportional system;
- in 2005 – a mixed system, 100 constituencies by a majority system with 1 round and 40 mandates for the national proportional system; and lastly,
- in 2008 – a regional proportional system with 12 constituencies for 140 mandates.

Those constant changes to our electoral systems did not lead to any improved standards of representation, parliament accountability, or government stability. Almost every system was initiated and adopted by the main political parties themselves without any transparent or public consultations. The rationale was their own interest materialized in their short-term electoral strategies.

The lack of legitimacy, of representatively, of accountability, of effectiveness, of bi-partisan control over the electoral administration, and the constant contestations from political rivals, have regularly have plagued the exercise of functional democracy and of rule of law in Albania.

Following latest OSCE/ODIHR recommendations for the electoral reform, the social and political stakeholders in the country have asked for a review of the electoral system. The wide roundtable initiated by the OSCE Presence in Albania on the 25<sup>th</sup> of September reconfirmed their involvement and started to address this issue.

The organizations that we represent have continuously shared their analysis and recommendations with the parliament and other policy-making stakeholders on necessary political reforms. Having monitored democratic and electoral processes in the country for years, we are convinced that a comprehensive review of the electoral system would serve the citizen, the country and its integration process if dealt with absolute priority. Recognizing and respecting the legitimacy of the public institutions regarding the constitutional decision-making procedures, and to avoid the negative practices of the past, we expect the debate on the new electoral system and on respective legislation (on law and political parties, on party and electoral financing, and on electoral administration) to refrain from repeating the errors of the past and by relying only on the drive of political parties.

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For the new electoral reform to be functional and sustainable it must take into account the will of the Albanian citizen and be based on the best expertise of independent Albanian and international experts. Any top-down imposed political decision taken in the short-term interest of mainstream political parties is destined to repeat the failed results of the seven former electoral reforms.

Based on our expertise, experience in Albania and in the region, hearing the voice of the citizen through their grassroots movements, and preserving the same number of members of parliament, we propose the following electoral systems to be considered for the upcoming elections:

1. A proportional system with multi-name open party lists (where it is the voters who rank the names on the list), based on one single (national) constituency, and an electoral threshold of 2.5 percent for political parties and 4 percent for coalitions;  
or,
2. A mixed system already applied in 1992 in Albania, based on 100 majority constituencies and a complementary formula with 40 mandates on a national proportional system, and an electoral threshold of 2.5 percent.

Selecting one of the two systems would be a significant step towards a genuine reform of political representation and of good governance. However, being also aware of the fact that no electoral system, no matter how positive it might be, may guarantee in itself high standards, unless it is accompanied by the political and institutional will to ensure its integrity, we also call for a new contemporary law on political parties to be prepared. This law will contain new dispositions on party and electoral financing in compliance with the principle of transparency embodied on Article 9 of the Constitution, and avoid conflict of interest and eliminate political party monopoly over the election administration process. This law should also consider the enforcement internal democracy in the functioning of political parties through the limitation of the mandates of the Party Chairman.

We shall continue to contribute to the electoral reform and are open and willing to respond to any requests, roundtables or public debate aiming to improve the electoral system, the new law on political parties, or the law on financing. We shall actively monitor the progress of the reforms, and wherever invited participate in debates organized by the Parliamentary Committee on Electoral Reform or any other forms of representation in or outside the parliament.

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