

An Analysis about Albanian Politics and Constitutional Changes of 2008

Elda Zotaj

*PhD students "Institute of European Studies" University of Tirana;
Lecturer, University of "Aleksandër Moisiu" Durrës: eldazotaj@yahoo.com*

Doi:10.5901/mjss.2013.v4n1p431

Abstract

In some Eastern Europe ex-communist countries, the political transition is still an unfinished process. There are many reasons and causes that have contributed to the unsuccessful set out and within the timeframes of this process. In this way of transformation, institutional democratization and the establishment of independent institutions had result a real challenge for these countries. In the context of the whole, Albania is a special case regarding the conflict of the political actors reflected this in slowing the institutional processes of country democratization. The main purpose of this paper is to examine the impact it has had the politics and political class in the direction of institutional democratization process and the creation of independent institutions. The main argument of this paper is that the political class of these 20 years of transition is not yet completely well detached from the totalitarian party-state system legacy, which is reflected in the not yet realization of independent and solid institutions of the Albanian state.

Keywords: *Independent Institutions, Political Class, Transition, Constitutional Changes*

1. Introduction

"As large as is a conflict between government and opposition, greater are the probabilities that each party attempt to deny the other's possibilities for effective participation in policymaking." (Dahl, 2005)

The value of independent and democratic institutions is a permanent objective, but, in the transition countries their existence is vital because the fragile democracies will be transformed into consolidated democracy. If we refer to the definition of Adam Przeworski-t we will accept that: "it would be worth the transition from an authoritarian system to a democratic system should be thought as something that consists of two simultaneous processes, and partially autonomous: the process of authoritarian regime disintegration, which often appears in the form of "liberalization" and the process of democratic institutions performance" (Etzioni-Halevy, 2009). Politics is formulated in different ways, but it is responsibility of those who have political power to realize the formulations on the country's democratization functions. "Strengthening the institutions and the rule of law are profoundly political processes and as such are products and not the source of the political process."(Polis 4)

For the Albanian politics during 20-years of transition these two processes has resulted almost insurmountable challenge. Still today the "liberalization" process and the creation of independent state institutions suffer from a strong connection with politics and its dictate. During this period the political actors have tried that instead the country and nation's interests to give priority their interests. This assertion is based on the form that has taken the state, society and economy during the transition years. Since the beginning, the political pluralism was transformed from the political parties in a struggle for power deforming so the principles of democracy and becoming a dominant factor of the transition prolongation in Albania.(Pellumbi, 2006) To confirm this statement is worth to mention shortly the marathon of the non recognizing election results that have begun in 1991 (where the opposition of that time have accused for election manipulation), and from this moment and ongoing, the elections contesting and the charges have been a ritual that is followed by both political sides not to spare the welfare, political and economic stability, integration and implementation of democratization reforms in the country.

In modern constitutional democracies, the split and balance of powers is the basic feature where indisputably the placements of specific limitations on the state power against the people are fundamental to democracy. (Constitution and explanatory material, 1998) The existence of some powers within the state, which operate as independent of each other is vital for the development of democratic institutions and state strengthening. How politic affects the development or restriction the democratization and consolidation of state institutions it became clear from the consequences which we live today, of the post-election political crisis of 2009.

Excessive length and lack of compromise led to a lack of series of reforms realization, resulting in the denial of candidate country status by the European Union, where the European representatives a strong criticism have addressed just to them. From this we arrive at a simple conclusion that the political process led by the dominant political parties dominates and conditions the functioning of democratic system and dependent institutions.

Since the moment when Albania has its democratic Constitution in 1998 is worth to emphasize that regarding the fact of its compiling, it was achieved without the participation and consent by opposition. The importance of a constitution with a wide consent is essential in order that the state structure to be built on secure and longevity foundations. Despite the fact that the Constitution of 1998 was approved by popular referendum, for the Albanian state a constitution drafted without wide political consent (in its drafting the opposition did not take part) has produced somewhat fragile institutions.

Constitution of 1998 (despite the drafting process) was the main act breaking the tradition of the past and the beginning of a democratic Albanian state. They began the basic institutions and were exacted definitely the division of the three powers: legislative, executive and judiciary. Under Article 1 paragraph 1 of the constitution adopted in 1998 the Albanian government was declared "Parliamentary Republic", (Constitution, 1998) which means the parliamentary supremacy. For the time and moment in which Albania was and having a not positive experience from the rejects of the draft constitution 1994 year by a popular referendum this was seen as the most appropriate form of state organization. Despite criticism of the opposition at that time, the country and foreign experts have appreciated the spirit and its structure. (Constitution and explanatory material, 1998)

But what has changed in the balance of three powers after constitutional amendments of 2008? Do they have the constitutional amendments violated or not any of the independent institutions? Why these changes that affecting the essence of the political system were not approved by popular referendum? Perhaps political parties feared the people judgment and "avoided" the referendum to assure the next "arrangement"? Or perhaps these changes were "sincere" and "the right" but people will not proper understand...? These questions raise many points, but above all concern the researcher and citizens about of "risk" that might arise from the political class when it forgets the citizen's interests and on their behalf meets its interests, and apparently this is the spirit of the recent constitutional changes.

In this paper was tried to analyze the political class impact as the main actor in retardment the creation and consolidation of independent institutions. The focus of the work will be directed mainly in constitutional amendments that were adopted on 21 April 2008 with the consent of the two main political parties DP and SP. Difference in content that incurred the institution of parliament, the president, the Central Election Commission and the electoral system.

2. Constitutional amendments a necessity or a hasty process!

It's a fact that political power expressed in the governing power is covetousness and a part of his strategy for getting it from any political force. The essential difference of this process in countries with developed democracy from that of countries in transition has to do mostly with legal and institutional way they follow in the democratic principles implementation of the government's justify. On this we want to express that the election results recognition and acceptance is the basis of its democratic discourse. This means that elected representatives from the sovereign have the recognition and "the blessing" the losing party.

Since the political changes of 90 – 91, the history of elections in Albania is one of the most dramatic issues in terms of diversity, forms and distortions that this process has been with the crisis of representation of the sovereign's will. Despite that "the parties promoted the values of democracy and creating a political system completely in opposite with the dictatorship model of party-state, during these years in many cases they are showing the mentality of the old system, including the tendency of maintaining political monopoly over the state and society"(Bufi, 2010;146). Political parties have dominated the political process by diminishing the role of civil society, and researchers and experts in many important cases having to do with the country's democratizing. According to researcher Fisher:

"It is very discouraging the notion that exists on cooperation. Political culture greatly influences the nature of the Albanian political parties. They do not make arrangements for democracy within the party ranks, and even between other parties. But if there is no democracy in political parties, Albania will have difficulties to develop a functional democracy in his country¹".

From this statement it appears that with this political class is difficult to "built" institutions "truly" independent and functional. It is so much the political life catch by the political parties as out of their system is not promoted any individual, interest group or civil society instead in their interest are used and misused in certain moments. This overview serves to emphasize the domination and the major influence that political parties have taken on particularly in fragile democratic

¹<http://www.ama-news.al/2011/10/fisher-blokimi-i-integritet-vjen-nga-mungesa-e-kultures-politike/>

system like ours. One of these examples is the power that they themselves attributed by the constitutional changes implementation bypassing the comprehensive democratic logic that should be expressed by the referendum keeping. Only a disinterested political class for freedom fears the popular consultation). In our opinion the referendum was necessary for their approval, regarding the specific conditions in which our country is. This deformation and its overpower is expressed in their discourse that they give themselves by their representatives in the Parliament (which will analyze the issue below).

It is worth mentioning the fact that:

"The Assembly is the first state institution to be subject of the "party" model imposition that transmit it to the other state institutions with very negative consequences." (Bufi, 2010; 144) this avow is easily proved by our politicians governance style and manner of these 21 years. This implies that all the regression and the inability of state and independent institutions consolidation is inevitably also product of the political class and their power games. "When political majority operates as "party" model logic, the Assembly cannot fulfill his constitutional responsibilities, it suffocates²". Seen in this light, the parties that agreed together the recent constitutional changes, if it will be completely conscious for their necessity to embody the popular willingness, they naturally should have been demanded the approval by the citizens. It didn't happen, even such initiative was taken by some small parties they didn't find support; rather they faced fierce opposition from both major parties and failed in their purpose. Leaders of both major parties went so far as the referendum question was sold as the wrong idea or initiative. Here is what the opposition leader said about the referendum issue:

"By considering deputies as representatives of people, Rama had assessed that the package of constitutional amendments had received even popular approval: "For constitutional changes the Parliament was expressed once and the parliament members are *the voice of sovereign people*" (Author's emphasis) (Century Newspaper 2 May 2008).

The above statement clearly shows that when for their close and un-argued purposes they speak in the name of people by not considering their voice. Taking reserves for opposite leader statement, naturally the question arises is: To whom sovereign he is referring to? If we take in consideration the elections history of course the sovereign real representative lack is the subject of any argument. The dispute, electoral tricks, contesting the election results, etc., are made precisely to manipulate, change or bad represented the sovereign's will. If really it would have respect for and right reading of sovereign's vote then we would not have a lack of representation and political life democratization in reality there is representative of the sovereign needs and demands. Then to whom sovereign did the leaders of the two major political parties in the country refer?

In many developed countries, the constitution's changes are a very serious matter that requires approval by referendum. "The referendum or plebiscite is a directly free willing of people's democracy. In this sense we can say that the referendum itself embodies the realization of the highest democratic values" (Meidani, 2009;). Examples show that "the deputies in most cases, appears more as a" cardboard voting party" rather than a responsible decision maker (Meidani, 2009)", and the game of numbers and fictitious cartoons was strengthened considerably after the changes made to the constitution regarding the electoral system. With the contestations and allegations of vote and deputy fraud in the parliamentary elections of 2005, the created Assembly as a result of them probably should not have allowed himself the authority to make substantial intervention to the constitution. We agree with Mr. Kopliku when he says: "this 'megadushku' Assembly³ should not affect the Constitution at all, except the necessary minimum to avoid 'megadushku'. In this line Mr. Sabri Godo said that "the constitution is not the work of several party groups. Cannot be made by throwing things on the table only once and then will be forced the deputies to give their vote based in their party discipline (Century Newspaper 16 April 2008)".

Constitutional amendments are not a taboo, but they must be done within the governance and stability in government, spending and respecting all procedural stages, when in this case except procedural problems from both parties was denied the referendum approval. As above if we are going to refer dynamics of events, the socialist party has had various time demanding changes in the electoral system and those that has to do with the deputy's selection. The Democratic Party from his its side had demanded the abolition of CEC institution from a constitutional institution to a administrative one. But beyond that, Democratic Party around on April 10, 2008 had presented the "second" changes also.

In that time within the Democratic Party members had objections about the proposed changes. Some members had commented that the process was not transparent and not letting the necessary time to make their review. Mr. Besnik

²*Ibid.*

³ *a term which is used in Albania Politic about manipulation in elections*

Mustafaj⁴ said that "we are witness that the process is conducted without transparence," he adds also that, "My concern in this process is that the Parliamentary Group of DP is completely avoided, is left out" (Albanian Newspaper 17 April 2008). While the deputy Mr. Ngjela for these initiatives has expressed that "society is facing an anti constitutional coup" (Albanian Newspaper 18 April 2008). The above statements leave no place for comment they are clearly legible. Despite the opinions and voices against, the compromise was: each of the parties should "fix" articles that were in their best interest based on this logic at least the other side would do the same thing, so that will achieve the necessary consensus.

We believe that this is not helping democracy and Albania institutions strengthening but the party leaders position strengthening and depletion the different thoughts from the ONE. Seen from this perspective it appears that these changes were accelerated and in a big part of them unnecessary. Have passed three years after interventions in the constitution and a part of politics changes initiators feel "remorseful" and even they have gone so far as to specify them wrong⁵. Despite initial short-term benefits, the changes especially them on the electoral system, so the eliminating of some fictitious political parties that really was a necessity, the manner and lack of constitutional expertise still left many gaps. Time showed that these changes have not resolved "the political cramps" but they blocked further existing cramps, even created new ones⁶. We think that the only real and urgent problem that our country had in its constitution, was "megadushku" elimination, theft of the deputies through procedures that skip the people's will. In our opinion even in this point wasn't found the best solution, was highlighted further the role of party presidents. Significantly strengthen and deepen the fundamental problem that our political parties and politics in general have, enforcement of the One: the infallibles, the incorrectness and irreplaceable. These changes resulted a failure in the democratizing and power control of "the party One" and then "the Executive One". In the following sub issues we will see "the refractions" that the institution of parliament incurred from the constitutional changes of 2008.

3. Parliament Institution seen under constitutional amendments of 21 April 2008

The Constitution of year 1998 in its entirety kept the spirit of Parliamentary Republic with a multi-polar power.

It was formulated in such way for each institution that in testified a correct balance of powers and constitutional institutions. It is worth mentioning that the constitutional power, the election manner and appointments, competences and integrity of each institution was in framework of this philosophy. "The consensual" changes touched the constitutional base of some institutions, so in essence was changed the fundamental law of the State. Which is the procedure that parliament follow on constitutional changes?

In our Constitutional (article 177 paragraphs 3, 4, 5) the constitution review function was lead to the Parliament. Parliament can exercise this power *only* through special procedures. These procedures consist in qualified majority requirement. In case of review is the parliament that decides for the referendum of the amendments. (Constitution and explanatory material, 1998) As above is indispensable the dialogue and agreement among political parties, as the amendment procedures required the 3/5 votes (qualified majority) of members. Since the date of the constitution approval were made two changes; on 13 January 2007 and 21 April 2008. They were firstly created and supported by both major political parties, the Democratic Party (in power) and Socialist Party (in opposite).

Since the establishment of these two parties in Albania politic has dominated the lack of dialogue and compromise, so we shall allow ourselves that after so much disputes and disagreements between them to define such cooperation (constitution changes) as a "great compromise". This warm wave of dialogue between two parties was turn in an exchange *give me to give you*, the amended articles, without leaving the necessary space and time to be "discussed" from each party.

In the Albanian political leader's tradition is noted a primitive vision over the state concept. This affirmation is shown on the factice deformation of the democratic concept of Rule of Law State. It is based simply on the willing of the political party that has parliamentary majority. When is required demanded by the circumstances, the autocratic features of country's leaders appears and influence or usurping institutions that polarize the power. This means that regardless the leader's political spectrum, winner of parliament, as per close personal and short-term interests extend the hand of power everywhere, damaging the building of strong institutions of state.

⁴ Deputy and ex-minister of Foreign affairs

⁵ Referring the opposite leader declaration that: seen after three years later the constitutional changes were a mistake and he is remorseful for these constitutional interventions, even goes so far that requires other changes to repair the "made mistake" online:

⁶ Exp: The manner of electing the president, SP-DP parties had agreed that in the fifth round the president might be elected with simple majority, now SP party consider the question open and that had to be revised. The debate is also for the other changes for example the election system etc.

In this context is necessary to ask such questions like: How much and how have these changes influenced in candidates for deputy election? So until where a parliamentary majority can extend its power after have won the election? Does a parties' leader has strengthened their position with this new election system? What kind of representatives gives us the electoral system in the institution of Parliament? How much is conserved the deputy's decision maker integrity when he is elected by closed multi-names lists?

Are these political parties prepared to conduct this election system? Do they have the required democratic standards to achieve it? It is understood that most of these questions may not be exhausted by only a paper like this, but they guide us to the centre of the issue, what meanings take the constitutional changes regarding the institution of Parliament?

In the constitutional amendments of April 21st, 10 amendments from 183 were changed and half of them are amendments that affect important aspects of the political system and governmental. These changes were approved adopted with 115 votes. From these 10 amendments, 4 articles and practically the Articles 64, 65, 67, 68 belongs to their third part where they speaking to the assembly. From the mentioned above articles we will explain the Article 64 as it carries a special significance. Article 64 defines "the parliamentary product" that will emerge from the general election. This means that changes made in the constitution are essential terms regarding "representation and selection criteria" by the people. Let's see as follows:

The Constitution of 1998, Article 64 point 1 and 2 said,

1. Assembly is composed of 140 deputies. 100 deputies are elected directly in single-member zones with approximate number of voters. 40 deputies are elected from parties' multi-name lists and/or coalitions of parties according the order.
2. The total number of deputies of every party and/or coalition is defined in the report as close to the valid votes obtained by them throughout the country in the first round of elections.
3. Parties that receive less than 2.5 percent and coalitions that receive less than four percent of the valid votes throughout the country in the first round of elections do not benefit from multi-name lists.

This article was changed on April 21, 2008 as follows:

1. The assembly is composed of 140 deputies, elected by proportional electoral system of multi-name electoral zones.
2. The electoral multi-name zone matches with administrative division of one of the levels of administrative-territorial organization.
3. The criteria and rules for implementation of the proportional electoral system, for electoral zones defining and for the number of mandates for each zone are defined in the elections law.

Changes in the electoral system are somewhat better. The number of parties in parliament was reduced considerably as a result of it. He avoided a number of parties with without real electorate. On the other side this system obliges the voters to vote only for the party avoiding the voter from selecting the candidate. The system to be functional and reliable requires clear rules of the game (i.e. a new electoral reform), their correct implementation, and the establishment of a comprehensive procedure based on the most militant opinion and over all transparency in its application. Naturally the question is how people can exercise their rule when its rule representatives in parliament were chosen de facto by the "heads" of political parties?

The experience and practice of these pluralism' years has shown that "politics" have had a bad relationship with transparency and respect for rules laid down by them. Seen from this perspective this elected practice may be used as an instrument against each member how thing differently from leader.

In these conditions the parliament would be returned a tribune dominated by parties' leaders and the other rest of deputies as megaphones delivering the voice and will of one man, the leader's voice.

In case when they are elected directly by vote of people they are more representative, having more legitimacy stature. In that case, they have more resistance to pressure from leader and party in the decision making freedom. The directly elected members of Parliament have more responsibility and are more associated with their electoral zone than the electoral list members. Cases where the list of elected, are carried out by "party leadership", is under doubt the selection way of candidates. The most happening scenario is the potential leader influence chooses the most faithful members. As above even this new election system doesn't avoided essential problems, as the issue raised is not how good or bad is the procedures, but how are they implemented.

4. President institution seen under the constitutional amendments of 21 April 2008

In the election of the president, takes value and significance the principles, correctness, numbers and procedure of its election. Interventions that affect the institution of the President are constitutional changes reflected in Articles 87 – 88.

The referendum avoidance for constitutional changes, might be interpreted as threaten and dangerous for democracy in Albania.

To emphasize the changing balance of power toward the executive is worth analyzing "the role and election of head of state". We think that the recent constitutional changes the election of President is realized as a simple decision-making process by the party or executive coalition. Under this approach only the change of this procedure (election procedure) inevitably affects in constitutional power, authority and integrity of the institution of the President.

In this way the president is likely to be turned as an instrument of the ruling party. The Constitution of year 1998 has insisted too must for a President elected by consensus. Theoretically (because in reality It doesn't happen) the constitution has foreseen that the country could pass two general elections round and only after exhausting these procedures it was foreseen a president elected by 50% of the deputies votes of Parliament. In such way this constitution "imposed a president who doesn't come from political race, but from the maximum possible consensus". (Albanian Newspaper 21 April 2008) It wasn't unintentional a design procedure of these dimensions, if the parliament couldn't elect a president by a qualified majority, how it would be able to carry out the reforms and laws that require such a compromise during his 4 year? If was really had a "handicap" or "cramp" in the electing process president, it was fully justified by the role and function of the President institution. It can't have a required legitimacy a president elected only by a half of Parliament!

What meaning would have the phrase "representative of the people unity" when the President is elected with 71 votes of parliament members? What meaning it has that the General Prosecutor, chairman of the supreme state audit and some other bodies nominated by the President to be elected with more votes than President? What meaning might have the approval of the prime minister by the President? Mr. Gjinushi had been objector to those constitutional changes, he had argues that "if is touched the article that deals with the President, the President is the Chairman of the HJC (High Justice Council), he is the one that balances the powers between parliamentary majority and he can't be from the same parliamentary majority". (Albanian Newspaper, 18 April 2008) In this regard the constitution of 1998 had specified the importance and value of proper procedures for the election of the President. So his election remains a major issue that closely relates with the fulfillment of his constitutional powers.

We can say convicted that this way of president election foreseen in last constitutional changes affects president institution, creating many gaps and contradictions. It is changed and aggravated negatively his relations with parliament, executive and some other institutions. So these changes (as they were served by politicians) were not just easily procedures and elimination of artificial cramps but the intervention in substance of the process of control over the other powers and especially the executive to the president's institution. According to Mr. Krasniqi "the new constitutional changes aimed that these parties which govern the executive and have the majority in the Assembly to have the choice right of "the head of state" the representatives of the people's unity". (Albanian Newspaper, 18 April 2008)

In our opinion the constitutional amendments that affect the institution of the president have changed the essence of the political system. We have separation and balance of power avoidance and especially the role of executive head is much strengthened by these changes. Cannot be avoided the prime minister and majority control on the president, because he will be chosen not necessarily have to be consensual and not necessarily his life will be 5 years. These changes tend to create a presidential institution without political power, under the pressure and control by the parliamentary majority.

5. Constitutional changes and the position of Prime Minister and the executive

The Prime minister represents the leading authority of the executive power. His relations with Parliament are cooperating and account-giving also. The Premier in collaboration with the Council of Ministers creates the development policies. To analyze the impact that have the 21st April 2008 changes on the executive power and especially the premier role is worth the comparing of article 104 of the Constitution of 1998 and how it was adopted under the constitutional amendment of 2008.

The Constitution of 1998, Article 104, paragraph 1 and 2 has foreseen as below:

1. If a motion of confidence presented by the Prime Minister is refused by a majority of all members of the assembly. The assembly within 15 days chooses another primer. In this case, the President appoints the new Prime Minister.
2. When the Assembly fails to elect new Prime Minister, President of the Republic dissolves the Assembly. (Constitution, 1998)

This article was amended as follows:

1. The premier has the right to present a motion of confidence to the Assembly for the Council of Ministers. If this motion of confidence is voted by less than half of all members of Assembly, the premier within 48 hours from the motion voting, ask to the President of Republic to dissolve the Assembly.
2. President dissolves the Assembly within 10 days from the request receiving. The confidence motion request cannot be presented during the analyzing period of the confidence motion, according the article 105. (Constitution, 2009)

The mechanism of "confidence motion" serves to test the credo that the prime minister enjoys in parliament for reforms or initiatives that he wants to accomplish, but formulated in this way this mechanism loses its essence by allowing spaces for abuse by the Prime Minister. Even if we going deepened in our judgment this mechanism can be used by the Prime Minister even as a pressure form against its parliamentary majority to approve laws that can be objected from certain deputies or groups. Consequently, the independent institution of parliament is "depending" by the executive rather by the Prime Minister, because it allows the manipulation of Representatives and consequently the voters will. So, the Prime Minister has the right that for his own interests to lead the country into early elections? We can raise the question that is provided in the constitution any other mechanisms to avoid the abuse by the Prime Minister? Are taken measures to render more difficult the "malevolence" of the prime minister? According to Mr. Kopliku with the "confidence motion" the prime minister could dissolve the assembly when it has a fancy, without obstacles. With this has on his hands a new type of "megadushk": to shape the new Assembly, according to his personal will, and not in accordance with the voters' free will. (Albanian Newspaper 20 May 2008)

If we analyze the article 105 which has undergone substantial changes also, it becomes clear that the mechanism of no-confidence motion is in favor of primer also. The "confidence motion" is the term used to present the case where is requested the prime minister's dismissal from members of the assembly.

Prime Minister and his work is controlled and overseen by parliament through the confidence motion mechanism. This mechanism is preserved even with the new changes but the initiator and dissolver isn't more of the parliament but of the primer. Why does the prime minister (in case of no confidence) within 48 hours of voting to request the President to dissolve the Assembly? Is violated the parliamentary supremacy in this case? Seen by this new reformulation seems that the primer has all the necessary conditions to dissolve the Assembly when he wants enough to use or manipulate some of his deputies not to vote because the opposition is "known" that they vote contrary. But here are expressed the differences.

The Constitution of 1998, Article 105 paragraph 1 and 2 has foreseen:

1. If a motion of no confidence presented by one-fifth of the deputies is approved by the majority of Assembly members, the Assembly within 15 days has to choose another primer. In this case, the President appoints the new Prime Minister.
2. When Assembly fails to elect a new Prime Minister, the President of the Republic dissolves the Assembly. (Albanian Newspaper 20 May 2008)

This article was amended on April 21st, 2008 as follows:

1. One fifth of the members have right to send it for voting in the Assembly a non confidence motion against Prime Minister in duty, proposing a new Prime Minister.
2. The assembly may vote a non confidence motion against Prime Minister *only electing by more than half of its members votes a new Prime Minister. (Author's underline)*

As above, even in this case the Prime Minister removal becomes impossible, especially when parallel to the motion vote was demanded the new prime minister voting. This change has enforced further its constitutional position. The prime minister that in case of not voting a confidence motion asking the President to dissolve the Assembly!! It has changed the balance between Assembly and Government. According to this change the deputies that's supporting the government becomes more dependent on its will. Thus, we see clearly that constitutional amendments of April 21, 2008, accentuate more the primacy of executive power over other powers.

In an article published in the century Newspaper dated May 2nd, 2008 Mr. Brace argues as follows:

"If any majority, even that of most fluid manages to make votes to overthrow prime minister has certainly possible to make the votes and to vote the new prime minister! There is no encroachment, everything is quite normal".

The logic leads us in the conclusion that the mentioned above citation is simply a political demagoguery to argue the great "compromise" and also in this compromise there is nothing wrong and even more an occupation or empowering of one power over another. The new changes are clearly legible and in that is transcribed the fact that the removing is impossible in this case. (Meidani, 2009) Its riskiness (constitutional changes) also consists in installation of a concentrated state model in the center of executive power, checking and submission other powers".

6. Conclusions

As a conclusion we can say that the Albanian political class has played in many times a deceleration role in the consolidation of independent institutions. A particular importance takes the constitutional changes of 21 April 2008. As per our opinion those changes has affected the equilibrium and the separation powers mechanism. Under these changes was strengthened more the prime minister's role. As a consequence the president's powers were reduced. The new procedure of electing the President has diminished the institution legitimacy. In framework of these conditions the president can be any of the majority members as he is elected with simple majority and without the determined necessity of opposition in this process. In this new constitutional situation not only the president institution but also the other institutions that depends on it, are not in good situation. The Opposition can't has anymore the right to overthrow the government (with the mechanism of rejection of the president after five rounds of voting), which in terms of our democracy it is not a good sign. As per above we can say that the Constitution's intervention have affected a range of independent institutions, is sufficient to mention the limitation of the General Prosecutor mandate, the return of the CEC from a constitutional institution in an administrative one and many other changes that affected the justice institutions. In the road toward state and democracy development, these interventions in the country's fundamental law changes are a step back in terms of Albanian institutions strengthening and consolidation.

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