

Albania's Parliamentary Election of 2009 – Dependence from Permanent Change of Election System

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Abstract *The experiment with the new election system created some anomalies which are reflected to the entire model of democracy Albania is applying. The election final result resembles more to a majoritarian product than a proportional one. The new election system also produced ideologically questionable fragile majority and a very strong opposition in terms of number of mandates in the parliament. Permanent institutional crisis, lack of mutual trust and understanding between the main political parties, dysfunctional parliament, and failure to reach the candidate status as the next step to EU membership are key indicators of the impacts that the new election system had on entire political system. Due to that, there are a lot of initiatives coming from different actors aiming the modification of the actual election system in order to increase the proportional nature of it. The political discourse in Albania is coming back to the starting point where new modifications of the election system are required in order to minimize the negative impacts of the actual one, without taking into consideration the country profile. In case there are modifications, the main parties remain the key designers of them, which mean their immediate interests are fully respected. The question is what is considered a good election system for Albania? As long as the question is not correctly addressed the best change political actors can do to the election system is for the first time after twenty years not changing it.*

Key words: political parties, disproportional index, mandates, district magnitude, coalitions, election formulas.

Elections background

Albania is a parliamentary Republic, with legislative powers vested in the Parliament, and executive powers exercised by the Government, led by the Prime Minister.

The Parliament of Albania is a unicameral body composed of 140 members, elected for a four year term. Since 1990, the country has experienced seven parliamentary electoral rounds; in 1991, 1992, 1996, 1997, 2001, 2005 and 2009. It is important to mention that in the case of Albania there are no two elections held by identical electoral system. In each case there were modifications on electoral formulas or radical change of the system itself. This permanent change of the election system seems to have two main impacts. Firstly, it has contributed largely on permanent destabilization of the model of democracy Albania is applying and secondly has created an advantage for the main parties in making new rules which at least do not effected them negatively.

The main political parties dominating the political scene are The Democratic Party (DP) considered as a right wing party and the Socialist Party (SP). From 1992 to 1997 and 2005 up to now the DP has been in power, while the SP leded the government from 1997-2005. The third party, Socialist Movement for Integration (SMI) was created on 2004 mainly because of the internal leadership rivalry within the Socialist Party in power. It won 8% of the popular vote on 2005 and actually after 2009 election, is in government coalition with DP¹.

The previous election system, 2001/2005 was a combined dependent one. It provided for 100 members of the parliament to be elected in single member constituencies and 40 supplemental seats to be allocated from nationwide multi-name lists, with a view to approximate proportionality. The particular implementation of this system, referred to as "Dushk" allowed large parties to maximize their gains by shifting proportional votes to smaller allies, without having to forfeit seats won in single members constituencies².

Albanian Parliamentary Election of 2009

The Constitution of Albania was amended by the National Assembly on 21 April 2008. Article 64 of the Constitution now

¹ Central Election Commission, 2005

² OSCE Office for Democratic Institutions and Human Rights, Election Observation Mission, Interim Report May 2009

provides that 140 members of the Assembly are elected“ on a proportional system with multi-members electoral zones”. Article 64 also provides that these zones correspond to the administrative divisions “of one of the levels of the administrative territorial organization”³.

The new election system adopted on parliamentary election June 2009 consists on regional proportional representation, with closed multi-members lists within 12 constituencies corresponding to the administrative regions of the country. The 12 constituencies, electoral zones, are of varying size, with the number of mandates ranging from 4 in Kukës to 32 in Tirana. The number of mandates to be allocated in each electoral zone is based on the population.

Table 1.

No.	Electoral Zones / Districts	Number of mandates
1.	Electoral zone Berat region	8 mandates
2.	Electoral zone Dibër region	6 mandates
3.	Electoral zone Durrës region	13 mandates
4.	Electoral zone Elbasan region	14 mandates
5.	Electoral zone Fier region	16 mandates
6.	Electoral zone Gjirokastër region	5 mandates
7.	Electoral zone Korça region	12 mandates
8.	Electoral zone Kukës region	4 mandates
9.	Electoral zone Lezha region	7 mandates
10.	Electoral zone Shkodra region	11 mandates
11.	Electoral zone Tirana region	32 mandates
12.	Electoral zone Vlora region	12 mandates
Total	Parliament of Albania	140 mandates

The district magnitude as it shown on the table varies largely making the disproportional index on district level very high at least on half of them.

The new Electoral Code establishes a three per cent legal threshold for political parties and a five per cent legal threshold for coalitions, which must be met within a constituency for a party or coalition to be eligible to participate in the allocation of mandates. The electoral reforms were adopted in a consensual environment between the two biggest political parties, the Democratic Party (DP) and the Socialist Party (SP). Many smaller parties expressed dissatisfaction with the new electoral system, which they felt favored the two largest parties at their expense. This was very true especially for those political parties which choose to contest the elections alone out of the main coalitions.

The formula for allocation of mandates in each regional constituency is stated in Articles 162 and 163 of the Electoral Code. Mandates are allocated in a regional constituency to political contestants using *D'Hondt* divisors for the initial allocation and *Sainte-Laguë* divisors for allocating mandates to political parties within a coalition⁴. The combination of two electoral formulas for the allocation of mandates made the competition against the main coalitions very disproportional and raised serious questions on the equity of the vote within the electoral zone/district. The way the allocation of mandates was realized made the competition double edges. On one side there was a competition among the running coalitions while on the other side there was a competition within the coalition among those candidates of the main party positioned on the risky part of the party list and those candidates of the smaller parties positioned on the head of their party list.

Thirty six political parties have submitted candidate lists to the Central Election Commission (CEC). In addition, two candidates nominated by groups of voters submitted supporting signatures. Thirty-three parties contested the elections as part of one of four coalitions.

³ Constitution of Albania, 2008

⁴ The Electoral Code of the Republic of Albania (Approved by Law no. 10 019, 29.12.2008)

While smaller parties objected to the new electoral system, many concluded that their prospects would be greater within a coalition, and most of them joined one of the four coalitions for these elections.

The Alliance of Change registered as a coalition made up of 16 parties, including the DP of Prime Minister Sali Berisha. Sixteen parties in the coalition submitted candidate lists to the CEC. Other parties in the coalition which were represented in the outgoing Parliament include the Republican Party, the Environmental Agrarian Party, the Democratic Alliance Party, and the Liberal Democratic Union⁵. This was the biggest coalition in terms of political parties' involvement. More than an ideological coalition it symbolized a strategic one. The main party of the coalition, DP, invited as much other parties as possible to join the coalition in order to maximize the absolute vote at coalition level. Most of the parties (13 of them) which joined the coalition didn't reached more than 3% of the national vote together, but this figure was crucial on determine the winner of the election.

The Union for Change coalition was made up of five parties, including the SP, as well as the Social Democratic Party and the Social Democracy Party, which also have seats in the outgoing Parliament. The Human Rights Union Party (HRUP) participated in the current DP-led Government, but joined the SP-led coalition just before the deadline for the registration of coalitions. The Union for Change also included a new party, G99 created by civil-society activists⁶.

The Socialist Alliance for Integration was a six-party coalition led by the Socialist Movement for Integration (SMI), which competed with the SP for the left-wing vote. It also included the Real Socialist Party '91, a party formed at the beginning of 2009 following a split within the SP⁷.

The six-party Freedom Pole, a centre-right coalition, was formed in April 2009. It included the Movement for National Development and the Demo-Christian Party, the latter of which was part of the DP-led bloc in the 2005 elections.

The political environment before the elections remained highly polarized between the DP and the SP. The DP emphasized its achievements in Government, including NATO membership and application for EU membership, as well as infrastructure development and the fight against corruption. The Socialist Party (SP) has stressed the achievements of its leader, Edi Rama, as Mayor of Tirana, and promised to extend that success to the rest of the country, in areas such as infrastructure, taxation and the environment.

The SP and the DP accuse each other of corruption. The campaign environment has been generally calm and peaceful. However there was a marked lack of trust among many political parties towards the election administration.

Election results

The total number of voters registered on voter list was 3.1 million. Voters turn out was 50.77%⁸.

In terms of seats in the parliament 70 out of 140 or 50% of them were won by The Alliance for Change Coalition lead by DP and its leader Sali Berisha. This coalition won 46.9 % of the national vote and the DP alone reached 40.1% of the national vote.

Union for Change Coalition lead by SP and its leader Edi Rama won 66 seats or 47.1%. In terms of national vote this coalition won 45.3% and SP as the main party of the coalition won 40.8%⁹.

Socialist Alliance for Integration coalition led by SMI and its leader Ilir Meta won 4 seats or 2.85%. Its share of vote on the national level was 5.55% and SMI as the main party of this coalition won 4.84%.

Freedom Pole coalition didn't won a single seat in the parliament. While in terms of the national vote it won 1.82%¹⁰.

Because no single coalition reached the majority of seats in the parliament, two weeks after the election day, the leaders of two coalitions Sali Berisha (The Alliance for Change Coalition) and Ilir Meta (Socialist Alliance for Integration) agreed to create the new government, the former as a Prime Minister and the latter as Vice Prime Minister and the Minister of the Foreign Affairs. The opposition parties coalition led by Edi Rama, The Mayer of Tirana, complaint for irregularities on counting process and interpretation of the Electoral Code by Central Electoral Commission and Electoral College. Since August 2009 opposition parties lead by SP conditioned their presence on the parliament with the formation of a parliamentary investigation committee aiming the opening of the ballot boxes and recounting of the votes.

⁵ OSCE/ODIHR Election Observation Mission Final Report, July 2009/ Central Electoral Commission 2009

⁶ OSCE/ODIHR Election Observation Mission Final Report, July 2009/ Central Electoral Commission 2009

⁷ OSCE/ODIHR Election Observation Mission Final Report, July 2009/ Central Electoral Commission 2009

⁸ Central Electoral Commission 2009

⁹ Central Electoral Commission, 2009

¹⁰ Central Electoral Commission 2009

Final result of 2009' Parliamentary elections in Albania¹¹

Table 2.

No.	Electoral Subject	Votes	Percentage	Mandates	Percentage
"ALLIANCE OF CHANGE" COALITION					
1.	Democratic Alliance Party DA	4.682	0.31%	0	-
2.	Liberal Democrat Union LDU	5.008	0.33%	0	-
3.	Albanian Demo-Christian League Party DCL	6.095	0.40%	0	-
4.	Environmental Agrarian Party EAP	13.296	0.88%	0	-
5.	Macedonian Alliance for European Integration MAEI	1.043	0.07%	0	-
6.	Alliance for Democracy and Solidarity ADS	1.067	0.07%	0	-
7.	National Front Party NFP	5.112	0.34%	0	-
8.	Democratic National Front Party NDFP	4.177	0.27%	0	-
9.	New European Democracy Party NEDPA	2.111	0.14%	0	-
10.	Democratic Party DP	610.463	40.18%	68	48.57%
11.	New Denied Rights Party NDRP	1.408	0.09%	0	-
12.	Forca Albania Party FAP	319	0.02%	0	-
13.	Legality Movement Party LMP	10.711	0.71%	0	-
14.	Albanian Time Party ATP	786	0.05%	0	-
15.	Party for Justice and Integration PJI	14.477	0.95%	1	0.71%
16.	Republican Party RP	31.990	2.11%	1	0.71%
	SUM	712.745	46.92	70	50%
"FREEDOM POLE" COALITION					
17.	Movement for National Development NDM	10.753	0.71%	0	-
18.	Democrat Union Party DUP	1.030	0.07%	0	-
19.	Demo-Christian Party DCP	13.308	0.88%	0	-
20.	Albanian Democratic Reforms Party ADRP	495	0.03%	0	-
21.	Albanian Conservative Party CONS.P	1.067	0.07%	0	-
22.	Freedom Road Party FRP	1.002	0.07%	0	-
	SUM	27.655	1.82%	0	0%
"SOCIALIST ALLIANCE FOR INTEGRATION" COALITION					
23.	Human Rights and Freedoms Movement HRFM	2.931	0.19%	0	-
24.	Socialist Movement for Integration SMI	73678	4.85%	4	2.85%
25.	Green Party GP	437	0.03%	0	-
26.	Party for the Protection of Emigrants' Rights PPER	376	0.02%	0	-
27.	Real Socialist Party 91 RSP 91	6.548	0.43%	0	-
28.	New Tolerance Party NTP	437	0.03%	0	-
	SUM	84.407	5.56%	4	2.85%
"UNION FOR CHANGE" COALITION					
29.	Human Rights Union Party HRUP	18.078	1.19%	1	0.71%
30.	Social Democracy Party SDY	10.395	0.68%	0	-
31.	G99 Party G 99	12989	0.86%	0	-
32.	Social Democratic Party SDP	26.700	1.76%	0	-
33.	Socialist Party SP	620.586	40.85%	65	46.42%
	SUM	688.748	45.34%	66	47.13%
34.	Abdullah Adil Omuri (candidate proposed by group of voters – Tirana constituency only)	756	0.05%	0	-
35.	Law and Justice Party LJP	4.865	0.32%	0	-
	TOTAL	1.519.176	100%	140	100%

¹¹ Source: CEC website (<http://www.cec.org.al>)

The disproportional index 7.33% of the Albanian 2009' parliamentary elections as expected is close to the rate of the indexes in the other countries applying similar electoral systems, as for instance Spain. Despite the fact that regional proportional system is part of proportional electoral systems family, the reason behind the high level of the disproportional index is mostly attributed to the small number of mandates per electoral zone or district.

Table 3

No.	Subject	Difference of votes/ mandates in percentage	Squared difference	Sum	Sum/2	$\sqrt{\text{Disproportional index}}$
1.	DP	8.39	70.39	107.63	53.81	7.33%
2.	PJI	0.24	0.05			
3.	RP	1.4	1.96			
4.	SMI	2	4			
5.	HRUP	0.48	0.23			
6.	SP	5.57	31			

The majority produced by this system could be considered as typical *natural minority* at party and coalition level. The political party which won the largest percentage of votes (SP) 40.85% and 46.42% of mandates in the parliament didn't reached the absolute majority in none of the levels measured. The same could be sad even for the winning coalition "Alliance of Change" which won 46.92% of votes and 50% of mandates in the parliament.

The impact of the regional proportional electoral system on the party system

In order to understand the impact of the electoral system on the party system on 2009' Albanian parliamentary elections, three levels measurement instrument of Pippa Norris is applied.

1. The number of parliamentary political parties

According to the first level of measurement which counts the political parties that won at least one mandate on the Albanian parliament, the number of parties in the party system is 6 (Democratic Party 68 mandates, Party for Justice and Integration 1 mandate, Republican Party 1 mandate, Socialist Movement for Integration 4 mandates, Human Rights Union Party 1 mandate and the Socialist Party 65 mandates). The number of political parties according the first level of measurement, in the countries which apply regional proportional systems is approximately 9.68. It seems that the number of political parties in the case of Albania is obviously lower.

2. The number of significant parliamentary political parties

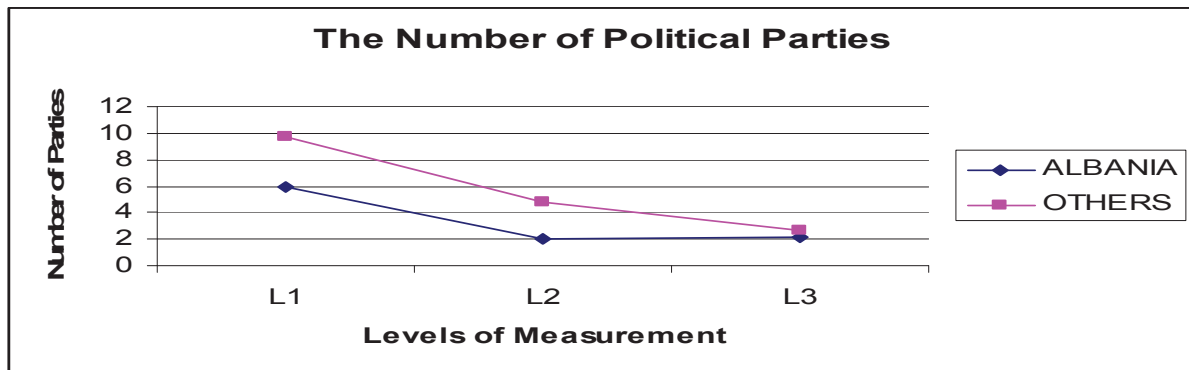
According to the second level of measurement the number of the political parties which are considered significant is only 2 (are counted those parties which won more than 3% of the mandates in the Albanian parliament). The Democratic Party won 48.57% of the mandates while the Socialist one 46.42% of them. None of the other four parliamentary parties is considered *significant* taking into the consideration the counting criteria. The number of parties in the countries which apply regional proportional system according to the second level of measurement is 4.82 while in case of Albania is 2.00. Even in this level of measurement the number of political parties in Albanian party system shows lower value.

3. The number of the significant parliamentary political parties measured by Laakso and Taagepera method.

No.	Political Subject	Proportion in mandates	Proportion squared	Sum of proportion squared	Number of parties on party system
1.	DP	0,485	0,235	0,45	1/ 0,45 = 2,22
2.	PJI	0,0071	0,00005		
3.	RP	0,0071	0,00005		
4.	SMI	0,02	0,0004		
5.	HRUP	0,0071	0,00005		
6.	SP	0,464	0,215		

The number of political parties according the third level of measurement is 2,22. The number of political parties according to the third level of measurement in the countries which apply regional proportional system is 2.7 while in Albania 2.2. Taking into consideration the three levels of measurement in the case of Albania, the number of political parties in the system, is lower than in those countries applying regional proportional system.

Graphic 1



The reason why the number of parties in Albania is lower compared to the other countries using regional proportional system is attributed to the role of the main parties on the design of the electoral system. The dominant political parties in Albania (DP and SP) are key actors on the design of electoral reform, and so are able to maximize their interests through translating their votes in more mandates.

Conclusions

It is the first time for Albania's parliamentary elections that a regional proportional election system is applied. This system was chosen in order to fulfill two goals. First of all to enable election rules which better translate votes into seats in the parliament. Previous elections (combined dependent election system applied) offered large disproportional results which came more as consequence of massive strategic voting. Secondly the main two political parties in Albania as key players in election reform designed an election system that maximized their interest against smaller political parties.

Despite immediate political interests of the main players in Albania, the selection of regional proportional system was not justified at all, taking into consideration the country profile. Albania it's not a heterogeneous country (language, ethnicity etc) and has no regional tradition in terms of administrative organization and competences. The officially recognized minorities have always participated in elections and most of the time on the last twenty years they were part of the majorities and governments.

So, the regional proportional applied on 2009' election, was very well chosen from the main parties' perspective and artificially accommodated with the country profile.

The experiment with the new election system created some anomalies which are reflected to the entire model of democracy Albania is applying. The election final result resembles more to a majoritarian product than a proportional one.

The main parties together won approximately 95 % of the mandates in the parliament winning only 81% of the popular vote. While the number of parties in the party system is 2.2 and four out of six parties in the parliament won together only 5% of the mandates.

The new election system also produced ideologically questionable fragile majority and a very strong opposition in terms of number of mandates in the parliament. The consensual environment and functioning of political institutions very much required in these circumstances, was missing on three consequent years after the election.

Permanent institutional crisis, lack of mutual trust and understanding between the main political parties, dysfunctional parliament, and failure to reach the candidate status as the next step to EU membership are key indicators of the impacts that the new election system had on entire political system. Due to that, there are a lot of initiatives coming from different actors aiming the modification of the actual election system in order to increase the proportional nature of it.

The political discourse in Albania is coming back to the starting point where new modifications of the election system are required in order to minimize the negative impacts of the actual one, without taking into consideration the country profile. In case there are modifications, the main parties remain the key designers of them, which mean their immediate

interests are fully respected. The question is what is considered a good election system for Albania? As long as the question is not correctly addressed may be the best change political actors can do to the election system is for the first time after twenty years not changing it.

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