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Constitution Watch

A country-by-country update on constitutional politics in Eastern Europe and the ex-USSR

Albania The sudden resignation of Prime Minister Ilir Meta (Socialist Party [SP]), on January 29, and the selection of Defense Minister Pandeli Majko (SP) in his place, on February 7, concluded the latest chapter in Albania's stormy transitional saga. Whether the Majko government will survive is difficult to predict. The parliamentary term should last until 2005; if the Majko government falls, early elections will probably be unavoidable. Majko's previous stint as prime minister, in 1998–99, is generally seen as successful, beginning with the adoption of the new Constitution in November 1998 as well as dealing with the Kosovo crisis in April–June 1999. (Majko resigned later that year in response to Fatos Nano's reelection as SP chairman; see Albania Update, *EECR*, Vol. 8, No. 4, Fall 1999.)

Even prior to this recent turn of events, SP had failed to build on the success of winning a second four-year parliamentary term in the 2001 elections, one of the few instances in the region where a postcommunist socialist party has won consecutive terms. Instead, SP's degeneration into factional squabbling came close to paralyzing the government and eventually caused Meta to resign. On the positive side, the large opposition coalition Union for Victory (UV), headed by Sali Berisha's Democratic Party (DP), ended its boycott of parliament on January 30, bringing the legislature (the Kuvend or Assembly) to its full complement of 140 members. If the Majko government and parliament can get down to work and ride out the presidential election coming in July, perhaps Albania will have a quieter time for the rest of 2002 enabling it to address its more-serious problems, including the countrywide shortages of electricity and water that are of more concern to the public than the posturing of politicians.

Meta, in office since Majko's 1999 resignation, was chosen by SP last August to be prime minister for the new parliament that began operating in September 2001. Although SP chairman Fatos Nano had initially supported Meta and his government, unexpectedly, in October, Nano announced in a television interview that there was a "moral crisis" in SP. He expanded on this in a series of meetings with SP supporters around the country, and, in particular, he began accusing a number of ministers of being corrupt. (Two of his three major targets were former close associates.) The countrywide meetings were an echo of his actions, in 1999, in his campaign to regain SP's chairmanship.

It was not clear what Nano was really aiming at in his attacks on the prime minister from his own party. Some saw it as an attempt to position himself to be elected president, a choice parliament will have to make in July of this year. (According to Art. 87.2 of the Constitution, the president is elected by a three-fifths vote in parliament.) Others argued that Meta had consolidated too much power in his hands, shutting Nano's followers out of most ministerial positions. In any case, it is certain Nano was not trying to gain the premiership for himself; clearly, however, he enjoyed being in the limelight after a long period outside it. His latest campaign also served to focus attention on some problems, such as widespread corruption, which was echoed by many outside his usual circles.

If seeking the presidency was Nano's goal, he probably harmed his chances rather than helped them, alienating many in his own party without attracting support from the opposition. If all of the SP deputies and their allies voted together (which is highly unlikely under normal conditions and essentially impossible under the current highly politicized ones), the tally would exceed only slightly the required three-fifths vote. It seems more likely that Nano was upset that his supporters had been shut out of the inner circles of power. Indeed, Meta would have profited from dealing more directly with Nano's faction of SP, when putting his government together after last year's elections. Still, Nano's timing was strange; his concerns should have been raised earlier.

The three ministers Nano accused of corruption (for finance, privatization and the public economy, and public works and tourism) tendered their resignations during an SP General Steering Committee meeting, in early December, in an attempt to bring about a compromise that would permit the government to go forward. A fourth minister, who was Nano's closest associate in the government, also resigned. Meta proposed replacements to President Rexhep Meidani, who decreed them in accordance with Art. 98.1 of the Constitution ("a minister is appointed and dismissed by the President of the Republic, on the proposal of the Prime Minister, within seven days"). But Nano was not satisfied. He then urged his supporters not to attend parliament, and, by blocking the quorum, he was able to forestall parliament's "examination" of the president's decree, which must be held within ten days under Art. 98.2. Meta, in desperation, announced that the former ministers

would stay in office until the situation was clarified. The president then requested the Constitutional Court to interpret the relevant constitutional provisions to resolve the problem. On January 18, the Court ruled that the president's decree was neither in effect nor repealed, and that parliament was still duty-bound to act. Before the Assembly could act, however, Meta abruptly resigned at the end of January, and the situation of the ministers became moot. At this point, Defense Minister Pandeli Majko was named to head the new government.

It was still difficult for Majko and his allies to craft a Council of Ministers acceptable to most of the party. On February 15, the eighth day after the president had decreed Majko to be prime minister, he finally brought his political program and his government to parliament; on February 22, at 1:30 A.M., parliament gave the government, now called "Majko 2," the required approval with 81 votes. In Majko's new government, more than half of the 19 ministers are more closely associated with Nano's faction than with the Meta wing, including those presiding over important ministries such as public order, justice, and industry and energy. Meta himself stayed out of the new government and has announced that he will undertake a campaign within the party to unseat Nano as chairman. That Majko, Meta's choice for prime minister, won over Nano's candidate in the SP General Steering Committee by almost two thirds of the votes is indicative of Meta's strength in that body. While Meta works on SP's base, Majko will have to balance the competing forces within his government skillfully if he is to have success and longevity as prime minister.

Ironically, although corruption, which has grown stubbornly under all the governments of Albania's transition, was the spearhead issue of Nano's attacks on the Meta government, the government actually had made a start at combating it. While heading the government in 1997-98, Nano created the first governmental anticorruption group, but he resigned the premiership shortly thereafter. During Majko's tenure, the Kosovo crisis, among other things, left the anticorruption group inactive. With a formal anticorruption unit now active and headed by a minister, backed by structures created by the Stability Pact for Southeastern Europe, and with parliament apparently ready to set up its own investigations, Majko inherits a much more sophisticated mechanism than he had available in 1998-99. Personally untainted by rumors of corruption, he will have the opportunity to make significant strides in this area, and he has already announced his intention to do so.

As the struggle within SP continued full-blown, the European Parliament invited the heads of the Albanian political parties to come to Brussels, on January 24, to

discuss, among other things, their progress in implementing the postelection recommendations of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR). (The recommendations were a response to the elections held in summer 2001, in which the ODIHR noted some irregularities as well as other problems. The recommendations included, among other things, a review of the Electoral Code. See Albania Update, *EECR*, Vol. 10, No. 4, Fall 2001.) Progress on this front has also been seen as a step toward opening negotiations for a Stabilization and Association Agreement with the European Union. Among many others, both Nano and Berisha attended, and Doris Pack, a member of the European Parliament from Germany who has long had an interest in Albanian affairs, actually brought the two together for a lunch in Brussels, marking the first time that they had had a face-to-face conversation in many years.

But the event was overshadowed by a physical attack on the visiting Albanian delegation in its hotel by a group of people, two of whom are alleged to be DP extremists and fugitives from Albania. Apparently they intended to attack Nano, but his bodyguards spirited him away, and Minister of Integration Paskal Milo and several other delegation members bore the brunt of the assault. Fortunately, firearms were not involved, and, although briefly taken to the hospital, Milo was able to attend the meeting the next day. The Albanian delegates presented a deeply divided front when they spoke to the European Parliament about the past year's elections and the ODIHR recommendations; they probably did little to help their cause.



On January 30, Berisha's coalition Union for Victory (UV) returned to parliament after a boycott that had begun when the parliament took office in the fall of 2001. (That Meta had resigned the day before was coincidental; the decision to return had been made earlier.) The six Reform Democrat Party (RDP) deputies, the only opposition members attending the Assembly from its inception last September, briefly refused to give up their seats in the first row of the opposition benches. Eventually, they yielded to the speaker's decision that the opposition parties would be seated in an order based on their numbers: that is, first DP, with thirty-one deputies; then RDP's six; thereafter, deputies from the other members of the UV coalition, none of which numbers more than five. Parliament is now slowly returning to normalcy, with committee assignments being rearranged and planning going on for the special committee that will deal with the ODIHR recommendations.

Although it considers itself the third political force in the country, RDP has shown that it, too, is prey to the Albanian disease of party fragmentation. Headed by a number of DP activists who have broken with Berisha's DP over the years, their mere opposition to Berisha now seems insufficient to keep them united. One part of RDP held a national congress, on February 9, and elected Berisha's former close aide Genc Pollo as chairman, but other prominent figures in the party, including the deputy Dashamir Shehi, came out strongly against Pollo and his supporters, threatening a separate congress. The two sides are in litigation over the party's seal, and the split is even reflected in the six-member parliamentary group.

Despite the intense political situation, the government has managed to continue working. The last major organic law regulating a constitutional body—the Council of Ministers—is now in parliament. It had undergone an intensive drafting and review process over several years and was finally approved by the government a few days after Meta's resignation. Staying away from specifying a straitjacket list of ministries, it would seem uncontroversial; but the tendency for little things to become highly politicized in Albania's fragile environment makes any prediction about when it will be enacted rash. The other major organic law not yet in effect, that regarding the High Council of Justice, was adopted by parliament in May 2001 but returned by President Meidani. It has not yet been revoted by parliament, which, under Art. 85.2 of the Constitution, can override the president's veto by an absolute majority of its members. The president's objections centered on the fact that the law gives the minister of justice—an executive member of the council—complete control over whether investigations of judges may take place. A compromise is expected that will respect the leading role of the minister of justice while permitting alternate ways for disciplinary proceedings to reach the council, which has the ultimate responsibility for judiciary discipline under Art. 147.4 of the Constitution.

Belarus In the postelection period, Belarus's authoritarian regime has shown no desire to change its domestic or foreign policies. The international community appears stymied, having found no adequate responses to such an intractable attitude. According to the newly elected president of the Parliamentary Assembly of the Council of Europe, Peter Schieder, "Belarus remains a problem. On the one hand, the attitude of the presidential regime has not changed and remains totally unacceptable in terms of democratic and human-

rights standards. On the other hand, isolation does little to change the status quo."

In January, tensions rose as Belarusian authorities denied an entry visa to Ambassador Hans-Georg Wieck, former head of the OSCE Advisory and Monitoring Group (AMG) in Belarus. His successor was also denied a visa; Minsk officials declared that the continued presence of OSCE AMG was not necessary. The chair of the OSCE Parliamentary Ad Hoc Group on Belarus, Adrian Severyn, said that the Belarusian authorities, by pursuing a policy of isolation, were responsible for the deteriorating relations between Belarus and the international community.

The major problem facing the Belarusian authorities in the post-September 11 world, however, was not international anger regarding a lack of human rights or democracy, but the growing concern that Belarus was supplying military equipment to Islamic terrorists. At present, Belarus is ranked among the top ten leaders in the world arms trade. Speaking in Congress in January, US Senator Ben Campbell pointed out that "the lack of functioning democratic institutions, including an independent parliament, together with suppression of free media contribute to an environment void of accountability." The numerous reports on the subject of arms, published by reputable Western media and research centers, were denied by Belarus's government. Nevertheless, the US government claimed to have hard evidence of both illegal arms sales and the training of Iraqi military personnel. On February 27, the US State Department hinted that it was considering imposing sanctions on Belarus.

Belarus, meanwhile, continued to build its economic ties with Iraq. The Iraqi deputy premier and finance minister, Hikmat Azzavi, met President Alyaksandr Lukashenka in Minsk on March 19. Azzavi was visiting for the purpose of discussing economic cooperation. The two countries expect to double their trade this year from \$26 million in 2001.



On the domestic front, Lukashenka continued to rule by decree. The most important of these, "On Special Measures to Regulate Economic Relations," came into force on January 18. It allows extrajudicial expropriations and gives such numerous powers to the State Control Committee that it was criticized as establishing an "economic NKVD" (Stalin's notorious secret police).

Several high-profile industrial leaders were arrested in the postelection period. Leanid Kalugin, the former director of the Atlant refrigerator factory in Minsk who had tried to run against Lukashenka in the presidential