Journal of Liberty and International Affairs | Volume 8 · Number 2 · 2022 | eISSN 1857-9760
Published online by the Institute for Research and European Studies at www.e-jlia.com

Copyright © 2022 The author/s
This work is licensed under a CC-BY 3.0 license
(*) Corresponding author
Peer review method: Double-blind
Received: 07.03.2022
Accepted: 23.03.2022
Published: 14.06.2022
Original scientific article
DOI: https://www.doi.org/10.47305/JLIA2282075k

How to cite:
Kume, Andon. 2022. "ANALYSIS OF THE INTEGRITY INDEX FOR PARLIAMENTARY ELECTIONS IN THE ALBANIAN DEVELOPING REPRESENTATIVE DEMOCRACY". Journal of Liberty and International Affairs 8 (2):75-86. https://e-jlia.com/index.php/jlia/article/view/599.

ANALYSIS OF THE INTEGRITY INDEX FOR PARLIAMENTARY ELECTIONS IN THE ALBANIAN DEVELOPING REPRESENTATIVE DEMOCRACY

Andon Kume[1*]

[1]Aleksandër Moisiu University of Durrës, Albania https://orcid.org/0000-0003-0669-7753 ✉ andon.kume@gmail.com

Abstract: *This research aimed to analyze the Albanian parliamentary elections held in 2013, 2017, and 2021 in order to evaluate the process of development of representative democracy in Albania, one of the post-communist countries of the Western Balkans. The analysis was based on assessing the dynamics of the Electoral Integrity Index (PEI) as a quantitative indicator that reflects the level of fulfillment of international standards for democratic elections. The PEI was evaluated using the average perception values for 11 indicators reflecting the election process. Based on the value of the PEI2013 (54.1 scores), PEI2017 (53.3 scores), and PEI2021 (57.7 scores), the parliamentary elections in Albania were considered as processes that do not exceed the 'moderate' level. The non-significant difference between 2013, 2017, and 2021 PEI (p>0.05) demonstrated low progress in developing democratic performances in Albanian society.*

Keywords: *Integrity; Parliamentary Election; Democracy; Albania*

INTRODUCTION

Elections are essential for exercising fundamental human rights and civil and political rights. According to the Universal Declaration of Human Rights, Article 21, an electoral process is democratic only if:

- it is realized as fair competition,
- takes place in an environment characterized by reliability, transparency, and accountability,
- manages to provide equal competition conditions to all subjects involved in it,
- citizens are informed, without distinction, about their rights and duties as voters, about the rules they must respect in the voting process, and the alternatives, programs, and candidate competition,
- legal framework and its implementation enable the respect and fulfillment of the right to free expression, free media, freedom of association, freedom to form political parties,

political cooperation, free movement, respect for the principles of the rule of law, equal right to run for public office, non-discrimination and equal rights for all citizens.

Conducting elections under the above principles is one of the main challenges faced by societies in the Western Balkans, which, after the changes of systems of government that occurred in the early 90s, are going through the processes of democratic development. In order to evaluate the electoral process regarding the level of fulfillment of the standards for elections to be considered free, fair, and democratic, OSCE participating States have agreed to use as a reference the assessments given in the final election report prepared by OSCE/ODIHR International Observer Mission. Meanwhile, in addition to these assessments and with them, OSCE/ODIHR (2003) recommends considering evaluations provided by civil society and independent domestic observers.

Evaluating the level of fulfillment of democratic standards in elections and assessing the dynamics and trend of changes from one electoral process to another creates the opportunity to judge the quality of the development process of representative democracy and its functioning. In particular, this process is vital for countries that are still on the democratic development road path (Marginean 1997; ACE Encyclopaedia 2013; Norris *et al.* 2013; Thomassen 2014; Finn 2019).

To evaluate the fulfillment of democratic standards in elections, during the pre-election period, campaign, election day, after the election, and the final result, Norris *et al.* (2014) proposed the assessment of Perceptions for the Election Integrity Index (PEI).

Norris *et al.* (2014) emphasize that "elections meeting international standards are essential to liberal democracy, although they are only one institution". Meanwhile, according to Liz and Stephan (1996), the "electoral list fallacy" assumes that elections are necessary and sufficient for democracy to flourish. Norris *et al.* (2014) emphasize that "patterns of electoral integrity are being strongly correlated with contemporary levels of liberal democracy, monitored by the Freedom House".

The Index that assesses the Perception of Election Integrity (PEI) for the parliamentary elections held in Albania in PEI_{2013} and PEI_{2017} was evaluated by Norris *et al.* in the framework of the Electoral Integrity Project (2019), in which the 337 elections held in 166 countries around the world. The Perception of Electoral Integrity Index (PEI_{2021}) for parliamentary elections in 2021 was evaluated by an Albanian NGO (AIESD 2021). Through the analysis of PEI and based on the evaluation of their dynamics, this paper is intended to judge the development of representative democracy in Albania as a post-communist country in the Western Balkans.

METHODOLOGY

The evaluation of PEI was carried out by applying, in the main lines, the rules described by the methodology developed by Norris *et al.* (2014).

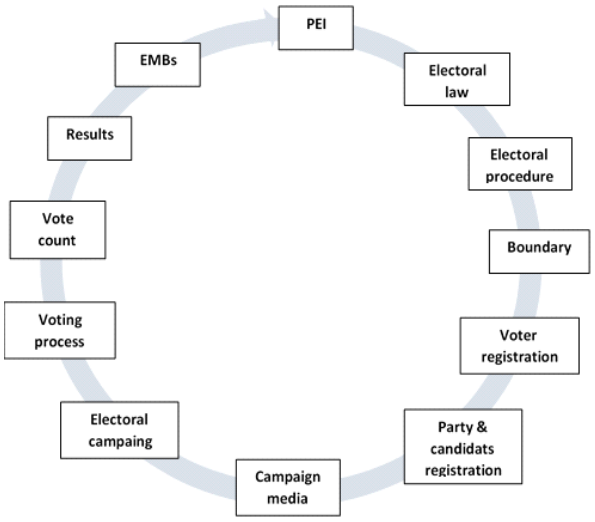


Figure 1: PEI Electoral Process (Source: Electoral Integrity Project. 2014. The Expert Survey of Perceptions of Electoral Integrity, Release 2.5 (PEI-2.5))

According to this Methodology, the Index for the PEI is performed using the quantitative evaluation of perceptions for 49 indicators, grouped into 11 categories that reflect the entire election cycle (Figure 1). Norris *et al.* (2014) emphasize that the values of 49 items are quantitative assessments of the perceptions done by experts committed to this purpose. Each item is formulated as an assertion that the attitude toward positive growth should be expressed, ranging from the lowest value (1) to the highest (5). For the evaluation of the Index of Perceptions of Election Integrity (PEI), the values of the indicators (average of the values of all the constituent items of the respective indicator) are standardized in values from 1 to 100 points. Standardized values are ranked in five intervals (Table 1).

Table 1: PEI Index (Source: Norris, Frank, and Martinez i Coma 2014)

≤ 40 scores	Very low
40^{+} - 50 scores	Low
50^{+} - 60 scores	Moderate
60^{+} - 70 scores	High
$\geq 70^{+}$ scores	Very high

For evaluating PEI Index for the Parliament of Albania (2021), based on the above Methodology, AIESD (Albanian Institute of Election System Development) has activated ten experts with training in legal and political sciences. Considering features, characteristics, and

problems of the electoral process in Albania, experts collected data related to perceptions for 11 indicators (Table 2).

Table 2: Indicators and Number of Items (Source: Authors` depiction)

Phases	Indicator	Number of items
Pre-Election Day	Legislation	12
	Electoral procedure	15
	Boundary	5
	Voter registration	7
	Parties and candidate's registration	17
Campaign	Media and campaign	18
	Electoral campaign	17
Election Day	Voting process	17
Post-Election Day	Counting	12
	Result	8
	Electoral body	19

These indicators concern, among others, the following topics:

- problems related to the process of drafting legislation;
- registration of candidates and their legal obligation for self-declaration in the implementation of the decriminalization law;
- campaign and its financing;
- gender representation;
- administration of the electoral process.

The items were formulated considering the methodology used by the Albanian nonpolitical domestic observers that monitored the parliamentary elections held on 25 April 2021. In this way, the PEI assessment also used the data published by these local observers.

RESULTS

The values of 11 indicators estimated for the last three Albanian parliamentary elections are presented in Figure 2.

Legislation

The indicator that reflects the process of preparing the legal framework and the qualities of the Electoral Code following the elections for the Albanian Parliament that took place during the 2013-2021 period is estimated at a moderate level. For the 2017 elections, the perception of this indicator is at a low level. These perceptions are the consequence of the fact that, despite the repeated recommendations of OSCE/ODIHR international observers and the Albanian civil

society, the Albanian political parties did not reach an agreement to make amendments to the electoral legislation. The electoral reform in this period failed.

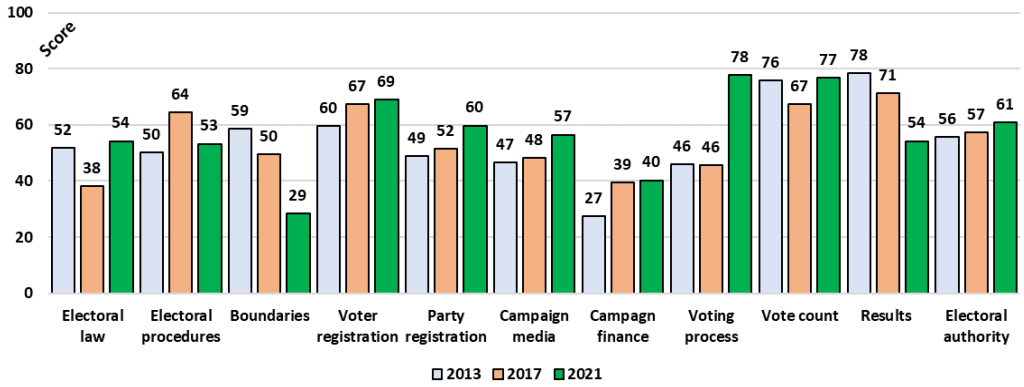


Figure 2: Assessment of Perceptions for 11 Indicators Parliamentary Elections 2013, 2017, 2021 (Source: Harvard Dataverse and authors' depiction)

Before the 2021 parliamentary elections, significant changes were made in the Electoral Code and in the legislation that addresses issues related to elections, such as the Criminal Code. However, the indicator that assesses perceptions of electoral legislation did not increase significantly. This is because the majority, without the opposition's approval, amended the Albanian Constitution and the Electoral Code. These amendments were not in the electoral interest of the opposition parties.

Implementation of Electoral Procedures

Perceptions with high positive values for implementing electoral procedures by election administration belong to the 2017 parliamentary elections. According to these perceptions, this election is classified at a high level, referring to this indicator. In the 2021 parliamentary elections, the value of the electoral procedures indicator decreases by about 17.2 percentage points. This result shows that the changes made in relation to CEC did not meet the expectations. The two collegial structures of the CEC, the Regulatory Commission and the Complaints and Sanctions Commission, were perceived as bodies that, in many cases, made decisions following the interests of political parties that had appointed the members of these commissions (KRIIK 2021[1])

[1] The behavior of the CSC and of the Regulatory was found to be politically influenced, which was clearly seen in the views expressed by the members of these commissions regarding issues whereof the position of political parties was divided.

Boundaries

Code of Good Practices on Electoral Issues - Venice Commission emphasizes that the boundaries of electoral zones and their geographic location in the territory are important for the election's quality (Venice Commission 2002).

The division of constituencies has been the same in all three parliamentary elections. However, perceptions of their negative effect on election integrity have steadily increased. The results of the 2013 parliamentary elections showed that this electoral map had adverse effects on the race between political parties. The division of Albania into 12 constituencies and the implementation of the D'Hondt method for allocating seats in the parliament favored the big parties. This division of constituencies has generated unfavorable conditions for competition for small parties or new political parties. Boundaries negatively affect the principle of proportionality between votes and mandates won by electoral subjects. The result of the parliamentary elections in 2013 influenced the increase of perceptions about the negative effect of the boundaries on the integrity of the elections. For the 2019 parliamentary elections, the perception of the 'Boundaries' indicator decreased by about 15.2 percentage points. The establishment in the Constitution of a national electoral threshold, accompanied by the unchanged electoral map, are factors that significantly influenced the perception of the negative effect of boundaries on the integrity of the parliamentary elections in 2021. The boundaries indicator for these elections was evaluated at a very low level.

Voter Registration

According to the amendments approved by law no. 10019 (29.12.2008) Electoral Code of the Republic of Albania, the voter list is defined as a document that the National Register for Albanian Citizens should generate. Albanian electoral legislation positions the registration in the voter list as a necessary condition for exercising the right to vote. Recommendations for improving the quality of this list are given in all Final Reports of OSCE/ODIHR International Missions that have observed the parliamentary and local elections during the 2000-2021 period. The Albanian government has been constantly committed to improving the voter list for its implementation. This is also reflected in the perceptions of the respective indicator. A positive upward trend characterizes its values. In the 2021 parliamentary elections, this indicator is valued at a high level. This is because currently, the voters' list is compiled based on legislation that meets the standards of international documents and approximates the legislation of EU countries.

Parties and Candidates Registration

During the 2013-2021 period, the Albanian electoral legislation has continuously improved in the provisions related to the registration of political parties and candidates. This is also reflected in the increase of the positive values of the respective indicator. For the 2021 parliamentary elections, this indicator is estimated at 22.4 percentage points more than the 2013 parliamentary elections and is positioned at a high level. This means that the universal political

right to be elected in Albania is implemented following international standards, because of the legislation and the goodwill of political parties and the election administration.

Media and Electoral Campaigns

The role of the media in the electoral process and the coverage of the electoral campaigns are perceived as indicators with the non-positive effects on the election integrity index in Albania. During 2013-2017, no changes were made in the Albanian legislation to improve this situation. Significant amendments were made only in 2020, on the eve of the parliamentary elections on 25 April 2021. These amendments affected the perception of the indicator 'Media and electoral campaigns', changing its level from low to moderate.

Financing and Election Campaign

Election campaign financing, transparency of funding sources, use of public funds in the election campaign, voter intimidation, use of dirty money for vote-buying, and real reporting of election campaign financing by political entities are the most practical problems that negatively affect the integrity of the elections in Albania. Perceptions of this indicator for the parliamentary elections held in the 2013-2021 period are very low. The changes in the values of this indicator from the 2013 parliamentary elections to the 2021 parliamentary elections are consistent with the major amendments of the Electoral Code and the Criminal Code of the Republic of Albania. These amendments have significantly increased the penalties for electoral subjects or candidates who violate the requirements set out in the Electoral Code for the transparency of funding sources. The use of dirty money for electoral purposes and vote-buying are classified as electoral corruption. Despite this, campaign finance is considered an indicator with a negative effect on election integrity. This means that legislation amendments alone are not enough to improve this situation. The whole society must continuously form a democratic culture that could regulate the electoral process and vote behavior.

Election Day

Based on the observations and perceptions related to the implementation of all procedures during the election day, the opening of the polling stations, voting process, closing, and the administration of the election materials until their delivery to the counting centers, it can be stated that, at this stage, the corresponding indicator for 2021 parliamentary election was evaluated at the very high level. Compared to 2013, the parliamentary elections held in 2017, the value of this indicator has increased significantly, by about 69.1 percentage points. To a considerable extent, this result is a consequence of important amendments to the Electoral Code, the use of information technology for biometric identification of voters, and real-time monitoring with cameras of the work of the polling station commissions.

(cc) BY

Evaluation, Vote Count, and Tabulation of the Results

Evaluation, counting of votes, and tabulation of results are among the procedures for which it is assessed that law enforcement has established a lasting positive tradition. The indicator that reflects this phase of the electoral process during the three parliamentary elections is very high.

Complaints about the Result

The significant decline in positive perceptions for this indicator, by about 44.3 percentage points from the 2013 to 2021 parliamentary elections, is because CEC restructuring failed to meet expectations. The perception of the political burden that accompanied the behavior of the Complaints and Sanctions Commission members in the administration of complaints is the main factor that caused this decline.

Electoral Authorities

The role of electoral bodies, CEC (Central Election Commission), CEAZ (Zonal Administration of Vote), and VCC (Voting Center Counting) in the preparation and administration of the electoral process is very important for the integrity of election because the fulfillment of standards in elections, to a considerable extent, depends on their work in law enforcement. During the 2013-2021 period, perceptions of law enforcement by electoral bodies have increased positively. The 2021 indicator 'Electoral authorities' is evaluated with 60.75 points for the parliamentary elections, classified at a high level.

Election Integrity Index for Parliamentary Elections, PEI_{2013}, PEI_{2017}, PEI_{2021}

According to the methodology developed by Norris *et al.* (2014) for evaluating the Perceptions of Election Integrity Index (PEI), the average values of the indicators should be used, each of which reflects the different phases and various aspects of the electoral process.

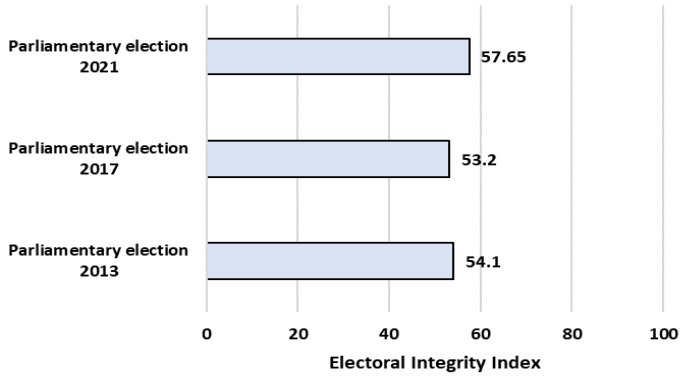


Figure 3: PEI Election Integrity Index (Source: Harvard Dataverse and authors' depiction)

The value of the PEI for the Albanian parliamentary elections held on 25 April 2021 results in 57.65 points (Figure 3). Based on this value of the PEI, referring to the level of fulfillment of the standards, the parliamentary elections in 2021 should be classified at a moderate level. Compared to the parliamentary elections in 2013, the value of PEI has increased by about 6.6 percentage points, and compared to the parliamentary elections held in 2017 has increased by about 8.3 percentage points (Figure 3). These are only evidence indicating the tendency to improve the fulfillment of standards in political elections in Albania. This tendency is not statistically significant ($p>0.05$). Consequently, it can be stated that, in Albania, in general terms, there have been no significant positive developments in the fulfillment of the standards that characterize democratic elections.

Table 3: Relationship between PEI, Democracy, and Corruption Index (Source: Authors' depiction)

Parliamentary Elections	PEI (Source: Norris *et al.* 2019; authors' depiction)	Democracy Index (Source: The Economist Intelligence Unit Limited 2021)	Corruption Index (Source: Transparency International, Corruption Perceptions Index 2020)
2013	54.1	5.67	31
2017	53.2	5.98	38
2021	57.7	6.08	36

Such a situation shows that Albania continues to be a country that faces the challenges of a developing democracy. This is evidenced by the link between the PEI and the Democracy and Corruption Index (Table 3). The data shows that the trend of changes in the Electoral Integrity Index is almost the same as changing perceptions for the Democracy Index and Corruption Index.

CONCLUSION

The comparative analysis of the indicators used to evaluate the integrity index of the elections for the parliamentary elections in 2013, 2017, and 2021 shows that Albania is a country that continues to face challenges in developing a representative democracy. The progress identified in meeting the standards for democratic elections during 2013-2021 is insufficient to classify Albania among the countries with PEI at a high level. Albania continues to be a country that holds political elections with a moderate level of integrity. This development is also compatible with the level of development of democracy and the level of corruption in Albania.

The efforts of the Albanian society, as a post-communist one, to conduct democratic elections have resulted in positive achievements in several areas, such as:

- Compilation of electoral legislation aligned with international and EU requirements and standards.
- Increased legislative and institutional capacities necessary for compiling the voter list.

(cc) BY

- Correct implementation of the law and legal procedures by the election administration and citizens during the election day, in the counting and tabulation of the results process.

In order to increase public confidence in the electoral process and to improve the level of the election integrity index, it is needed to:

- improve the legal framework for funding and transparency and the use of public assets in the election campaign,
- support the processes related to the role of media and their editorial independence during the elections,
- improve the legal framework related to the pre and post-election day complaints and appeals procedures,
- design the boundaries of constituencies based on geographical criteria and administrative or historical boundary lines, excluding the electoral political interest that triggers the 'salamander' phenomenon.

The comparative analysis of the indicators based on which the PEI assessment was made for the three parliamentary elections cycles shows that the approach of political parties to democratic processes is more refractory than the behavior and commitment of citizens to these processes. The behavior of political parties in the electoral process is one of the main factors that challenge the efforts of Albanian society to develop as a democratic society.

(cc) BY

COMPLIANCE WITH ETHICAL STANDARDS

Acknowledgments:
Not applicable.

Funding:
Not applicable.

Statement of human rights:
This article does not contain any studies with human participants performed by any authors.

Statement on the welfare of animals:
This article does not contain any studies with animals performed by any authors.

Informed consent:
Not applicable.

REFERENCES

1. ACE Encyclopedia: Electoral Integrity. 2013. www.aceproject.org
2. European Commission for Democracy Through Law (Venice Commission). 2002. "Code of Good Practice in Electoral Matters". Strasbourg, 25 October 2018. www.venice.coe.int
3. Finn, V. 2019. "Democracy in Croatia: From stagnant 1990s to rapid change 2000–2019". *International Political Science Review* . Volume: 42 issue: 2, page(s): 197-212 https://doi.org/10.1177%2F0192512119863140
4. IDM. 2015. "Electoral integrity-Albanian Local election". 21 June 2015 https://idmalbania.org/wp-content/uploads/2021/08/IDM-Report_2015-2016_Eng-2.pdf
5. INSIZ/AIESD. 2021. "Preliminary report", Parliamentary election 24 April 2021. ISBN-13: 9780198716334. www.insiz.org
6. KRIIK. 2021. "Statement of Preliminary Findings and Conclusions on the Electoral Process". https://kriik.al/home/en/2021/04/26/press-conference/
7. Marginean, I. 1997. "Indicators of Democratization in Romania". *Social Indicators Research* Vol. 42, No. 3 (Nov. 1997), pp. 353-366. https://ideas.repec.org/a/spr/soinre/v42y1997i3p353-366.html
8. Mesfin, B. 2008. "Democracy, elections & political parties: A conceptual overview with special emphasis on Africa", ISS Paper 166, July 2008, https://www.files.ethz.ch/isn/98951/PAPER166.pdf
9. Norris, Pippa; Richard W. Frank, Ferran Martínez. 2013. "Assessing the quality of elections", Journal of Democracy 24(4): 124-135. https://www.hks.harvard.edu/publications/assessing-quality-elections
10. Norris, Pippa; Richard W. Frank and Ferran Martinez i Coma. 2014. "Measuring electoral integrity around the world: a new dataset". PS: Political Science & Politics 47(4): 789-798 https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/MQCI3U
11. Norris, Pippa; Richard W. Frank, Ferran Martínezi Coma. 2014. (Eds.) "Advancing electoral integrity". Oxford University Press. https://oxford.universitypressscholarship.com/view/10.1093/acprof:oso/9780199368709.001.0001/acprof-9780199368709
12. Norris, Pippa; Max Grömping. 2019. "Perceptions of Electoral Integrity (PEI-7.0)". https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi%3A10.7910%2FDVN%2FPDYRWL
13. OSCE/ODIHR. 2003. "Handbook for Domestic Election Observers". https://www.osce.org/odihr/elections/70289
14. Thomassen, J. 2014. "Elections and Democracy: Representation and Accountability". Oxford Scholarship Online. Print ISBN-13: 9780198716334. doi: 10.1093/acprof:oso/9780198716334.001.0001
15. Transparency International. 2020. https://www.transparency.org/en/cpi/2020
16. Vukovic, I. 2010. "The post-communist political transition of Montenegro: Democratization prior to Europeanization". *Journal of Contemporary European Studies* 1(2):2010 http://www.ces.upol.cz/wp-content/uploads/2014/12/2-10_vukovic.pdf