



INNOVATIONS FOR SUCCESSFUL SOCIETIES

RESTORING VOTERS' TRUST AND CONFIDENCE: ALBANIA'S CENTRAL ELECTION COMMISSION, 2001-2006

SYNOPSIS

When he became head of Albania's Central Election Commission in February 2001, Ilirjan Celibashi faced a difficult task. Three years earlier a new constitution enshrined the commission as a non-political body charged with overseeing Albania's historically troubled elections. The permanent commission aimed to promote bipartisan cooperation and restore trust in the political system after violence gripped Albania's capital, Tirana, in the wake of 1996 national elections that the international community labeled as fraudulent. During its first three years, the commission failed to achieve substantial reforms largely because of the partisan leadership of its chairman. When Celibashi, a former lawyer and judge, took over as head of the CEC, he had to overcome a highly politicized environment, and he set out to enact reforms to restore confidence in the commission and the electoral process. His reforms concentrated on four priority areas: staffing the CEC with competent people, ensuring transparency for the commission's activities, assembling voter lists and overseeing local election commissioners. In 2008, the political parties removed the commission from the constitution and reinstated it as a political body, erasing most of Celibashi's reforms. The case provides insight into how and why a window of opportunity opened for reform, explores how an individual was able to enact changes in a highly politicized environment and considers reasons why the changes were short-lived.

Michael Scharff drafted this policy note with the help of Amy Mawson on the basis of interviews conducted in Tirana, Albania, in June 2010.

INTRODUCTION

In February 2001, the new staff of the Albanian Central Election Commission shivered at their desks inside a building that once housed the offices of the Communist government's leading bureaucrats in the capital, Tirana. National elections were scheduled for October, and work at the commission, charged with administering the

vote, was off to a rough start. The heating system in the office did not work correctly, few staff members had computers, and the voter lists were in disarray.

Logistical concerns, however, took a back seat to the most urgent issue facing the commission: the need to restore trust to the electoral process. In 1996, violence had rocked Tirana following fraudulent elections

and the collapse of government-endorsed pyramid schemes in which many Albanians lost their life savings. Citizens blamed the then-incumbent Democratic Party for both the electoral fraud and the bogus investment schemes. Albania's trust in the electoral system was shattered. After new elections in 1997, the winning Socialist Party thought that cleaning up the commission would improve the public's perceptions about the freeness and fairness of elections. The party decided that damping political involvement in the commission's decisions would reduce the potential for violence at election time.

When he became chairman of the CEC in February 2001 at the age of 33, Ilirjan Celibashi's chief goal was to channel the activities of the CEC to restore trust and credibility to Albania's troubled elections administration. Celibashi shared the belief, expressed by Socialist Party officials as well as representatives from the international community, that a window of opportunity had opened to try something new.

The United States and several member-states of the European Union pressured Albania to organize new elections. Albania sought membership in the EU, and a key consideration for admittance was stable elections. Moreover, regional instability in the western Balkans—of which Albania is part—during the 1990s, including armed conflict between the former Yugoslav republics, added urgency to the international community's attempts to maintain stability in Albania.

International organizations called for a repeat of the 1996 election, and in June 1997 the Socialist Party swept to victory. Almost immediately, the new government began to prepare a new draft constitution that would establish a permanent, non-political election agency. The Democratic Party, which suffered a severe loss to its credibility following the events of 1996, refused to participate in the drafting process.

In a 1998 referendum, voters overwhelmingly approved the new document. But changes under the new CEC were slow to materialize. The first elections after the creation of the commission took place in October 2000, only about six months after Parliament passed rules that governed the conduct of elections. As a result, the CEC had little time to respond.

Moreover, the commission found itself caught in an early scandal. Controversy erupted in early 2000, when President Rexhep Meidani appointed four of the seven commissioners of the CEC before Parliament passed the electoral code. The 1998 constitution provided that two CEC members would be appointed by the president, two by Parliament and three by the High Council of Justice, which is headed by the president and appoints all judges in Albania except for the Supreme Court. The seven commissioners would have seven-year mandates and immunity from prosecution.

The president's four choices—two that he directly appointed and two who were named by the High Council of Justice at his urging—led to an uproar by the Democratic Party, which saw the appointments as a move by the Socialist Party to stack the commission with party loyalists before all of the electoral rules were in place.

The pressure by the Democratic Party was so intense that after the October 2000 local elections, three of the four members resigned and three new members were appointed, all by the High Council of Justice. One of the outgoing commissioners was then-Chairman Fotaq Nano, the cousin of former Prime Minister Fatos Nano, who in 2000 was the leader of the Socialist Party. Not wanting to be publicly embarrassed, Fotaq Nano initially refused to step down, and did so only after being appointed ambassador to Canada.

Nano's departure opened the door for Celibashi, who had spent four years as a judge

on the Appeals Court in Durrës, Albania's second-largest city. Prior to that, he worked for five years as a judge of a district court that covered the cities of Fier and Mallakastër in the south. In 1998, he served briefly as a deputy minister of the public order, an appointed position in the Socialist Party government.

The High Council of Justice in early February 2001 voted 211-9 to appoint Celibashi to the CEC. During his first week on the job, Celibashi's fellow commissioners elected him chairman, with all but one voting in his favor.

Almost immediately, Celibashi set out to address four priority areas he felt would rebuild trust in the electoral process: hiring competent staff, increasing the transparency of the commission's activities, cleaning up the mismanaged voter lists and improving oversight of local electoral commissioners.

THE CHALLENGE

The challenge for Celibashi in 2001 was to work within the framework of the 2000 electoral code to restore credibility to the CEC and the electoral process. Significant reforms had never before been attempted, but Celibashi had a legal framework that would allow for such changes.

Historically, the commission had been an organ of the political parties. "The real issue of the elections is the politicization of the process," said Ylli Manjani, who was head of the Approximation and Legislation Department in the Council of Ministers, a new office the government established to help the country prepare for EU membership. In previous election cycles, a new CEC had been established in the run-up to each election. The party in power and the leading opposition party each appointed half of the fourteen

commissioners. In wrestling with such critical tasks as hiring and training local election commissioners and reviewing complaints, each side accused the other of bias and cronyism. The openly partisan squabbling fueled public disenchantment with Albania's electoral administration.

In the months that followed the establishment of the CEC via the constitution, the government assembled a group of experts to draft the electoral code. The group included representatives of the prime minister's office; former CEC officials; election experts from the International Foundation for Electoral Systems (IFES), a private non-profit organization that builds government's capacities to hold elections; and the Organization for Security and Co-operation in Europe (OSCE). Manjani served as chief drafter of the code along with Dickson Bailey, a seasoned elections expert working with the IFES. Other members included Kristaq Kume, a former chairman of the CEC; Daver Çano, a former member of the CEC; Darian Pavle and Frank Dalton, legal advisers with the OSCE; and Kathy Imholz, who was working as a legal adviser in the prime minister's office.

Reflecting on the impetus behind the code, Manjani recalled, "We wanted to set a group of procedural rules on how to run voting and how to manage elections. Secondly, we wanted to have a comprehensive legal document for all law enforcements in the later stages."

Manjani said the drafters had three priorities. The first was to create formulas by which different government positions, such as ministers of Parliament and mayors, were elected. The second was to outline the roles and responsibilities of the various groups in charge of administering the elections. These

groups included local level commissioners and the police. Third, the drafters sought to give some detail to the processes of electoral management, including the preparation of voter lists and the counting of ballots.

The language in the code was intentionally vague. The drafters recognized that a code laden with too many details would likely fail to win parliamentary approval. The parties wanted some leeway for the CEC to set its own rules. The result was that the code approved by Parliament left room for the commissioners to shape the CEC to their liking. Importantly, it was not so detailed that it would prevent a chairman with a political agenda from maneuvering through the red tape to tweak rules and regulations to his liking. Moreover, there were few checks on the CEC's activities. If, for instance, complaints were to arise over how closely the chairman followed the law, Albania's court system—widely viewed by Albanians as corrupt and directed by the Socialist Party—would be unable or unwilling to issue an impartial ruling against a CEC composed mostly of Socialist Party members.¹ Therefore, despite the code, the greatest determinant of the CEC's success boiled down to one person: a non-partisan chairman who shared the drafters' views of the importance of reforming the electoral process and who could convince the other commissioners and the staff of the CEC to follow his lead.

Celibashi encountered a number of challenges when he moved to address his four priority areas. One of his first impressions upon arriving at the CEC was that staffers “were not really professional,” and that most “had some affiliation with some of the political parties.” He defined professionalism to mean acting without political bias.

In addition to addressing the staffing issue, another challenge was to design a new system for processing election-related complaints. In 2001, the CEC would hear

complaints that could then be appealed to the Constitutional Court, whose main function was to review the constitutionality of laws. Decisions issued by the Constitutional Court could not be appealed. In the wake of the June 2001 elections, the court received more than 60 complaints. The CEC's commissioners decided to probe each complaint one at a time which delayed the election results.

Celibashi also found there was no system in place to track complaints as they were received, an omission that prompted many to question whether the CEC was biased in considering only certain complaints. “You have to be transparent,” said Celibashi, referring to the decision-making process for handling complaints. He recalled that “there was a lot of criticism about the performance of the CEC in 2000 because of a lack of transparency.”

During his first weeks in office, Celibashi also discovered many problems with the voter lists. The term “voter list” was something of a misnomer, as no centralized list of registered voters had ever existed. The lists used at voting centers were drawn from the civil registry, which needed a major overhaul. Although firm statistics were not available regarding the extent of the problem, duplications were known to be a major area of concern.

After the fall of communism, Albanians migrated from the less developed areas in the north, seeking jobs in the more developed areas in the center of the country. The names of citizens who had relocated still appeared on the lists in the municipalities where they previously lived. Sometimes they appeared on the list from their former residence and the list in their new location. Moreover, in the previous decade, tens of thousands of Albanians had sought work overseas. Because each election cycle required different forms of identification at the voting centers, and because these documents could be reproduced

easily, the system opened the door to multiple voting: People might cast ballots in the name of family members or friends as well as for themselves.

Attempted fixes to the list exposed the magnitude of problem. An enumeration exercise in 1999 by the CEC with support from the IFES—in which bipartisan teams went door-to-door, recorded names and then cross-checked them with the civil registry—uncovered one million duplications in a country of about 3.5 million people. Kastriot Islami, a former Socialist Party member of Parliament, recalled the flaws in the enumeration exercise. “One team in [the municipality of Kukës] would visit a house and check to see who was living there, and a mother would make sure her son was registered,” said Islami. “But then her son would meet a different enumeration team in Tirana and also register himself there.”

The need for greater oversight of local election commissioners was an issue even before Celibashi joined the CEC. Each party staffed voting and counting centers with its own officials. With few election observers, the local commissioners went to work with little supervision. Despite the fact that all commissioners were required by law to receive training from the CEC before each election, difficulties arose when the political parties switched commissioners within days, or even hours, of the election.

The last-minute switching of commissioners was, however, legal. “This [practice] was a matter of loyalty,” explained Adriatik Mema, who joined the CEC in 2004 as the director of local election commissions. “Parties might have felt these individuals were not loyal to them.” Regardless of the reason for the switching, the result was that the replacements arrived on Election Day with little or no training.

The number of local election commissions—100 for national elections,

distributed among the country’s 12 administrative regions, and 385 during local elections, one for each municipality—compounded the problem, as the members of the CEC were unable to monitor activities at the local level. Many local commissioners were accustomed to taking bribes to influence the voting and counting process. The CEC thought the creation of a regional network of inspectors was a plausible way to combat such a decentralized network.

FRAMING A RESPONSE

Celibashi remembered seeking support from his fellow commission members for the chairmanship position early on. “When I was appointed a member of the Central Election Commission, many people thought that I would be the chairman,” he said. He noted his background as a lawyer and his personality—as someone who had openly expressed his desire to act in a non-political way—as key selling points in his bid to be chairman.

Celibashi recalled that during his first days on the job, his sales pitch to his colleagues sounded something like this: “I want to create a team here. I’m not representing the Socialist Party. What I want to do is to have a strong institution, to have an impartial institution, and to work for ourselves, doing our job, respecting the law.”

After he was elected chairman, he recalled, “The only thing I thought at that moment was how I will be able to be confident with all the political parties, to show, even to the opposition, that I was there not to do the advocacy of the Socialist Party but to do my job in an impartial way, in a professional way.”

Reflecting on his first few weeks on the job, Celibashi said: “I had a lot of emotion, because every minute I saw that it was totally different than what I thought.” Celibashi said he initially envisioned the role of chairman as similar to being a judge, where he would serve as a mediator between the political parties.

He soon realized that his job was to make tough decisions.

Celibashi devised a two-pronged strategy to restore trust in the system. First, he would focus on strengthening the CEC as an institution. He would build a strong team of competent, non-partisan staff and would increase the transparency of the commission's operations, with an eye to changing the way the CEC dealt with election complaints. The second part of his strategy centered on overcoming challenges to the management of elections. Here he would address two key concerns of the electorate: cleaning up the voter lists and creating greater oversight of the local level commissioners.

GETTING DOWN TO WORK

On his first day as chairman, Celibashi called a meeting of the CEC staff to assert his authority and set the tone for his tenure. Speaking to roughly 35 individuals, he got right to the point. "If you want to have this job, it is better to think in a professional way," he told the staff. "You have to not care about who will win the elections. ... If I hear any one of you is expressing political affiliation or political interest, I'll fire [you] immediately."

Celibashi then told them they were all on probation for six months. "I'm not coming here in the Central Election Commission with a briefcase of people. I have nothing against you," he recalled saying. "So every one of you will have six months. After six months we'll have another meeting, and I'll talk to you openly."

The next order of business was to recruit new staff. Celibashi said he looked to hire individuals who had "no affiliation with the political parties." He wanted young people who had "good skills in computers, foreign languages," and who were "educated abroad." Erida Dobrushki, for instance, completed a master's program in Bologna, Italy, prior to

joining the CEC in 2002 as the director of elections logistics and infrastructure.

Following the six-month review, approximately 40% of the original staff were let go. The staff was expanded to 59 from 35 when Celibashi became chairman, and new departments were set up with clear reporting lines. The decision to create a total of 59 positions was made after a careful analysis of the staffing needs of each new department. The departments included judiciary, law, logistics, civic education and foreign affairs. An additional department was in charge of training local-level commissioners.

While he was hiring new administrative staff, Celibashi also worked to build the status and credibility of his fellow commissioners. Within the first 10 days on the job, Celibashi purchased cellphones and cars and arranged diplomatic passports for the commissioners and their spouses. As a constitutional body, members were entitled to the same perks that Albania's Supreme Court justices received. The funds for these purchases came out of a \$200,000 emergency budget Celibashi requested in a meeting with the minister of finance during his first week in office.

Increasing transparency

Celibashi also viewed transparency in the way the CEC arrived at decisions and the manner in which it dealt with voter complaints as key to restoring the public's confidence in the body. Confidence in the CEC, he explained, could be achieved by demonstrating that decisions were taken without political bias. "If you are transparent, if you have nothing to hide, no one can say you are affiliated with this one [party] or that one," he said.

Celibashi made it a point to repeatedly invite the public and representatives of all the political parties to each meeting of the CEC. Meetings were never called without at least 24

hours' notice. For his first meeting as chairman, Celibashi published a full-page advertisement in one of Albania's leading newspapers, inviting the public to attend. He also encouraged the media—print, radio, and television—to report and broadcast the proceedings, which all did regularly.

Celibashi also hatched the idea of preparing a file with meeting documents before each gathering of the CEC and distributing it to political parties' headquarters, civil society groups and international organizations. To save time and money on printing costs, Celibashi bought a photocopy machine with funds from the emergency budget he had received from the minister of finance. Dinora Aleksii, who worked with the IFES from 2001 through 2006, remembered that all of the CEC's decisions were also posted online, a remarkable feat considering that when Celibashi became chairman, the CEC's offices were not wired for Internet access.

In 2003, a system was introduced to track complaints made to the CEC. Each complaint was given a number and then listed on a computerized spreadsheet. Andi Bala, whom Celibashi recruited to head the CEC's legal department and who devised the system, said it made the actions of the CEC more transparent because complaints were never lost and individuals could check at the CEC's headquarters to see the status of the complaint they had filed.

Fixing the voter lists

In January 2002, Celibashi decided the timing was right for a thorough re-structuring of the lists. Both political parties were calling for changes to be made. Celibashi hired Petrit Gjokuta as director of the National Voter Registry. Although the idea of a pilot project to digitize the voter lists had been floated for years, bickering between the parties had

delayed action. Celibashi now ordered his staff to resume work on the project.

Gjokuta explained that the problems involved in fixing the lists were both technical and conceptual: The staff did not have enough computers and the necessary elections software, and no one was quite sure how to build an entirely new system. Gjokuta consulted elections literature which drew on other countries' experiences, and worked closely with the Albania program director for the IFES, Dickson Bailey, who was a constant presence at the CEC's office during the pilot project.

The CEC approved the project in May 2002 with the lukewarm support of the Socialist Party and Democratic Party representatives to the commission. Each party had one representative who served as a liaison between the commissioners and the political parties. The primary objective of the project was to create a digital database. Bipartisan teams would go door-to-door, record names and input them into a computerized form. The newly created digital database also allowed staff members to cross-check names against the civil registry. The initiative was very similar to the one attempted in 1999.

The teams had to work quickly. Although local elections were not scheduled until October 2003, the electoral timeline prescribed by law required the CEC to begin compiling the voter lists by February 2003. "It was a very dynamic period," recalled Gjokuta.

Implementation began in May 2002 in the city of Kavajë. The project was soon expanded to Durrës, and then to a handful of municipalities around Tirana. But trouble was brewing. Parliament voted in the fall of 2002 that the project could not be rolled out on a national scale. Party members worried that cleaning up the lists could result in their losing crucial votes, even if those votes might be

fraudulent. The project concluded in 2003 and made only a dent in the overall maze of problems. One of the greatest difficulties with the pilot project was the lack of manpower to check that names entered into the database were spelled correctly. Because of a single incorrect letter, an individual might be registered or might end up sharing a name with someone else on the list and thus being registered in multiple voting centers.

Monitoring at the local level

The last major reform of Celibashi's tenure involved improving oversight of the local-level commissioners. To accomplish this, in 2005 he set up regional offices in Albania's 12 largest cities. Following the elections of 2001, he had proposed the creation of an association of local-level commissioners. These commissioners, Celibashi suggested, would be chosen well in advance of elections, would receive thorough training on elections administration, and would be retained from one election to the next.

The change would need to be incorporated into the next electoral code and voted on by Parliament. But the vote got nowhere. Both the Socialist Party and the Democratic Party adamantly opposed the idea, fearing that without party loyalists serving in the positions, there was no way to know whether the supposedly independent commissioners would act in an unbiased manner.

OVERCOMING OBSTACLES

In 2001, as Celibashi set out to hire new staff, he found his desire to ensure a transparent hiring process that identified skilled individuals ran contrary to the historical precedent of hiring based on party affiliation. The solution was to assemble a hiring panel.

Transparency was achieved by ensuring that multiple individuals had a say in hiring decisions. The panel, which comprised two

CEC staffers and an outside representative, presented three final candidates for each post to Celibashi, who then consulted with his fellow commissioners. Although the final decision on whether to hire someone was Celibashi's alone, the hiring panel played a key role in identifying finalists for Celibashi's review.

Second, the outside representative was knowledgeable in the subject matter of the position under consideration. The board's representative rotated based on the type of position the CEC wanted to fill. For example, if the CEC wanted to hire for its law department, the representative might be a faculty member in the law school of a local university. This helped ensure competent candidates were identified and forwarded to Celibashi.

As head of the CEC, Celibashi set a priority on improving the voter lists. But he had little time to move on this issue between his hiring in February 2001 and the national elections in June of that year. Rather than trying to reconstitute the lists, he leveraged his relationship with the media to launch a national voter-education campaign. The campaign encouraged citizens to take responsibility to check that their names appeared on the lists that the CEC published 45 days before the election.

When Celibashi realized his idea for a permanent set of local election commissioners would never gain traction with the parties, he sought an alternative solution. In 2005, he succeeded in getting the parties to agree to create a system of regional inspectors. The system was structured such that if the CEC learned of alleged wrongdoings at any polling station, the commission would dispatch the nearest team of inspectors to investigate. Each regional team consisted of two or three individuals. The full list of inspectors for all the regions was approved with the agreement of the political parties. Celibashi recalled that

the CEC “never had any objection, as I remember, even from the opposition, about the names.”

ASSESSING RESULTS

Celibashi’s tenure was marked by a degree of professionalism—defined as his insistence that the CEC’s actions not favor one party over the other—not seen before in the role of a CEC chairman in Albania. Niazi Jaho, a legal scholar in Tirana, credited Celibashi for his professionalism and integrity. “I am of the opinion that he was aiming the CEC to be impartial in its decision making,” he said. Klement Zguri, a Democratic Party commissioner who served on the CEC under Celibashi, noted that during Celibashi’s time the CEC became more transparent.

On the issue of the voter lists, Gjokuta argued that had the parties allowed the pilot project to be expanded to the national level, a much cleaner voter list could have been produced. Gjokuta said the project was successful on a limited scale, where it helped catch approximately 150,000 duplications.

In instances where people appeared twice on the list, the duplication was removed, with the larger of the two municipalities where the voter was registered remaining as the assigned voting place. This was done because migration patterns suggested individuals tended to migrate from smaller towns and cities to larger municipalities. A revised list, with the correction noted, was sent to the smaller of the two municipalities in case the individual showed up there to vote.

Those close to the situation described the project as a limited success, despite major flaws in the design of the lists, including significant duplications. The politicized Albanian political environment prevented efforts to improve the lists and masked the pilot project’s limited accomplishments.

In the wake of the 2003 elections, which saw the incumbent Socialist Party retain

power, the Democratic Party condemned the voter lists as flawed. Gjokuta said the Democratic Party’s complaints were spurious, given that before the elections, “Everything that was done [surrounding the preparation of the lists] was done through consultations with the parties.” Gjokuta recalled that Democratic Party leaders told their followers shortly before the election that the CEC had done everything the party had asked them in preparing the list of voters to ensure a fair election. Responsibility for compiling the lists was shifted from the CEC to the local governments in 2004.

On Celibashi’s fourth priority area—creating a network of regional inspectors in 2005—he enjoyed partial success. The timing was auspicious, for if there was a year when the regional inspector system would be most effective, it was 2005. That year, the Albanian Parliament voted to transfer the counting of ballots from the 5,000 voting centers to 100 regional counting centers, which made the task of overseeing the counting process much more manageable.

Celibashi said the presence of the inspectors helped reduce the number of complaints that in past elections had delayed announcement of the results. The greatest difficulty arose when local-level commissioners, despite being directly confronted by the inspectors, refused to step aside or order their colleagues to stop accepting bribes. Celibashi remembered one local level commissioner telling him that he would rather go to jail than see his preferred candidate lose.

Given that the Democratic Party boycotted the drafting of the 1998 constitution and the subsequent electoral code, some voters questioned how Celibashi’s position could be seen as credible when a government dominated by the Socialist Party devised the structure of the CEC. To dispel notions of political bias, Celibashi pointed to the fact that he was appointed to the CEC with a vote

of 211 to nine, a tally he claimed could not have reflected straight politics. “I don’t think all of the Albanian judges are affiliated with the Socialist Party,” he said.

Adriatik Mema suggested that even though Celibashi had served a brief stint in an appointed position of the Socialist Party government, most Albanians saw Celibashi as a judge and not a party insider. To be sure, Celibashi was clearly affiliated with the Socialist Party, but that party affiliation would have been considered normal in a culture where almost everyone maintained some degree of allegiance to a political party.

The key to Celibashi’s limited success was that despite whatever loyalty he may have felt to the Socialist Party, he repeatedly reached across the political divide and invited the opposition to observe and to directly participate in the decision-making process, as in the case involving preparation of the voter lists. If the process by which the CEC was created was seen as partisan, then it was up to the individual in charge to ensure the resulting actions of the commission were not.

As an example, Celibashi highlighted the run-up to the 2003 elections. “For the first time, even the representative of the Democratic Party supported the process of the preparation of the voters list,” he said. Celibashi recalled asking the Democratic Party’s representative to the CEC, “Do you have anything to change?” The representative replied, “No.” “Is everything OK?” Celibashi again asked him. “I gave him the possibility to check the computers, to check all the processes, etc. ... After the elections, I invited the Democratic Party to investigate all the processes, to check computers, to check everything,” he recalled.

The reforms, however, did not last long. In 2005, the Socialist Party candidate for prime minister, Fatos Nano, lost to the Democratic Party candidate, Sali Berisha, and stepped aside in a peaceful transfer of power.

In 2006, Celibashi left the CEC, his tenure having come to an end. Celibashi’s successor, appointed by the Democratic Party, was widely viewed as a party loyalist. Most of the CEC staff was fired.

The differences between Celibashi’s CEC and the one that followed were stark. The Democratic Party, which had boycotted the drafting of the constitution that established the CEC, had never liked the idea of an independent elections watchdog. Once in control of Parliament in 2005, the party began drafting a new constitution which, when passed in 2008, removed the CEC as a constitutional body. The Democratic Party felt more at ease with a CEC as an explicit organ of the political parties. This new arrangement would allow for the political parties to appoint party loyalists to the commissioner positions, and thus retain control over much of the electoral process.

In 2008, Albania was a member of NATO (the North Atlantic Treaty Organization), and violent conflict in the Balkans was long over. The country had not witnessed widespread electoral violence anywhere near the scale of 1996. With the international community’s attention largely shifted away from electoral reforms, the parties were able to remove the CEC from the constitution with little vocal opposition from the international community.

REFLECTIONS

Sitting on a plush couch and sipping a macchiato in the air-conditioned office of his private consulting firm in 2010, Ilirjan Celibashi, the former chairman of the Central Election Commission, recalled with some nostalgia his first weeks at the CEC. “It was very tiring. It was a lot of pressure on me,” he said.

Looking back on his tenure, Celibashi described 2005 as his best year. It was then that he felt he had a competent staff in place

and had earned the trust of much of the public. As for the public's opinion of him, Celibashi said he saw evidence that the electorate was pleased with his actions when he strolled the streets: "When I was out around the city there were people who were respecting me, offering me a beer."

Reflecting on the initial decision to draft the code, Ylli Manjani, the former head of the Approximation and Legislation Department in the Council of Ministers, conceded that despite the doubts that a non-political system would work, the drafters were motivated by the hope that the proposed reforms would make a difference. "When you sit down to think for drawing a law ... if you are not a little bit naïve, you know, you can't do it," Manjani said.

Celibashi suggested that the partisan approach to governing necessitated an independent Central Election Commission. "I think that in a country, especially in a country like Albania where the culture of the political debate is missing or it is at a lower level, I think that in such a country ... it is better to set up a kind of institution that is really out of the political influence," he said.

Celibashi continued, "As long as the political parties are looking at each other like enemies, how can they trust the people of other political parties? So it is better to work together, to find a way, how we can set up an independent institution. OK, let's talk together, let's discuss together ... What is the best way?"

¹Judicial Reform Index for Albania. *American Bar Association*. Volume IV. December 2008.

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