Consolidation of democracy and the rule of law in Albania: OSCE assistance efforts

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In pursuing the path to democracy and the rule of law, Albania faces many obstacles of historical origin. Increased international attention and renewed commitment by the Albanian authorities to adhere to fair, open, and rigorous democratic and legal processes do suggest a promise of the eventual victory of the legal over the political state. At the same time, recent events serve as a reminder that the process of cultural change, of adopting not just the democratic and legal practices but also the underlying norms and values, is long and uncertain.

This article highlights OSCE assistance efforts aimed at the consolidation of democracy and the rule of law in Albania. A brief outline of the historical background of Albania’s political culture is followed by a more detailed discussion of the civil unrest of March 1997 that gave rise to the establishment of an OSCE Presence in Albania. Following a description of the Presence’s activities as they have developed since its establishment in April 1997, the article discusses Albania’s recent efforts to institute democracy and the rule of law and gives an assessment of the progress made. The article concludes with some thoughts as to effective approaches to the development of democracy and the rule of law in post-conflict situations.

1. Historical Background

While other former communist states in middle and south-eastern Europe have a pre-communist history of self-rule, civil society, and industrialisation that has proved useful as a basis for democratic and economic development, Albania has none. Albania carries with it a tradition of foreign occupation, dictatorial rule, and neglect. From 1479 to its independence in November 1912, Albania was ruled by the Turks as part of the Ottoman Empire. During World War I Albania was invaded by Italy, Serbia, Montenegro, Greece, Austria, and Bulgaria. During the interbellum Albania was part of the Italian sphere of influence, while

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2 Daan Huisinga works with the Netherlands Ministry of Foreign Affairs and was assistant to Ambassador Daan Everts, Head of the OSCE Presence in Albania, from January to August 1998. This article has been written in his personal capacity.

3 During the period in which this article was written Albania once again experienced several days of civil unrest, leading to the replacement of Socialist Prime Minister Fatos Nano by the Secretary-General of the Socialist Party, Pandeli Majko.
at certain times also other foreign powers — Greece, France — established some sort of presence. During World War II Albania was occupied first by Italy and later by Germany. Only for a very brief period, for six months under the government of Fan Noli in 1924, did Albania experience some sort of democratic self-rule.

With the exception of some infrastructural work by the Italians, none of these foreign patrons made any significant contribution to the economic and political build-up of the country, but, on the contrary, tended to neglect it. This long history of domination and neglect made it easy for orthodox communism, in effect just another form of authoritarianism, to succeed there following World War II. With xenophobic paranoia, dictator Enver Hoxha eventually severed ties with the entire world and subjected the Albanian population to a regime of strict social, political and moral controls. Judicial independence and respect for human rights were close to being non-existent. As in most communist countries, the legal system became subject to political control. A 1951 government decree abrogated constitutional provisions on civil liberties and the administration of justice.

The result of this history of foreign occupation and dictatorial rule is a natural gravitation towards a governmental structure with three characteristics: (1) centralisation of power in a single person; (2) a supporting structure comprised of functionaries with little or no actual authority; and (3) the systematic removal from the structure of those who show opposing views or are perceived to be disloyal. In terms of political culture it implies a tendency to view the political process as a zero-sum game: one man's gain is another man's loss and vice versa. The constant fear of losing out to political competitors breeds distrust. Parties consider they have no other option but to strike before being struck. Promises are never kept for long; agreements are negated at will. Domination is the norm, not cooperation and compromise.

2. The early years of pluralism
Against this historical backdrop, the recent political history of Albania is, in hindsight, not surprising. From the early days of pluralism onwards, party politics centred on establishing networks of certain clans and interests, and accumulating power. Parliamentary practice was characterised by empty dogma, name calling, and a lack of political accountability to the voting public. In a highly polarised political climate, practices of the past quite naturally began to re-emerge, especially after 1994 when the President and the ruling Democratic Party were rebuked in a popular referendum on a new constitution. Laws were broken and rules improvised for political expediency, and reforms towards the establishment of a more responsive and caring administration were delayed or not implemented. Parliament, rather than serving to counterbalance presidential power, was subservient to the President and rubber-stamped legislation. Citizen input into the law-making process was discouraged, with law drafting taking place behind closed ministry doors.

This is not to deny that the Democratic Party put into place several political,