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Interviewer: Michael Scharff and Amy Mawson

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SCHARFF: This is Michael Scharff, the date is June 10th, 2010. I'm sitting with Ylli Manjani, and this is a—part II of our interview. The first part was not recorded, but we're recording this part.

Thank you again for agreeing to meet.

MANJANI: It's a pleasure.

SCHARFF: We had a great conversation earlier in the week and you had many interesting insights to share, and I wanted to just go back and sort of probe deeper a couple of the comments that you made to seek greater clarification on those—on some of those comments.

If I could just start with talking about the initial drafting of the Code into 1999 and 2000, can you explain a bit again, what were the leading considerations when it came to drafting the Code within the group that you were working? What were you aiming to achieve?

MANJANI: Yes. Okay, we were back in 1999, at that time I was working for the Deputy Prime Minister; I was the Head of the Approximation of Legislation Department in the Council of Ministers. That was a new office established under the EU (European Union) requirement. But again, in 1999, we were just one year behind the newly approved Constitution of Albania. And in October 1998, the constitution was approved, was decreed by the President of the Republic after a general referenda. Albanian people were called for a referenda for the constitution at that time.

So, we were one year later, and we had to think for the reviewing the legal framework of the electoral—management elections in Albania. Why reviewing the legal framework? Because the new constitution has adopted a new system—electoral system, a new principle—new principles for the management of elections. And for the first time, and I think that was the unique case, for—I mean, in comparison with other situations in the world, that we had established in the constitution the—a new CEC, Central Election Commission, which is considered as a constitutional body for the first time.

What we do consider constitutional bodies or institutions is those institutions which are established, but in the Constitution of Albania, in the constitution of a country are considered, are called, let's say, "constitutional bodies". So, that's why we called CEC "constitutional body", because the principles of organization and basic functioning of this institution was set in the constitution; that is the basic thing.

So, basically two things. We were in the eve of the local elections, 2000. In the year 2000, we had to go in the local elections. And in 2001, we had to go in the general elections—parliamentary elections. So, there were a need for a new legislation, because of the eve of the elections, and because of the newly approved constitution, and that we had the new provisions in the constitution regarding the electoral system and the management of elections through a constitutional body like the CEC.

MAWSON: Can I ask why was it important for the CEC to be in the constitution?

MANJANI: *We had a—yes, very good question indeed, because we had to go in this practice. We had to approve, let's say, we had to set in the constitution some principles for the CEC, due to the fact that up to that time, composition and functioning of the CEC was purely political. And by purely political, I mean that it was a bipartisan, basically, composition, so DP (Democratic Party of Albania) and SP (Socialist Party of Albania), which are two bigger parties in this country, preferred to have their own people in the commissions, rather than civil servant or institutionalized commissions working like in the other part of the world.*

We, our parties thought that it's better—the best system for managing elections is to compose the commissions with their own people; that is the idea. And at the end of the day, as a result, the outcome of it was: basically, we had elections, in terms of credibility, really problematic. So, no—I mean, people do not believe in elections, in—not in elections, but in the result of the elections, because political parties are assaulting—insulting each other for credibility. And the—what makes it worse is that having politicized people in the commissions basically violated the principles of the rule of law, because people in the—I mean, political people in the commissions are preferring rather to obey the rules of the party, rather than the rule of law; and that is ridiculous.

And by the way, we still live here, and in this part of the world, where the rule of law is still a problematic issue. And we intended, by the newly approved constitution in 1998, to give some messages that at least in the election situation, we have to go in a normal rule of law, rather than in the rule of parties, this is what we meant to do.

SCHARFF: Can I just interrupt you?

MANJANI: *Yes.*

SCHARFF: You—in our previous conversation you mentioned that in 2000, the most important consideration was that you thought that it was most important to establish a non-political CEC. Who was driving that conversation? Who is it—when you say we thought it was the most important consideration, who is the we? Is it the particular body that you were sitting with, drafting, or—?

MANJANI: *Yes, let me explain what was the process. It was a parliamentary commission in charge of drafting the constitution. And the Parliamentary Commission was composed of, let's say, with political representatives from the parliamentary parties, except the Democratic Party, at that time, the opposition. They refused to be part of the newly established constitution for political reasons. But we had—I mean, there were in the Commission members from the opposition, the right-wing opposition also. We had the Chairman of the Republican Party. We had some of the smaller parties from the right side, and of course, the Socialists were there, and some smaller parties as well; they had representatives.*

Under this Parliamentary Commission there was established a technical expert group, which was—I think we had at that time the best experts that Albania has in this area. And civil societies were invited in several meetings, were giving their ideas and opinions. And when it comes to the CEC issue, I remember that I was part of the civil society at that time, working for Soros Foundation when the constitution was there, and I remember that the idea of having an independent CEC set in the constitution came from the civil society basically.

It was a sort of—really pressure. The civil society thought, and I think they were right, that it's time for Albania to get rid of this political composition formulas and

all this sort of stuff, and go with a normal situation where the state is in charge of managing credible elections.

MAWSON: Can I ask which actors in civil society were pushing that message?

MANJANI: There were some, it was Soros Foundation, basically, raised that. There were some human rights NGO's (non-governmental organizations) raised that issue as well.

MAWSON: Do you remember which ones? Because we've met with a couple of human rights organizations representatives.

MANJANI: Maybe, as far as I—it was [the Albanian] Center for Human Rights run by Kozara Kati they raised that issue as well. That issue came from former members of the CEC as well; they were active. Like Mr. [Kristaq] Kumë and Mr. [Daver] Çano were really active of that. I mean, they thought and they brought their experience and they were intending to convince political level that that was the best solution. And of course, there were some indications—serious one from international community as well.

SCHARFF: But it must have been extremely difficult to try to put forth this idea of a non-political, non-partisan committee given the actions the DP were taking at the time.

MANJANI: Yes. Not because of that, it was extremely difficult because the political parties, the mentality of politicians were not really ready to confront with such ideas. They were used to have their own people in the commissions; this is the mentality. And it's still in place, that mentality as well. And if you refer—if we refer to the latest situation, what happens after the constitution was approved and first electoral code was approved, you'll definitely be convinced that the political parties in this part of the world do not live with the idea of having institutions in charge to managing elections. They want themselves, so the parties, to manage elections. This is the mentality, this is the tradition, this is—.

MAWSON: But we've heard that part of that reason—the reason for that is because the civil service is so politicized as well, that you can't really have state institutions that are not politicized.

MANJANI: That's what—I understand that concern, and yes, but this is true, but what we intended to do is not to refer to the civil, let's say, public administration, what we wanted to do is to raise the stake to say that—and we established a constitutional body; it's not a civil servant really, but it's a constitutional body with a mandate and immunity. It's really hard and really protected. We want to have a CEC and we want—and we did, actually, have a CEC which memberships in this commission would serve as a really protected by the insultants of the politicians. That was a—and insultant was really hard, and it is hard, again.

So, this is it basically. This is the, let's say, the general situation in 1999 when we had to think of a new legislation for the elections.

SCHARFF: Am I correct to say that prior to the elections in 2001, there were certain amendments that were made to the electoral code?

MANJANI: Prior to what election?

SCHARFF: Before the 2001 elections there were some changes that were made to—.

MANJANI: *Yes, there were some minor changes.*

SCHARFF: And can you recall at all what these changes might have been?

MANJANI: *I think there were some changes only for the voters' list issue and the list, but not really major changes.*

SCHARFF: Okay.

MANJANI: *So, the first idea we had in 1999, we had a small working group around the Prime Minister's Office, experts; I was leading that team. And we had a joint working group, and this working group was jointly working with OSCE (Organization for Security and Co-operation in Europe) presence, and the IFES (International Foundation for Electoral Systems). IFES, especially IFES was really—Dickson Bailey was in charge at that time; one of the best experts—were the election experts that came in this part of the world really, and I really appreciated that. And he had the best expertise practically, and helped us a lot on bringing solutions in comparison with other part of the world. You know, including Europe, Canada—common law and continental law as well, really, and I appreciated.*

Why code? Because we wanted to put together a system in place which can be fixed for managing every kind of election in this country: local elections, general elections. So, let's say we thought that we may establish a—let's say a common procedure, because at the end of the day, it's elections. No matter for whom you are voting for, the mayor or the deputy, at the end of the day, it's elections. So, we wanted to set a group of procedural rules on how to run voting and how to manage the elections; this is first.

Secondly, we wanted to have a—let's say, comprehensive legal document for all law enforcements in the later stages. Electoral commissions, and the lawyers, and political parties, whomever is in interest, to have a comprehensive legal database set in one piece—let's say, not piece of paper, but in one document, so as can be easy for everyone to read and understand the legal framework.

From the constitutional point of view, that was acceptable because even having separate laws for elections, for example, laws for local elections, the legislation for general elections, and for referenda, all this legislation requires three-fifths of a member of the parliament. So, at the end of the day, why not putting them together in a code? Call them code, in a more, let's say, scientific way, and that was it. So, we thought that a code might be interesting.

And there were three priorities, three basic, let's say, items in our agenda at that time we wanted to solve in the Electoral Code. The first was the detailing the electoral system. So, setting—putting together the electoral system, let's say the formula of elections of parliament and the mayors. Secondly, we wanted to set the structure of elections, so what would be the structures in charge and their competencies for the elections. And the third one, we had to think for some principles—basic principles and some detailed procedures on how the electoral infrastructure is prepared, especially the voters' list. So, three basic things had to be done.

And of course, part of the Electoral Code was complaining procedures; that was the fourth part, let's say, of the—complaining procedures, financing political parties, and the—what was the..? Financing political parties, and I think the role

of media. Role of media in the process, because media, electronic media especially was just on its way to really have some role in the political process. So, that was our intention. So, if you, if we can go one by one, then—.

MAWSON: Can I just ask, and maybe you already covered this yesterday, in which case, we don't need to go through it again, but did you already cover yesterday the people who were involved in this group, all the names?

SCHARFF: We mentioned a few, but I think there were one or two names that had escaped memory. Would you mind reiterating who was involved in the technical working group?

MANJANI: The working group. We had Kristaq Kumë on board, former Chairman of the CEC. We had Daver Çano, also a former member of the CEC. We had a couple of lawyers from Prime Minister's office. We had Darian Pavli from the OSCE presence at that time, a senior legal officer in the OSCE. And yes, we had Dickson Bailey as well, as I mentioned. And, of course, myself.

SCHARFF: And was Kathy Imholz (Kathleen Imholz) also involved?

MANJANI: Kathy Imholz was part of the Prime Minister's office.

SCHARFF: Okay.

MANJANI: And, you know, Kathy is in every legal process in this country. So, by forgetting or mentioning Kathy is just like, you know, myself in this situation; we are, I mean, the same group, but Kathy is definitely there, yes, definitely.

Yes, and—so, the first thing was explaining or detailing the electoral system for the Parliamentary elections, because for the local elections was sort of simple. We didn't make much change. So, in local elections we have voting for mayors and voting for councils. Mayors are elected in a direct voting, so majoritarian system is there. And the councils are elected in the proportional system, so the multi-name list of the parties for each municipality compete for composing the local municipalities. So, in local elections, formula is sort of simple.

The problem started in setting formula for parliamentary composition. The constitution has set a sort of strange system for us at that time. It was based on a German system; personalized proportional system is basically Germany, with some specific situations, because it was not a pure German, 100% German. It was sort of 80% German, but in the way to explain the remaining 20% in the Albanian way, so—. But basically the system was personalized proportional. So, at the end of the day, Parliament has to be proportional; has to be—is composed in proportional with the votes that each party gets in the whole country. So, no matter how the deputies are elected, direct or from the multi-name list; that was the basic thing.

It was sort of understanding in that phase. So, political parties did not have any really problem with that. And in this part of the Code, we had some expertise from the Council of Europe as well. There, we had the team on electoral expertise at that time, which helped us.

So, the most hard thing was the structuring of elections, the structures of elections. So, who is in charge of doing what. And not only the elections by the way, but in the—anytime you have to establish some structures, some

management situation in this part of the world, you will find some problems. But anyway, this is general considerations.

Why it's problematic? Because it was sort of hard for politicians to accept that apolitical structures of elections are needed. This is the basic conflict. The constitution provided that the CEC had seven members: four members who were elected by the President of Republic, and the remaining three members were elected by the High Council of Justice; that's what the constitution said. So, reading the constitution in this frame of—in this logic, we all thought that we're going to have an independent CEC. The members of the CEC had a full mandate of seven-year mandates. So, the mandate was not really in the same period with the mandate of the parliament, so that means that it's independent. They had immunity, just like Supreme Court members; immunity from the criminal investigation—really protected.

And we thought that this is a situation that we need to establish a membership of seven members, independent, has no connections with political parties, and in charge of managing elections. And we thought that this is a—this might be an interesting thing from the constitutional point of view as well. But this body is in charge of interpreting the legislation for elections, because the constitution authorized CEC to issue instructions and by-laws for the process of elections, and this is the power, really, from the legal point of view.

And the constitution doesn't give this power to anybody, to any other, let's say, similar institutions. For example, the Minister is not in charge of issuing any by-laws. He can order, but that's it, order is a by-law of by-law, but not giving an instruction. Like, for example, Council of Ministers have this power. And the same power—that's all, the same power as Council of Ministers does, had also the CEC. So, really was a—let's say, the government of elections; that was our consideration from the technical point of view.

So, that was our, let's say, understanding, and we moved ahead. We thought, okay this is the CEC, and we detailed the way of how they do their job, how they issue their instructions, and all this sort of stuff. It's a normal procedure. Then we intend to go further. We intend to go to even to the lower-level commissions. We intend to have them de-politicized. We thought that three commissioners might be enough, instead of seven party members in every commission; three commissioners might be enough to manage the elections, and three commissioners elected by draw lots, you know, can draw lots in the eve of elections. That was one of the formula, among the, I don't know, the teachers of the region.

SCHARFF: And this would be three commissioners for each voting center?

MANJANI: Three commissioners for each voting center. And three commissioners for, let's say, the mid-level commission, because we had mid-level commission as well. Each zone, each constituency, has a mid-level commission, let's say, yes. So, that would be enough. Teachers, quite by chance, not really pre-elected; so, nobody knows who is going to serve where. So, systems like that, you know, we were thinking about that.

And we had to face really hard resistance. The government at that time didn't accept it. They accept the formula of the CEC, because it was the constitution, they couldn't do much on that stuff. So, even though they didn't like having an independent CEC, but at the end of the day, they would say, "Okay, this is the constitution." But when it came to the lower-level commission, they say "No."

They said, "We want our man in the process." Okay. It was hard. So, it was not really an issue anymore, we couldn't do much.

So, we left the lower-level commissions composed with, let's say, political formula, and we kept the CEC as the constitution provided.

SCHARFF: So, it was both parties at the time saying, "We want to be able to take care of our own commissioners."

MANJANI: What I'm referring basically at that time is Socialist Party in power, because Democrats were not really involved anyway. They just boycotted everything. So, the really big deal was Socialists, because Socialists were in charge, were in power. They were ruling this country. They had no really risks from electoral point of view that any risks of losing power or anything; there wasn't anything like that. So, they were in charge of doing something big, okay? And they accept the CEC but they didn't accept the lower-level commission.

At the end of the day, we all thought that, okay, this is not a blasphemy. You know, I mean, okay, this is a system, if it works, that's fine.

MAWSON: So, what was the formula at the local level then?

MANJANI: The formula was position and opposition composition. Basically, with imparity; something like today's system. If you are familiar with today's system, it's almost the same. So, the parliamentary parties are in charge of having their members in the Commission. Basically, seven members, yes. Seven members has been the number of the commissions for all elections, except the—

MAWSON: 2007?

MANJANI: —the 2005,

MAWSON: 2005? Okay.

MANJANI: where we have 13.

MAWSON: At the local level?

MANJANI: No, the Parliamentary Commissions—Parliamentary elections, but that was ridiculous; 13 members in the—and the 2007, yes, you are right. 13 members of commissioners in the Polling Unit is just too much.

MAWSON: But is that just to create jobs for people?

MANJANI: No, it was just to create, let's say, credibility of political parties in the process, because any party who doesn't have commissioners, they run angry and yell, and they create this panorama of stealing elections, and all this sort of stuff.

SCHARFF: But why so many commissioners?

MANJANI: Because there were 13 political parties in the Parliament, and bigger parties were thinking, okay, let's have them, make them happy, at the end of the day, we control the process, and all this sort of stuff. But this is ridiculous. That is one of the ridiculous things that comes from the political composition. So, you can't avoid it.

But, back to 2000—to the 1999, we thought, okay, fine, leave them with seven members, but keep the CEC. At the end of the day, we have a constitutional body, we have a responsible and legal institution like the CEC, which at least can control the process from the legal point of view and from the managerial point of view, and we were not wrong, I hope. So, that is the basic thing for the structure.

And then the third thing was—third problematic thing was, really, voters' list issues, or infrastructure, basically. What makes difficult for the voters' list at that time was that we didn't have a credible civil registry, and the database comes from the civil registry. So, we didn't have the civil register electronically; it was everything manual. And not only that, but that the civil registry was not really accurate for some people, because of the movement of the populations were really uncontrolled. And somehow we had duplications; around 100,000 people were confirmed as duplications. So, they were registered in Tirana, for example, but they were registered in Tropoja as well.

SCHARFF: So, you had mentioned in our previous conversation that there were these enumeration teams that went out—.

MANJANI: Yes, that comes later. That comes later.

SCHARFF: This is later, okay.

MANJANI: But basically, what I'm explaining is that what was the problems with the voters' list. So, while we don't have—we didn't have a credible civil register, so it was hard to prepare a credible voters' list. Whereas the other system is the American system, so the voters can come and self-declare whether they should vote or not, but the parties didn't accept it. So, it was out of discussion. The parties didn't—did like the idea of having a voters' list prepared by the state institutions. So, in the situation that the civil register offices were not able to provide credible voters' list, then the idea of—which came from IFES and the—supported by OSCE and the Government of Albania accept it as well, was to prepare a sui generis voters' list only for the elections by the enumeration teams—door to door enumeration teams. So, we had bipartisan enumeration groups.

SCHARFF: In what month or what timeframe are we talking about here?

MANJANI: It was 1999, started this process. I can't remember the exact names—sorry, the months and exact dates, but 1999 was the time.

MAWSON: Do you remember if it was early or late? Do you remember? You've been sort of rough.

MANJANI: If it was mid-1999, and in the end of the 1999, we will be able to have a sort of database. So, prior to the local elections, and parallel with the preparation of the Electoral Code.

SCHARFF: Okay.

MANJANI: So, these teams went door to door and registered everybody practically. And it was a database established—created for the first time. When then we discovered that the social insurance company, the state social insurance company had the civil register scanned, so what they did in the early 2000 was that okay, cross the information, match the information of the two databases, and it was a mess.

MAWSON: So when had the social insurance company gone and scanned all the civil registries? You don't know?

MANJANI: I don't know, but—.

MAWSON: It was just there, okay.

MANJANI: —it was just there. And in order to increase the accuracy of the voters' list, they wanted to match these datas, because at the end of the day, you cannot refuse or avoid the civil registry; this is the legal document. Door to door enumeration is—okay, people might not be in the—in home, or names are written in—not appropriately, and so, all this sort of stuff. So, and that's why they had to clash these databases in order to find, let's say, a sort of reasonable and fair, and acceptable, database. And that provoked around one million duplications. That was really hard stuff to—on the eve of elections, you know? So, in terms of credibility, the voters' list issue was really, really problematic.

So, when we draw the code, we thought in the transitory provision that for the local elections the voters' list would have two parts. The part that came from the names which are not contested, and there was a second part where you might find the, let's say, the duplications. So, practically the names in some voters' list might be two times. So, a list "A" and list "B".

MAWSON: So, list A was all the people who just came once?

MANJANI: Once.

MAWSON: List B was duplications?

MANJANI: And list B was just duplications. So, in all polling units, they will be able to check your name in both lists. So, if you are in the second list, then we had this fingerprint situation, and then we double-check with the voters ID (identification), which we didn't have a proper document, but anyway, certificates and birth certificates, and passports.

MAWSON: So, you check with fingerprint or with the indelible ink? What did you—you just said?

MANJANI: No fingerprints, it's inking. Inking.

MAWSON: The ink, right. Okay.

MANJANI: Fingerprint is later, it's very modern, sorry.

MAWSON: I was thinking that was a little bit early for—.

MANJANI: No, it's not fingerprint. No, no, no. Yes, of course, yes.

SCHARFF: Okay.

MANJANI: But it was inking. Yes, definitely the inking is—was one of the preventive measures. So, this was basically it. But then, after the local elections, then the CEC, when [Ilirjan] Celibashi came, Mr. Celibashi, the new Chairman of the CEC came, they had to go in this process of avoiding duplications, you know? They had done a great job, but not really 100% finished. So, it was because it was hard. So, in the situation that when you don't have a credible database from the

Civil Register Office, it's really hard to prepare, let's say, other voters' list or ID documents and all these sort of necessary documents.

And in those elections, we had even a special ID prepared for the citizens, but it was not really covered in the whole territory with that.

MAWSON: In the 2000 elections?

MANJANI: In the 2000 elections, yes. This was a project run by USAID (United States Agency for International Development) through IFES, but really didn't work.

MAWSON: Why did it not work?

MANJANI: Because the duplications situation and because it was late in time, so people were—had no time to go and make the photo, and all this sort of stuff.

SCHARFF: So, they were able to vote without the proper identification?

MANJANI: They were—yes, yes, yes.

SCHARFF: No one was stopping them?

MANJANI: No, no, they—well, they were able to vote with ID document or a birth certificate or the passport.

SCHARFF: Okay, so just too many variables?

MANJANI: Too many variables, and when they have too many variables, so, none of the documents are credible, because—and taking into considerations that the duplications were in the list, so really the control is hard. But it went good, so far. There was no really hard contestations for double voting or all this sort of stuff.

MAWSON: But can I ask? Because we were speaking to some Democratic Party people, and they've been saying the 2000 elections was disaster, was the worst elections.

MANJANI: In terms of credibility, yes. It was disaster. And there were some basic—because of this situation which I'm explaining, yes. I mean, even I, even myself, being in the situation that, you know, you are in opposition and controls nothing, of course it's a disaster. But in terms of what, let's say, credible reports came out after those elections, like ODIHR (Office for Democratic Institutions and Human Rights), like, like whatever, let's say, they didn't find anything really miserable on that situation. Because at the end of the day, political parties had their people in the commissions, and they know each other. Remember, in a commune somewhere, they know everybody. It doesn't matter whether they are two times or three times in the voters' list, they—if they don't want to allow you to vote, they will—you won't vote, and it's as simple as that, first.

And secondly, when it comes to some, let's say, typical Albanian process in elections, like family voting and—I mean, this is going to happen anyway. I mean, that happens even today, you cannot stop it. It's a mentality; it's a lot of way to go in a normal situation. But yes, I mean, I understand the concerns of the DP at that time, but not really a hard situation happens. I mean, there were sort of concerns because of the voting in Tirana, they lost Tirana for the first time in their history. That was the time that Mr. Rama came as a Mayor. And yes, they had problems, of course they had problems in vote credibility, but there were space,

there were, let's say, technical space, of course, like—because I'm explaining duplications, the problems with ID documents is, really leaves a space for—manipulations space, we call.

Yes, this is a—yes, this is it, basically.

MAWSON: So, can I ask? Just after that election, I heard there was some controversy at the Central Election Commission level, and three people ended up leaving and three new people arrived.

MANJANI: Yes, because they were contested by DP as a politicized people. Because what they thought is that the President of Republic elected four members, because that was what the constitution said, without passing the Electoral Code in the Parliament. Because what President thought that okay, this is for the constitution, it doesn't really prohibit, or let's say, yes, it doesn't really stops me to appoint the members of the CEC. We're one CEC, because we have to be in the preparation phase for the, let's say, next coming elections. So, went up appointing the members of the—and the constitution says indeed that, that has a direct implementation of the constitution is allowed—is because Article Four of the constitution provides that. So, from the constitutional point of view, nothing was wrong. But, in terms of political credibility, everything was wrong, and the DP were just against it.

MAWSON: But can I ask why? So, the way the members of the Central Election Commission were appointed was not described in detail in the constitution? Because I thought that it was that two members were meant to be appointed by the President, rather than, you're saying that the President appointed four.

MANJANI: Two—yeah, okay, but by four I mean, yes, you are right, two President, two Parliament, and four—yes, you are right. And four—and three from the High Council of Justice. But what I mean four by the President is because President is the Chairman of High Council of Justice as well.

MAWSON: Oh, okay, right, right, right, I understood.

MANJANI: Sorry, that's—sorry, really, yes.

MAWSON: Yes, yes, yes. No, that makes sense.

SCHARFF: So, they are his guys—.

MANJANI: Yes, yes, okay. But yes, the President appointed four because two of them came from the High Council of Justice, and that's why I remembered as President.

MAWSON: Understood.

MANJANI: So, DP had this contestation, definitely had this contestation. And after the local elections, three of the members of the CEC resigned, and then we came—three members coming from the High Council of Justice elected, and one of them was Mr. Celibashi. So, after the 2000.

And then we had the new CEC in Celibashi time, prior to the general elections of the 2000. Now we had different situation from the composition point of view and from legal point of view, because I think that was the time that the CEC had properly used the power of instruction, really. I mean, they issued instructions,

they put—they set a very good legal database with by-laws which explains everything.

SCHARFF: This is Celibashi?

MANJANI: This is Celibashi, yes. This is his empire, let's say, his—but yes, that was really acceptable and good exercise for the CEC, and the last one. Because right after that, then right after the 2001 elections, we went to a reform, and we got rid of the independent CEC. Even though the constitution was still there, the political parties thought that the newly elected members of the CEC, even those who comes from High Council of Justice, should be proposed by the political parties.

SCHARFF: Can we just go back to the voter lists?

MANJANI: Yes.

SCHARFF: Talking about the lead-up now to the 2001 elections, and sort of continue the story with Celibashi coming in.

MANJANI: Yes, what Celibashi was in charge or concerned at that time was how to reduce the number of duplications; that was the question. And they went in the process of reconfirming the names, either in computer, in database, or who are working in database, or in territory through the municipalities. And what they did is that they reduced the number from one million to six hundred thousand.

SCHARFF: For 2001?

MANJANI: Yes. So, we still had duplications. It was sort of impossible to have a100% watertight voters' list. Because, again, without a credible civil registries, impossible.

MAWSON: But why—can I ask why was it not more of a priority of the government or of the political parties to fix this civil registry problem? Because it seems like that's the root of everything.

MANJANI: Two things, we have to go back a little bit in time. At that time, government really had to cope with some priority issues. It was like, you know, Kosovo crisis. It was not really in 2001, but in the later stages. And they thought that political situation was not such that the government was credible to the opposition. What do I mean by that is that because one of the options was, and the government insisted that okay, leave us, we will prepare the voters' list. And the opposition would say "No, simply we don't believe in the government." And the formula was okay, let's find something else. We're having CEC in charge under the constitution, so avoid government from this process and let them do it.

But the question is that can they do it? Nobody thought about that. They couldn't do it, because they're not government at the end of the day. They haven't got enough resources to do it. I mean, this is a typical governmental thing, and it's not a, let's say, sui generis institutions that can paralyze, you know, can do parallel things with the government.

Then in later stage, in 2005, we go back to this idea, and we said, "Okay, fine, enough is enough, now let's go back to the government." I mean, this is politics in this part of the world, you know? Really, it's hard. I mean, and it's good because it's good when you're having—when you're facing such questions, because in a normal circumstances, yes, it would be just like you asked, you know,

government is in charge of that. But then we had to spend five years to convince politicians that at the end of the day this is up to the government.

And now we are back to this situation when we have this finally civil registry database, and at least this is monitored. I mean, you can monitor easily, because when it is in a database, you can do much.

SCHARFF: So, were—when problems were found in the 2000 elections with these duplications, were changes actually made to this civic registry that were then put in place for 2001? Or when 2001 came, did they just start from new?

MANJANI: What was good from the processes that we wanted to keep two processes separated. So, we didn't want to mix up the civil registry reforms with the voters' list. That is one of the good things, because if we could have mixed them, then we could have really destroyed both. And we wanted to keep, save at least, manually, manually, but at least save the civil register, because that is the only legal document for the citizen. The only legal office you can get—they can provide you with a piece of paper that confirms that you are an Albanian citizen.

I mean—

MAWSON: So, if you make a mistake, you might—

MANJANI: If you make a mistake, then it's a whole mess.

SCHARFF: The whole thing is a mess.

MANJANI: You know, that is the best thing of that situation. At least we preserve the civil register. Okay, we didn't reform it. We couldn't reform it, because the political situation is as such, but okay, leave it as such. And that was one of the good things of that government at least.

SCHARFF: Something else you said was that in 2000, the SP wasn't really looking very long-term in how they—I mean—.

MANJANI: It's—listen, yes, yes, I remember that. Not only SP, but it's hard to find a political leader in this country to think longer. It doesn't matter, whatever political, politicians is he or she, I mean, all they intend or they think is, okay, let's pass this thing, this situation, and that's it. I mean, even in the very comfort situations like SP was in 2000, the SP won basically the local elections. They didn't face any electoral threat by the DP in the next upcoming elections. They were just, you know, about to win. Everybody knew it, because the DP were running just bad.

And so, in these circumstances we're trying to convince them, okay, why don't we go and in—let's say, independent commissions. It's going to be hard for this time probably, but in the next elections, it's going to—we're going to have some experience, you know?

SCHARFF: Independent at the local?

MANJANI: Independent in the local.

SCHARFF: Local level.

MANJANI: *And in two elections later, we're going to have better. So, we're going to improve performance election time by time, step by step. So, at the end of the day, you will be remembering, so in the ten years time, so nobody will go back to the formula of making mess with politicians. And they say, "No."*

SCHARFF: And what was their greatest concern?

MANJANI: *No, no concern, no. We want the people—our people in the Commission. And the DP were running against it, against this idea as well, because the DP were saying "We don't believe in independent commissions. So, all of these independents are appointed by the government, So, we want our people there as well." So, the whole political situation was in favor or against our idea.*

MAWSON: Can I just say, do you—looking back, I mean, do you think maybe the group—that group that were working on the Electoral Code, you and the other people, do you think at all that maybe you were a little bit naïve, just a little bit, to think that you could have an independent election commission, considering the way state institutions work here? Earlier on, you said you had the President that appointed two members, and then the President was also the Chair of the High Council of Justice, which also appointed three members, and the way the President is elected here is through the Parliament, so if the Parliament is controlled by one particular party, and their President gets elected, then their Socialist Party President is potentially electing five, right?

MANJANI: *Yes, believe me, in—I mean, I believe in one thing, I've drawn around 20 laws, important laws in this country, with myself—myself, you know, and first of all, when you sit down to think for drawing a law, if you don't think, or if you are not a little bit of naïve, you know, you can't do it. You won't do it, really, as simple as that. Because what you should do first is, okay, even if you are not naïve, you have to pretend to be naïve, because you have to see the real situation, you have to notice where you are in the certain circumstances; this is first.*

And second, what I think is that might have been important for this particular situation is, okay, we knew that this might have provoked some problems in managing elections, in terms of credibility of elections from the political parties' side. But we believed in the experience, because at the end of the day, step by step, their performance will have been acceptable. Because what happens with a political party is that they do blah, blah, blah, one month, but the next months, they just stopped, and it's going to—it's going to go away, that's it.

I mean, somehow, I mean, but, I mean, listen, I'm a lawyer in this country and I pretend that—I mean, my theory is that talking for the rule of law in this part of the world is still a luxury, unfortunately. And somehow we have to give a lecture that, okay, the state liability and responsibility should be there, I mean, with any cost. At the end of the day, a state official which is afraid by a legal provision has to get a responsibility. I mean, do they have responsibility, political party people in the commissions? No, certainly not. If they get a telephone call by their boss, "Just leave the commission." They left. That's happened during the last elections, that's happened. That is exactly what's happened in the 1996, the SP called their commissioner to leave the polling units, they left, and the whole elections were wrecked.

You know? I mean, this is ridiculous. Somehow you have to be there to serve under the law, you have to take an oath, it's important. I mean, taking an oath in this part of the world is luxury, I know. But, okay, it's going to be hard first time,

but the second time, if the law is going to work, I mean, it's going to be hard for them.

MAWSON: If we go back to 2001, when Celibashi came in, because I think that's a really interesting idea what you're saying, how you have to at least have the hope that through performance, the commissioners will prove that they are not partisan. And so, Celibashi managed to do that to some extent?

MANJANI: Celibashi managed to do that because his advantage was that he is playing in a—he was playing in a, let's say, ignorant environment, because what happens normally is that neither political parties nor experts read the law. When they criticize you, they criticize you, and that's it. They don't care whether the law, you know? So, what Celibashi did perfectly is, okay, he said, "Okay, you are criticizing me, it's your right.", that was the, let's say, the sense of Celibashi. "But what the law says is this, and what we had decided as a CEC, we have given this instruction, and I'm giving you this piece of paper or this book, just please have a read, have a look on that. Read and learn, come and talk." That was the sense of Celibashi.

Of course, he got criticism. Anytime they criticize, the politicians criticize you for personal, accuses you personally, that means that they don't have a legal argument; that's what Celibashi takes his advantage. And from international point of view, and that was the time I worked for the OSCE, and I could have—really I could witness from this perspective that Celibashi got really a good sense and good understanding. And it was sort of considering by internationals, both Americans and Europeans like, you know, the man in the house; that's the man that we want, because the whole environment was ignorant.

I mean, there was, and still there isn't, any legal debate in the institutions. Like, for example, I read the law and I have this idea, and you read the law and you have the other idea, no. All you hear is, okay, you are the man of this party, and you have done this because of your party ordered you, and I know it, I know it, and people know who you are, and all this sort of thing. And this is last 20 years, this conversation.

SCHARFF: Some things don't change.

MANJANI: This is politics. I mean, all legal things in this country comes from politics, unfortunately. And Celibashi kept his profile as a lawyer, and that is good for him,

MAWSON: But so, was he able to build at least some confidence among the parties by actually doing his job well?

MANJANI: Yes, yes, definitely. Yes, definitely. I mean, No matter what they called him, I mean, at the end of the day, they normally worked with him. This is the double standard, comes from Byzantium, but anyway. Yes, I mean, he had confidence, and he managed the 2003 elections as well.

SCHARFF: In the lead-up right before the 2003 elections, one of the changes to the Code was how commissioners would be appointed to the CEC.

MANJANI: Yes, then we had the—.

SCHARFF: And I'm curious why this was a compromise I think, as you characterized it.

MANJANI: *That was a compromise because the DP was threatening that by boycotting elections, and then the Socialists had to give some, you know, compromise idea. Part of the compromise was balancing the state institutions where the CEC has to be composed politically again. So, back to the old days.*

SCHARFF: Why was this the compromise? Why couldn't there have been another gift that was given to DP?

MANJANI: *It was the part of the DP request. Otherwise, they boycott the elections, that was the—.*

MAWSON: So this is what came out of this ad hoc committee in 2002?

MANJANI: *Yes, 2002.*

MAWSON: And then they finished their work around May 2003?

MANJANI: *Around May 2003, yes, just on the eve of the local elections.*

SCHARFF: And is that when you would characterize the CEC as sort of—?

MANJANI: *Yes, just getting down, and going back to the old days, you know, to the political style of working, and now we are back. But thank God, at least last year—no, two years ago, we changed the constitution, and at least we simply abolished that article of the CEC from the constitution. Now, the CEC is not a constitutional body anymore, it's just a normal institution established by the Electoral Code, and of course, politically compositioned.*

MAWSON: And you think that's a shame, it's a loss?

MANJANI: *I think it's a loss, but this is reality, we have to cope with that. It's a loss, because political parties now have their say in every single part of the process, even for the voters' list, even for the very pure technical situation, which are, you know, normal; even for counting, balloting, who is going to print the ballot, who is going to transport, who is going to be—I mean, for everything, political parties are in charge while they shouldn't be, because they are not designed to be managers. Political parties are not managers; they are to run politics, but not to manage.*

And unfortunately, they have a say in everything in the process, and that creates really a very hard and difficult electoral process in this part of the world. I mean, everything, every single thing is contested, or potentially contested.

MAWSON: And you wouldn't mind, you know, I don't know if Michael told you yesterday, but one of the things that we were looking at when we first came here was this issue of violence in elections, and we know that in 1996-1997 there was quite a bit of violence, and we know that it was related to the pyramid schemes collapsing, but that it also became quite heightened during the electoral contest, and we've been wondering how that violence got reduced over time. Was it just a case of it was a very particular situation and then the state regained control over these salvation committees in the south, and so it wasn't really an issue anymore? Or did electoral violence still happen, but it's more sporadic?

MANJANI: *I would go for more sporadic, because, I mean, violence in Albania happens normally, not only in elections time. I mean, violence, but real violence, you know? I mean, you can, I mean, we have violence in home, we have violence in*

street, and everywhere. In election situation, yes, we had couple of sporadic cases.

MAWSON: Are there certain areas or regions where violence occurs?

MANJANI: It's just isolated, it's not a really—because what we feel—what I feel at least is that, I mean, people do not follow that much political parties. I mean, we have militants, definitely. We have clashes because of the—.

MAWSON: You mean party activists?

MANJANI: Party activists. Yes, that's militants, we call militants, but party activists. Although we have these hard, hard people somehow in regions, you know, who might have violence. They might be involved in some violent situations, but it's sporadic, it's not a—.

SCHARFF: And what does that violence look like? Is it yelling? Is it fighting?

MANJANI: Sometimes either, I mean, we had somebody killed in 2005, dead, shot dead in the polling station, yes. But this, it's just one case, you know? I mean—.

MAWSON: But these party activists, I mean, are they under orders from the very top? I mean, how are they—?

MANJANI: Yes, yes. It's the orders; it comes from the orders. I mean, it's not that they got orders to kill somebody, but, I mean, the environment is—I mean, they are just tense, you know, and overstressed. And at the end of the day, drinking alcohol and all this sort of stuff might help and yes, there are clashes. But not massive one, because people, really when they see that something is tense there, they just avoid. I mean, they are not—they do not prefer to be partisan or to take any other sides in the conflict. They leave the conflict and see their own job, but that is normal feeling of the people.

MAWSON: Yes, the majority of people don't get involved.

MANJANI: The majority of people just refuse to go in this. I mean, they could be dead for any other reason in the world, but not for the political reasons, that's what I feel at least; that's not that.

SCHARFF: But there was still this, I mean, there was a sense that 1996, 1997 you can't separate the pyramid schemes from the elections, right? I mean, pyramid schemes happen because Berisha gets elected. So, people are supercharged right?

MANJANI: But listen, in 1997 was the year—the worst year for this country. I mean, we were having elections with foreign soldiers on the street. We had Americans, we had Europeans here, helped us to restore the public order, and no one killed each other, which proves again that people are not willing to follow up orders—political orders. I mean, they are tense, definitely we have people who attract tense. I mean, they might even yell to you, but, I mean, killing people is so—it's rare, it's not really often situation.

MAWSON: And have there been any efforts to reduce those tensions? I mean, even if it's, as you say, it's the party activists, it's not the majority of the population. Have there been any projects or any initiatives?

MANJANI: *No, no, no.*

SCHARFF: Civil society working on this?

MANJANI: *Nobody thinks about it. No, nobody thinks about, nobody even thinks about it.*

MAWSON: Why?

MANJANI: *Because probably part of the reasoning is that reason that I'm giving you, that the majority of people simply ignore it, probably, I don't know really, but it hasn't been an issue so far. I mean, the real issue of the elections is politicization of the process. I mean, we've been thinking a lot and we even failed a lot in this situation. And, I mean, it's sort of strange, but in this part of the world, the more we think for one specific issue, the more problems we have. I don't know what's happened, for God's sake. I mean, I don't know, but we have been thinking and taking actions for fight against corruption, and the corruption's getting—going deeper, you know?*

We have been thinking of improving illegal education or education, or legal issues, and the justice is going down, you know? We have been thinking for the improving the hospitals, and nothing works, you know? I don't know what's happened, really. We have been thinking of establishing a public administration, a real independent, will have a legal status, really strong legal status, nothing works, really nothing works. I mean, the only civil administration and public administration this country doesn't have.

I mean, I don't know what's happened, but it's something wrong in the mechanism of thinking, really.

MAWSON: So why do you continue working on these issues? You still have hopes on whether things will improve?

MANJANI: *Okay, first of all, this is my job, and you have to do a job, but there is still a lot of things to do, you know? Really there are things to do. I mean, living in West, anywhere, it's hard to understand these things. I mean, for you, normal people which lives somewhere. I mean, even for me sometimes it's hard to understand this mechanism of thinking. But it's a chance in life to have this opportunity to think about and at least to find out what's happened, what's wrong with this. And what's wrong with this, I mean, at least to my opinion is that politics, politics from "A" to "Z", this is politics. Everything is politicized.*

I mean, it's sort of, I mean, you know what politicians says, for example, for the elections? "Okay, elections were wrecked in America as well." I mean, this is ridiculous—I mean, there are 200 years democracy in a country like America. And at the end of the day there is no comparison, but they use America as an alibi for their way of thinking towards wrecking everything, wrecking elections, or wrecking—I don't know, justice and everything of—which is normal for the west.

So, back to the question, why working? Okay, we have to work; we have to do something. At least we have to build up a way—a different way of thinking. Maybe next generations might take a lead on that, but I don't see any hope for my generation at least, really, sorry for my pessimism, but this is—you know, I mean, I keep saying there is another example with—that we should take into consideration in this reasoning.

We have applied to get the status of candidates for the European Union, very recent, and we are waiting. But what happens is that in the geographical territory of Europe, which starts in the Atlantic and ends in Ural—Russia, it's a very big geographic territory. You would not find 30, only 30 illegal buildings. While in this part of the world are 300,000 illegal buildings. That means that the citizen don't even go, or think to go, to the state to get permission to build his house.

So, this is rule of law. So, this is corruption. So, this is managing territory. This is political; this is everything, failure. 300,000 illegal buildings. I'm not talking for the wrong, let's say, wrong permission, or violation of the law in giving permission. No, illegal buildings, completely illegal. So, the citizen don't dare to go to the mayor and ask for permission. So, this is a situation, and this is the failure of state and failure of politics, and failure of everything.

So, now—and now we intend to go in Europe, to which Europe? To the Europe that believes that—and to the West that believes that the law is everything? So, this is the conflict.

MAWSON: Do you want to—maybe there's still some—how much time do you have, by the way? Are we taking too much of your morning?

MANJANI: No, that's okay, let's—yes, please, go ahead.

MAWSON: A little bit more time, because I think the one issue that Mike and I were really hoping to pin down with you, and we've gone a little bit off topic, but this will be an extremely interesting, so it's fine, but was the voters' list and how things evolved. Maybe you can sort of continue with that—

SCHARFF: So where we were was, right, we talked about 2001 and these lists were under Celibashi another initiative to sort of clean up the lists. Can you go back specifically to talking about what exactly the CEC did do?

MANJANI: Better don't ask me that question, I haven't got much detailed information on that issue. I mean, you should talk to Celibashi definitely, because—or to Petrit [Gjokuta]*, that guy in the CEC. He was in charge and he can help you really in understanding properly what was the technical process.*

SCHARFF: From 2001 and then to 2003?

MANJANI: But basically, I might say that, okay, it was working the database level. So, in central, computerized in the CEC, and in the territory. How in the territory? I can't really remember now, but you'd better ask them.

SCHARFF: Can I just also ask then, in the case of the code for the 2003 elections, we know this idea of appointing—how the change in how commissioners were appointed to the CEC was a big flashpoint. Were there other areas, other agreements, other changes to the electoral code then that were either positive—vastly positive or really negative in your view?

MANJANI: There was, yes, we went to the complaining procedures, and we didn't—I think that the 2003 code got rid of the procedures of complaining to the Constitutional Court. Because in 2000, we had Constitutional Court as the highest level of the reviewing complaints, because of the constitutional provision I show you in Article 131. And that article in the constitution is still there, and the Constitutional Court doesn't say a word for elections anymore, ridiculously, but this is again, rule of law.

So, in 2003, we introduced in the Code for the first time the Electoral College, which is in the jurisdiction of the Court of Appeal. So, the judges from the old Courts of Appeals are elected by lottery to the Electoral College; it's a sort of permanent body. So, that is the change.

SCHARFF: And what was the overriding reason to make that change from the Constitutional Court to the Electoral College?

MANJANI: Because the DP contested the Constitutional Court, clearly. They were simply against the Constitutional Court. And the Constitutional Court had to review almost 60 cases from the last elections. So, out of 100 deputies, 60 of them were—had to be reviewed by the Constitutional Court, so too much.

SCHARFF: They were overloaded.

MANJANI: Overloading and—.

SCHARFF: Purposely, by both parties, yes?

MANJANI: Who knows? Purposely or not, but at the end of the day, they had to get a decision in the Constitutional Court, and then the DP were running and saying that, "Okay, sorry, this is not elections anymore." Those elections will come from the court, and court is controlled by government and all this sort of stuff.

MAWSON: This was in the 2001, the National Elections?

MANJANI: Yes.

SCHARFF: So, sixty-something-odd complaints?

MANJANI: 60, yes, yes.

SCHARFF: Stemming from the 2001 elections?

MANJANI: Yes. And the 2001 elections had this issue of the independent candidates also.

MAWSON: By the Dushk?

MANJANI: In Dushk, which is the tactical vote, Dushk, before the first time. The formula of Dushk was just really—it's not that it was illegal. Morally, it was really debatable, but it came not as a preparation, as a prepared formula by the Socialists. This just came, because in those circumstances, when they had to rerun the elections in the Zone 60, when the center of the Zone 60 was commune of Dushk, that's why the name of Dushk came. And they thought that the votes for the party—Socialists thought the votes for the party—they don't need votes for the party, because they had won the majority in the 100 constituency, so why not help some smaller parties allied—satellite parties to get some votes in proportional seats in order to increase their number of seats in the Parliament? And at the end of the day, Socialists wanted to have this three-fifths majority, the qualified majority in the Parliament for the elections to the President.

Okay, morally it was really disputable, but at the end of the day, the solution came, was politically. I mean, the Socialists gave the President of Republic to Berisha in compensation of this moral—immoral, let's say, game.

SCHARFF: And so help me to understand why the DP—why the SP listened, compromised with DP on this issue of the Constitutional Court?

MANJANI: It's a mentality, that's the change.

SCHARFF: And what was—there seems to be there are quite a few issues in which SP sort of gave some ground, and I wonder how much international pressure played a role.

MANJANI: Let me give my perception on that. Okay, I criticize politics, and during this interview I criticize politics and I've done good, but still there is a difference in the politics. SP had made differences really—the difference in the political level in this country up to these days. Now, it's ridiculous, but Mr. [Fatos] Nano was in charge at that time, and he was, I mean, his background and his willing in politics was really dialogue and compromise.

We came after 1997, and people really refused to have another 1997. So those politicians who play with 1997 are failure. So therefore, Socialists had this experience in 1997; they had Mr. Nano in charge, which is really a good politicians. I mean, in terms of credibility, in terms of corruption, you can put him everything you want, but in terms of making play in politics, he was politicians. I mean, he had the intention of becoming himself President; that's why he wanted this three-fifth. But at the end of the day, he got rid of his idea and said, "Okay, fine, I leave my personal idea. I escape from that because we need to have this political consensus established." That was his view, you know?

But what frightens me and normal people in this country is that anytime the DP and SP have the consensus in this country, they violate the constitution. They've gone in the other extreme. So, again, back to the criticism. And when it comes to internationals, international community doesn't have really a clue on the constitutional issues and rule of law. I mean, they say rule of law, but they don't believe in rule of law in this part of the world. All they want is stability—political stability, that's it. I mean, it's clearly and obvious in everybody's agenda, in every—I mean, ambassadors, international organizations, whatever. All their agenda is stability, they want stability in this part of the world, that's it.

SCHARFF: So, how you achieve stability, nobody cares?

MANJANI: I don't care.

SCHARFF: Just get stability.

MANJANI: And it's normal at the end of the day. 3,000,000 inhabitants, who cares? It's really a small country; it shouldn't be the center of the world, for God's sake, really. I mean—obviously, I mean, you can ask anyone in the State Department, having attention to what? Albania? Sorry, for God's sake. All we have to do is keep silent and live in peace. "Okay, you have problems with corruption, we know, I mean, corruption is there." Enver Hoxha didn't fight corruption as well. Everybody knows it, so—

MAWSON: But what about the EU, because to join the EU, the EU has—

MANJANI: EU is mathematics.

MAWSON: Mathematics how?

MANJANI: *Absolutely, because we are—we want to go into EU, and not EU into us.*

MAWSON: But exactly, but—so the EU has this—.

MANJANI: *The EU has said, "This is a stake, if you pass the stake, we'll come."*

SCHARFF: What's the stake?

MANJANI: *The stake of membership. Okay, you have to have some economical parameters, some democratic parameters, you have to establish rule of law, you have to do this, this, this, and that. If you're not, then you stay where you are, that's it.*

MAWSON: But exactly, but that's what I'm saying. So, you're saying the international community only cares about stability, which I agree with you.

MANJANI: *Americans were really active.*

MAWSON: Okay.

MANJANI: *What I mean by the international communities, apart from Europe, is Americans.*

MAWSON: Okay, but then if Albania wants to join the European Union, Europeans will say, as you say, "if you meet these criteria, you can join, otherwise forget it." And so, if Albania wants to join—.

MANJANI: *Yes, that's what they are telling us.*

SCHARFF: Right, exactly, so if Albania wants to join, then it will have to change.

MANJANI: *Well, that's the question, do they want—I mean, do we—are we joining them? I mean, what we want is, now, in this situation, is getting this free movements and that's it.*

SCHARFF: Yes.

MANJANI: *If the free movements is achieved the end of this year, then the good news is that politics, militants, party people will just keep silent. Because their participation in elections is going to be lower, and interest of the people in the politics is going to be lower.*

SCHARFF: Sorry, by free movement, you mean?

MANJANI: *People have to move really without visa in Europe.*

MAWSON: But they won't be able to work, right, legally?

MANJANI: *Yes, of course. But at least they can, they are able to move. I mean, no, it's a chance really. I mean, believe me, if you're free to move for 90 days out of 180 days, then you got a chance to looking for job in a bigger trade, rather than Albania, you know?*

MAWSON: Right.

MANJANI: *And if you find a job, then you have to apply for a license and—but the chances are increased really, first.*

Secondly, we have quite a lot of people which are really passing dramas. I mean, they have people outside of Albania living for 10 years, 15 years. They have their kids working there, and they haven't got a chance to see their kids. And yes, but from the economical point of view as well, I mean, people have to go and see, and see there are difference. I mean, it's one thing when you come from outside and tell to my father that okay—we often go in Austria, we like Austria. And we can go there and say explaining that Austria, it's nice, and government, and all this sort of stuff. Okay, he listens me, he doesn't believe me. I mean, he has to go and see, it's different.

Right after that, I mean, the situation is going to be changed. I mean, if he sees that an Austrian doesn't care much for his politicians, or he cares, and then my father is going to change. I'm sure about that. I mean, in the next elections, he's going to say, "Okay, sorry, but this is not politics." I mean, there are the politics. No, I mean, it's obvious. And that's what we accepting, but even Europeans have this idea of stability, as well. I mean, all they want is stability, because destabilization brings more refugees, brings—which is, you know, Italy and Greece are really suffering.

MAWSON: Can I ask one more question about the elections? I'm sorry, if you don't mind my jumping, just about the police issue around 2000-2001?

MANJANI: 2001, yes.

MAWSON: Yes, and I was just wondering, I know there was a change in the law, in the—I think in the Electoral Code about how police could enter polling stations, it would only be by invitation from the commissioners, but I still have been really struggling, with all the interviews that we've had over the last couple of weeks, to understand, did the police just change their behavior on the basis of a change in the law? Or was there a cultural shift within the police?

MANJANI: It's a cultural shift. The first exercise was done in 2003. The extreme order were given to put the police in the "kazermat".

MAWSON: What is the "*kazermat*"?

MANJANI: The place where—just like where soldiers stay.

MAWSON: Oh, the barracks?

MANJANI: Barracks, yes.

MAWSON: Right, yes, okay.

MANJANI: They couldn't even patrol in the street in the day of elections.

MAWSON: That was around the 2003 elections?

MANJANI: Yes, yes. We wanted to establish this culture apart from what the law says. I mean, the law says that okay, you can go and enter in the polling stations, as you said, with the permission of commission, but it never happens, the first.

The secondly, in the 2001, we had really hard contestations for the participation of police in elections. We had former Minister of Interior and Minister of Defense

really over-use the police in favor of them. So, in 2003, we gave this example of, okay, no police at all, and leave commissioners deal with even the conflicts.

MAWSON: And who took that decision to say—?

MANJANI: The government.

MAWSON: The government did.

MANJANI: The government, it was Mr. Nano running government at that time. I was the General Secretary of the Government at that time, and I know perfectly.

SCHARFF: And the instructions for, for instance, for specifying that a commissioner must call the police inside, how long the police can stay before they have to leave, that was all written in then by the CEC?

MANJANI: This is CEC. In the CEC, yes. And the general—.

SCHARFF: So, the Electoral Code just sort of set up a broad framework for 2003?

MANJANI: Yes, broad framework, but the CEC instructions are there. Yes, it was written by Celibashi's time and the former General Director of the Police just obeyed that instruction, and transmitted to his structures, and that's it.

MAWSON: And the issue was finished?

MANJANI: Yes.

MAWSON: So then, after 2003, like for the next elections, 2005?

MANJANI: That was the same procedure again.

MAWSON: Keeping them in barracks?

MANJANI: Not really in the barracks, but not involved in the process. I mean, they patrol, trafficking, whatever they do, normal jobs and everyday jobs. They have a role in transportation. They have to provide security in transportation of the ballot boxes. Sort of hard job, because of the—there is always a limited number of the police, and they couldn't cover the whole territory, but somehow they have managed it.

No, it hasn't been—after that, it hasn't been really much contestations from the police involvement in elections.

SCHARFF: So, that's a success, I mean, yes.

MANJANI: It's a success, yes. But again, it comes from the culture. The culture thinks, the tradition thinks, works much better than the legal and legislation sometimes. It's strange, but it's true. It's reality, I mean, somehow we have to live with that.

SCHARFF: And would you say that this—that decision on the police for 2003, was that more of a compromise, or was it more of an agreement by both parties?

MANJANI: No, no, it was a stance, it was a stance of the government. They say, "Okay, fine, enough is enough. We are in charge of—we can control the police. We are not CEC, CEC can control its own job, but the government has two things, police and budgeting. Okay, let's give budget to the CEC, and control the police."

SCHARFF: Right.

MANJANI: That was our engagement and I think we did it, so—.

SCHARFF: Right, right.

MANJANI: Okay.

SCHARFF: Well, thank you for your time.

MANJANI: Thank you very much indeed.

SCHARFF: Very much appreciated.

MANJANI: Yes.

SCHARFF: Thank you.