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## **How Can a Republic President's Authoritarianism Be Discouraged?**

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### **Abstract**

Consequences of authoritarian regimes are still fresh in the memory of Western Balkan countries. Political transformations in these countries brought drastic democratic changes [1]. However, these countries share a governing mentality, approach or style significantly rooted in the past [2]. The political aspect aside, this study provides a simple technical solution or the best option to eliminate authoritarianism in the functioning of the Office of the President of Republic. Finding such a solution became indispensable after the estimated public perception in Albania, through a survey, which indicated that the public wants a constitutional and politically independent and impartial President, having the actual constitutional functions, and a President's Office that is restructured in a way that each function is matched by clear, transparent and legal procedures that would leave no room for subsequent political debates. In order to fill this gap, the relation between the functions and powers of the President's Office was scrutinized. Also, a clear recommendation was provided related to a new organizational structure that would drastically change the way how the President takes decisions, away from personal and random decision-making by-passing the constitutional opinion of his/her subordinate institutional structures. This can be achieved through an organizational set-up completely different from the actual "governance through advisors" or "one-man governance". The proposed idea is a "structure-based governance" or an "expert-based governance" where constitutional opinions are discussed and considered, and which dominates over the President's individual opinions.

**Keywords:** President; survey; authoritarianism; constitutional functions; organisational structure.

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## **1. Introduction**

Albania has no anti-authoritarian tradition to refer to. After the political changes in 1991, the Constitution of the former regime was temporarily replaced by some Constitutional Provisions. This legal package sanctioned the position of the President of Republic. Later on, the new Constitution introduced the President's functions.

The study groups these constitutional functions into seven main groups [3] and the detailed analysis indicates that the President's post is indispensable in Albania. But, the multitude of functions and the need for such a post do not imply the need for a "strong President", who cannot be a safeguard for the success of full-fledged reforms required by the political and economic transition. A "strong President" cannot be a "consolation" for the arduous reforms that Albanians need. The President's omnipotence and authoritarianism brings reminiscences of the former regime to many Albanians, when decisions were taken haphazardly from "above" without the need of the President.

The way the Presidents in Albania traditionally took decisions left room for two types of perceptions: (i) most citizens perceive the President to be an authoritarian person, who never asks for a second opinion, who decides on his/her own or according to the party that elected him/her; and (ii) an important part of the public believes that the President's decision-making is based simply on the opinions of his advisors and it is this wrong approach that fosters authoritarianism in this position.

These perceptions were measured by a survey under a wider study that proposed changes to the organizational structure of this Office. These changes may be implemented by the persons already in office, without the need for legal amendments; however, these are not so easy to undertake.

## **2. Methodology**

The basis of the comprehensive study consisted of a detailed analysis of the constitutional functions of the President's Office juxtaposed to this institution's organizational structure approved by various Presidents through their relevant Instructions.

The study was also based on a survey [4] with three sets of questions in social media to obtain the opinion of a target group several times bigger than in 'traditional' surveys.

As a result, the survey managed to obtain the perceptions of 5-7 times more respondents, with around 86% of replies provided by the age group 20-30 years old, who are hardly influenced by the past regime; 40% of these were youth from the United States and Western Europe countries.

The survey's results served also in the preparation of interviews conducted with some former presidents [5], so that results could be confronted with their opinions and, after testing, elaborate accurate conclusions and recommendations.

These interviews consisted of direct questions about – amongst others – the need for a new structure of the

President’s Office, as an instrument to depart from the authoritarian approach of running the State reflected from the past regime, but also to enhance the quality of decrees issued.

The overall opinion is that this institution continues to operate the same; only people change, while the authoritarian and non-transparent mentality, approach and procedures in decision-making persist.

### 3. Main results

The functional analysis could not avoid the actual debate about the functions and powers of the President. This issue was placed at the centre of interviews with former Albanian Presidents. An indirect response was initially obtained from the survey conducted in the framework of the study. The main conclusion is that respondents confuse *functions* with *powers* either because of ignorance, or deliberately from the appetite for more power; because a functional analysis focuses on modification of present functions, not on less or more powers. Functions are not powers. Consequently, the debate is not constructive, but rather politically driven. There has always been a demand for a strong President, not a ‘puppet’ or shadow one. This was initially brought forward by intellectuals, who strongly argued that “*our people can learn to abide to the State by force, rather than softly*”. This thesis was quickly embraced by political parties and placed by them at the centre of the political debate in Albania. According to their concept, the President of Republic must be “strong” and “decide on his own”. Having this fear, respondents are clearly in favour of a President who is politically impartial. They also say that the political debate on the President’s powers is vain, because Presidents in Albania have exerted simply their constitutional functions and powers (see Figure 1). Therefore, 77% think that we have a President with normal powers according to a Constitution for a Parliamentary Republic. Only 3% of respondents accepted to give an opinion about the “strength” of the President in Albania, which indicates that respondents not only have the political maturity, but also have a solid knowledge of the issue at hand.

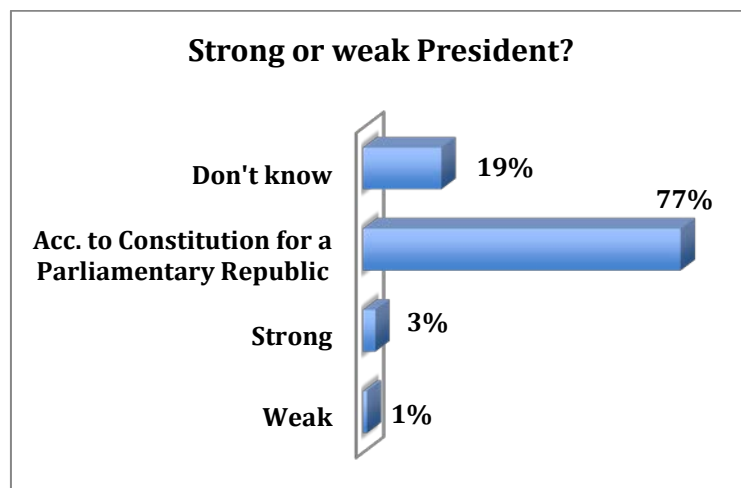


Figure 1: What type of President do we have?

Overall, it is perceived that the question if we have a strong or weak President must not be made.

Albania has a ‘classic’ President of a Parliamentary Republic, according to the Constitution. Therefore, roughly

75% of respondents say that the President's constitutional powers are complete and must not be changed (see Figure 2), because respondents do not see the need for a "strong" President.

But, what does it mean to be a "puppet" or not a strong President? Because the powers so insistently demanded entail a closed cycle for appointments in important positions and the final decision for the return of laws adopted by the Parliament.

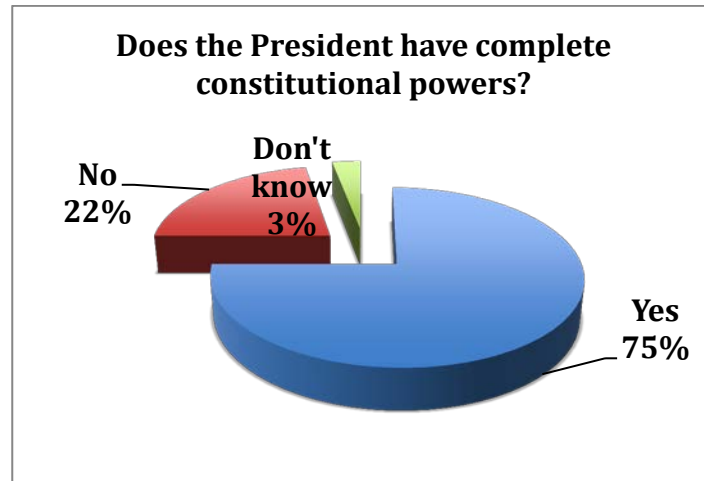


Figure 2: President's powers are complete.

By the way Presidents have come to this post (according to the Constitution), these powers are addressed to the party that elected the President, in fact, and the actual political fight is not about functions, but for more party powers or powers for the appointment of party-affiliated Presidents.

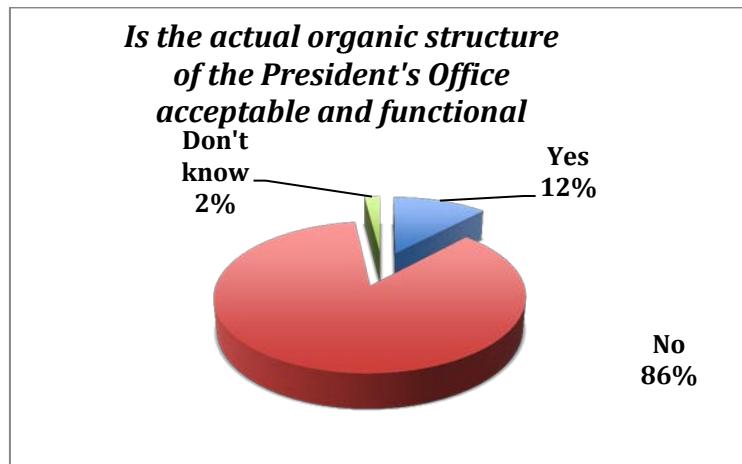
The second issue probed into is the organizational structure of the President's Office based on the above-cited functional analyses. This analysis was complemented by an uncommon study that included interviews with former Albanian Presidents [2]. This study seeks to outline the "composite sketch" of the President of Republic and concludes that a new organizational structure is indispensable to avoid political debates over any Decrees and authoritarianism by this institution.

The organizational structure of the President's Office has changed frequently, but each of them leaned towards fulfilment of functions without institutional structures and without administrative staffs, but through advisors only. This mentality has continued to prevail all the way.

The survey shows that over 3,800 replies representing 86% of respondents are in favour of a new organizational structure for the President's Office (see Figure 3). They consider the present organic structure as non-functional.

Respondents do not attribute this simply to the fact that a new system requires a new organic structure, but rather to the need to change the approach: from an authoritarian style that monopolizes everything in one person, i.e. the analysis of any issues, solutions and issuance of the relevant Decree to an institutional and transparent operation. But this is not a fair concept, because some functions are left without expertise, whereas

other functions are met at a poor quality.



**Figure 3:** Perception on the structure of the President's Office

The main reason why respondents reject the actual structure is that it allows the President to monopolise any analysis. The second reason is that it favours authoritarianism of one person in decision-making.

Since the first post-communism presidency, the organization structure of the President's Office was subject to cosmetic changes and never to fundamental changes that would affirm a change in mentality. So, there has been no 'reform'.

The interviews demonstrate that this presidential mentality persists. While several former Presidents clearly state the need for an Organic Law, none of them considers the actual structure as inappropriate and a handicap, because it favours authoritarianism. This might be explained by the fact that they consider omnipotence as indispensable for the President to operate.

Although the basic functions of the President's post require a very solid legal unit, legal matters have been addressed by only two advisors.

Some constitutional functions of the President are left without expertise. In these conditions, the President takes decisions by himself, although he may seek advice from advisors or the relevant Ministry.

The President's Office lacks an administrative unit responsible for decisions related to dates of meetings, referenda or elections; nobody can institutionally check the figure (background check) of high-officials proposed to the President for appointment; the High Council of Justice has been left totally at the hands of the functionary deputy Chair and justice is going through a deep reformation; nobody speaks about the President's functions in times of war, and nobody is directly responsible for the citizenship, medals and high grades.

This slams any issue directly to the President of Republic who must either have encyclopaedic knowledge or tends to take inaccurate or controversial decisions. Aware of this 'procedure', political parties, once affected by a decision of the Head of State, accuse him of being partial and initiate a political debate against his decisions.

Based on the analysis of the organisational structures of the President's institution in line with his constitutional functions, we may conclude that it needs a more optimal structural organisation that leaves no function uncovered and that uproots this authoritarian mentality from running this Institution.

#### 4. Conclusion and Recommendations

- 1 Public perception is that Albania lacks a politically independent and *super partes* President. For a President to be effective, he must take decisions in full compliance with the Constitution. He must take decisions without being influenced by his own personal opinions or the political opinions of the party or parliamentary majority that elected him to that post.
- 2 Provisions of the Albanian Constitution have nothing to do with a 'puppet' President. He has a lot of functions and fewer powers. His constitutional functions are such that require strong institutional cooperation to be met at the right quality.
- 3 The present organisational structure of the President's Office fosters authoritarianism, individual decision-making and monopolization of decisions. It must be changed, not simply improved. The main reason for such a change is that there must be a shift to a contemporary and democratic mentality of doing things through institutional structures.
- 4 Constitutional functions of the President's Office must no longer be fulfilled by advisors and everything be thrown at the President, but by institutional structures responsible for each function.

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