

CENTRALISATION OF DEFENCE POLICY AND INEFFECTIVE OVERSIGHT

**(Un) Democratic Control of the Albanian Armed Forces
Centralisation of Defence Policy and Ineffective Oversight**





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Summary

The democratic control of the armed forces is a fundamental principle to ensure not only that the military does not interfere in domestic politics but also to prevent its misuse by the civilian leadership in domestic power struggles or through executive decision-making processes that bypass the legislature. The principle thus requires that institutional checks and balances and clear lines of command and control are established to ensure that the military and defence policy are accountable and serve the national interest.

This study explores the development of political (civil) – military relations in Albania, outlines the post-Communist challenges to reform these relations, assesses the impact of NATO-accession reforms on the democratic control of the Albanian Armed Forces, and examines the current challenges of the oversight architecture. Through this approach, the study sets the background of the institutional norms of defence policymaking that were shaped under Communism to examine the impact

of democratic control norms that entered the Albanian institutional space after the fall of Communism and particularly with the country's NATO accession path. The report thus posits that democratic control norms are not statically transplanted into a blank slate, rather they enter into a dynamic process of negotiation with existing local norms. The discussion and findings of the study are divided into four parts. The first part outlines the development of political (civil) – military relations under Communism to identify institutional trends and norms that have shaped the nature of the relationship between the political and military leadership in defence policymaking. The second part examines the initial post-Communist defence reforms (1991-1995) and their impact. The third part examines NATO-related defence reforms. It focuses on the integration of the principle of the democratic control of the armed forces in the drafting process of key NATO-accession reform measures. The fourth part discusses the current challenges of defence oversight.

Key findings

- 1.** After decades of purges and strategic isolation during Communism, military doctrine became purely dogmatic whilst the Armed Forces subservient to the Party line. Military ethos was severely undermined after the 1966 “defence reforms”, which included the removal of military ranks and the re-introduction of political commissars. The civilian Albanian Labour Party cadre outlined an ideological defence policy, thereby subjugating military expertise to Party dogma.
- 2.** The initial post-Communist reforms failed to re-professionalise the military and establish democratic control through greater parliamentary involvement in defence policymaking. The military was still subject to political control and had not regained the professional purpose. Mistrust and control still dominated civil-military relations, and this became clear when the Armed Forces were subordinated to the chief of intelligence – arguably most trusted by the president – as the task force commander to respond to the 1997 revolt.

- 3.** The principle of democratic control was formally – not substantively – integrated in the defence policymaking process. Although important legal and strategic documents were approved to reform the military and civil-military relations as Albania was preparing for NATO accession, legal provisions that granted to the Assembly the authority to approve the defence budget and deployment of troops abroad were circumvented and then revoked. Furthermore, important reform measures such as the decommissioning and dismantling of ageing and excessive weapon systems and ammunitions were taken without parliamentary deliberation.
- 4.** The oversight architecture is defined by insufficient cooperation and a rather narrow institutional perspective on the scope of oversight tasks. Oversight institutions limit themselves to the legally required inter-institutional engagements and do not seize the potential to improve their own performance through stronger cooperation and joint initiatives aimed at improving the performance and accountability of the executive. The absence of public debate on defence policy is facilitated by the insufficient knowledge and expertise produced by Albanian universities and research institutes. The government's perspective is rarely challenged, and the public become aware of colossal policy failures after those policies have led to national catastrophes such as the disintegration of the military in 1997.

Key recommendations

- 1.** Albanian civil society must take a more proactive role in engaging and cooperating with the defence sector on research and analysis, as well as demanding transparency and accountability; defence institutions should engage the public to provide accountability and cooperate with CSOs to resolve common challenges.
- 2.** Defence institutions must establish a strong working relationship with the Assembly, its elected members, and particularly with the Committee on National Security. The purpose of this relationship should be to coordinate defence policy and ensure that its implementation serves the public interest.
- 3.** The Assembly should reconceptualise its organisation and functions. The secretary general should be a standing member of the Bureau of the Assembly, and the involvement of the Bureau of the Assembly on internal technical matters of the administration should be confined to setting strategic priorities.
- 4.** The Assembly must prioritise research and evaluation of legislation by training its current staff, increasing the number of researchers and committee advisers, and ensuring that the recruitment criteria meet the needs for an effective oversight body.
- 5.** The Supreme State Audit Institution, the Ombudsperson, and the Information and Data Protection Commissioner should increase inter-institutional cooperation. This would improve their effectiveness and impact.

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Abbreviations

AAF	Albanian Armed Forces
AFA	Armed Forces Academy
ALP	Albanian Labour Party
CEE	Central and Eastern Europe
CSO	Civil Society Organisation
DCAF	Democratic Control of the Armed Forces
DoD	Department of Defence
DP	Democratic Party
DPD	Defence Policy Document
EUCOM	European Command
HIDAACI	High Inspectorate of Declaration and Audit of Assets and Conflicts of Interest
IDP	Information and Data Protection
IOI	Independent Oversight Institution
IPP	Individual Partnership Programme
LTDP	Long-Term Development Programme
MAP	Membership Action Plan
MINURCAT	United Nations Mission in the Central African Republic and Chad
MoD	Ministry of Defence
NATO	North Atlantic Treaty Organisation
SHIK	National Intelligence Service
SMI	Socialist Movement for Integration
SP	Socialist Party
SSAI	Supreme State Audit Institution
UN	United Nations
UNMISS	United Nations Mission in South Sudan
USAID	United States Agency for International Development

1. Introduction

The democratic control of the armed forces is essential for the formulation and implementation of an effective and accountable defence policy, and to ensure that the armed forces are neither involved in domestic politics nor are they misused by the civilian leadership for political purposes. Albania joined the North Atlantic Treaty Organisation (NATO) in April 2009, and the democratic control of the armed forces was indeed a topic of discussion in the framework of the country's accession. After the country's membership, democratic control challenges have not received sufficient attention. NATO accession, however, does not immunise any of its members from such challenges and they need to be continuously discussed to strengthen defence policy oversight.¹

This study seeks to examine the challenges of the democratic control of the Albanian Armed Forces (AAF) through a historical perspective by providing a background to the development of civil-military relations in Albania. It further identifies the main normative and institutional challenges to democratic control, and offers recommendations for policy makers and civil society to strengthen the country's defence oversight architecture.

1.1. Background

The democratic control of the armed forces continues to be an elusive principle amongst Albanian civilian and military officials, and it is yet to be integrated in Albanian defence policymaking. The country's policymakers struggle to distinguish civilian control from dominance of the military. They further fail to recognise that parliamentary deliberation and oversight of defence policy are essential components of the principle of democratic control.

In March 2020 the Albanian military was deployed in haste to enforce COVID-19 curfew measures, without declaring the state of natural disaster as per constitutional provisions on the deployment of the Armed Forces.² Instead, the Council of Ministers amended the Law on the Prevention of Infectious Diseases through a normative act³ to allow for the deployment of the military to prevent the spread of the pandemic. While the Albanian government did

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- 1 For a discussion on challenges of civil-military relations in the United States, see Nix (2012). For a study on the role of public opinion on defence and security policy in the United Kingdom, see Strachan and Harris (2020).
- 2 According to Article 174 of the Constitution, the Council of Ministers may declare the state of natural disaster for 30 days, which may be renewed with parliamentary approval. The resources of the Armed Forces may be engaged in accordance with the directives issued by the Inter-ministerial Committee for Civil Emergencies, which is convened after the state of natural disaster has been declared (Article 34, Law no. 45/2019 "On civil protection")
- 3 A normative act is an executive decision with the same power of a law for 45 days, unless is approved by the Assembly. Normative act no.2, date 11.3.2020 of the Council of Ministers "On some amendments to Law no. 15/2016 "On the prevention of infectious diseases".

not seek deliberation in the Assembly to amend the Law on the Prevention of Infectious Diseases, the absence of a constitutional court facilitated unchallenged executive decision-making power on the use of the armed forces.⁴ Despite the emergency dictated by the pandemic, the Constitution features emergency provisions to mitigate the risk that the executive may unlawfully deploy the Armed Forces to restrict civil liberties. The approach taken by the Council of Ministers by violating emergency provisions and undermining the constitutional duty of the Assembly to amend legislation is antithetical to the principle of democratic control of the armed forces.

Similarly, the appointment of a military doctor as the chief of General Staff in July 2020 – although unprecedented in military history – it is the zenith of a rather long line of misplaced top-leadership appointments that do not adhere to NATO standards of a well-led and professional military. The Albanian Naval Forces, for example, have been led three times by army generals in the last nine years.⁵ These appointments question the judgement of Albanian elected officials and suggest that defence policymaking is not considered complex or important enough to warrant professional expertise.

Despite the adoption of NATO-accession reforms⁶, the institutional tendency to politically control the Armed Forces and the challenges to establish a professional military remain unaddressed.

1.2. Purpose and structure

The report examines the development and current challenges of civil-military relations in Albania. It focuses on three main areas: (1) the development of political-military relations under Communism, (2) post-Communist defence reforms, and (3) challenges of the current oversight architecture. It outlines the political-military dynamics that have shaped the institutional norms and culture of the defence policymaking process; examines the changes and continuities of those norms after the fall of Communism; and discusses the current challenges that prevent effective democratic control of the Albanian Armed Forces (AAF). The research conducted for this report sought to answer the following questions:

1. What was the impact of the initial post-Communist (1991-1995) defence reform efforts⁷ on civil-military relations?
2. What was the impact of NATO-accession reforms on defence policy oversight?
3. What are the current challenges of defence policy oversight?

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- 4 The Constitutional Court had only three out of its nine members due to the reevaluation of judges and prosecutors, which is part of Albania's European Union accession reforms.
- 5 They include Major General Qemal Shkurti (2012-2015), Major General Ylber Dogjani (2015-2020), and Brigadier General Ilir Xhebexhia (since July 2020)
- 6 For simplicity, "NATO-accession reforms" here refer only to defence-related reforms, not those related to market economy, democracy, and the electoral process despite their importance in the accession process.
- 7 The main objectives of the reform of the military during this period were depoliticisation, depoliticisation, and professionalization.

The discussion and findings of the research are divided into four parts. To understand the impact of initial post-Communist defence reforms, they need to be assessed against the baseline of the institutional norms of defence policymaking that developed under Communism. The **first part** of the report thus outlines the development of political (civil) – military relations under Communism to identify institutional trends and norms that have shaped the nature of the relationship between the political and military leadership in defence policymaking. This part is especially important because it outlines key institutional challenges that had to be addressed through the post-Communist reforms. The **second part** examines the initial post-Communist defence reforms and their impact. It focuses on their objectives, processes of implementation, and outcomes.

The **third part** examines NATO-related defence reforms. It focuses on the integration of the principle of the democratic control of the armed forces in the drafting process of key NATO-accession reform measures: (1) the adoption of new security and defence policy documents and legislation, (2) the reduction of forces and military infrastructure, and (3) the dismantling of ageing weapon systems and ammunition. Integration of the principle of democratic control means that the reforms were approved through appropriate parliamentary deliberation and their implementation was subject to parliamentary oversight.

The **fourth part** discusses the current challenges of defence oversight by assessing the oversight capacities and involvement of independent institutions and civil society. Institutional oversight is centred upon the role of the Assembly and independent oversight institutions (IOIs). Public oversight is centred on the role of civil society (media, civil society organisations, academia).

1.3. Assessing the democratic control of the AAF: Conceptual framework and methodology

This section is divided into two subsections. The first subsection critiques the key assumptions underpinning the concept of democratic control as it was defined and prescribed by NATO advisers in the context of accession requirements for former Communist countries. It is important to examine the basic assumptions of NATO advisers to understand the objectives of the norms they sought to transfer to Albanian policymakers and their implementation in the Albania historical and political context. The second subsection outlines the methodology used to collect and examine the data.

1.3.1. Conceptual framework

The concept of democratic control of the armed forces entered the literature on defence reform of former Communist countries in conjunction with the defence assistance programmes provided by NATO to Central and East European (CEE) countries after the fall of Communism. It gained prominence particularly in the early 2000s, and a dedicated research centre – the Geneva Centre for the Democratic Control of the Armed Forces (DCAF) – was established to promote research and debates on the topic.

The main assumption guiding Western policymakers in their reform efforts was that to prepare former Communist countries for NATO accession, their militaries had to be under

civilian control. The reforms would be implemented through a policy transfer approach, i.e. democratic norms would be transferred from Western to former Communist countries through Western defence advisers, and they would be implemented through the exposure of local political and military elites to Western norms. Democratic reforms included designing new constitutional and legal frameworks that separate the powers of the president, the executive (prime minister and minister of defence), and the legislative branch in peace and war; parliamentary approval of strategic documents and defence budgets; and the “civilisation” (increase of civilian officials) of the ministry of defence. (Trapans and Fluri 2003; Jazbec 2005; Pietz 2006). This approach was also prescribed by NATO as a reform roadmap (Lunn 2002, 85) and was favourably considered by Fluri and Cole (2002) as “a process of un-learning of the past” (11) by essentially copying a Western institutional framework into a post-Communist context.

In addition to being rather unclear and simplistic, this approach failed to accurately account for local political-military relations that had developed during Communism, and particularly in the Albanian context. It assumed that politicians and other civilian officials would by default be in favour of democratic control, while the military would be against it for fear of loss of privileges. Despite the total ideological control exerted by Communist regimes and the complete dependence of civilians and soldiers alike on Party patronage for educational and professional attainment, the military was assumed to be more tainted by Communism than the civilian leadership (Fluri and Cole 2002).

Similarly, parliamentary oversight and control were considered indispensable to hold the armed forces – rather than the entire defence sector – accountable. The danger from the misuse of the military by the civilian leadership – which has been the core issue during Communism – was not examined (Trapans and Fluri 2003; Fluri and Cole 2002; Abazi 2004), despite evidence suggesting that interference in defence policy issues by misinformed or inept civilian defence officials had led to inappropriate policy choices and politicisation of the military in CEE countries (Edmunds 2001).

Building on this critique of the norms transfer framework, the report proposes an analytical framework that examines the purported absorption of democratic control standards by the Albanian political and military establishments through an Albanian historical and institutional perspective. Instead of assessing the absorption of these standards through norms transfer, this approach posits a framework of norms negotiation. Democratic control norms are not statically transplanted into a blank slate, rather they enter into a dynamic process of negotiation with existing local norms of political (civil) – military relations, which are grounded in the Albanian historical and institutional perspective.

The democratic control of the armed forces is defined as the establishment of institutional structures and processes to hold the defence sector publicly accountable and to ensure that defence policy is formulated through transparent and extensive deliberation in the legislature. Democratic control is considered not merely a principle through which to subordinate the military to civilian control, but rather as a principle that fosters an inclusive approach towards defence policymaking by integrating civilian and military expertise.

Box 1. Note on terminology

Two key terms are used in the report that need clarification to avoid confusion. The report examines political-military relations during Communism and civil-military relations after the fall of Communism. This distinction is made to capture as accurately as possible the nature of these relationships.

Due to the fluidity of the military and civilian domains under Communism, one cannot strictly speak of a civilian-military divide because military officers were part of the Albanian Labour Party structures and they could be part of the People's Assembly. Nevertheless, the military had marginal impact on Party policy, which were under firm civilian control. It is thus more accurate to speak of political-military relations during Communism.

After the fall of Communism, which led to multi-party elections and the depoliticisation and departisation of the military, the civilian and military domains are more clearly divided. Notwithstanding the persistence of political control, this marked the start of civil-military relations as an analytical basis.

1.3.2. Methodology

The methodology is designed to achieve the following objectives:

- 1.** Provide a background for the examination of post-Communist defence reforms by outlining the historical development of domestic norms of political (civil) – military relations.
- 2.** Assess the integration of Western democratic control norms in the Albanian context during and after the NATO accession process by examining the challenges of the relationship between the Assembly and the executive branch on the formulation and implementation of defence policy.
- 3.** Examine the current challenges of the oversight architecture: the Assembly, IOIs, and civil society.

The research combines the review of official documents and secondary sources with semi-structured interviews and focus groups (see Annexes B and C for more details). To outline the development of political-military relations, the research draws on Albanian Labour Party (ALP) publications from the Institute of Marxist-Leninist Studies, declassified Party documents published by Albanian news outlets, and various secondary sources on Albanian history. The section on initial post-Communist reforms and their impact relies on official documents and on a compilation of reports written by C. Dennison Lane (2002), the American military adviser to former Albanian defence minister Safet Zhulali.

The assessment of the integration of Western norms of democratic control is based on the Ministry of Defence's annual action plans, national security and defence strategies, and the laws and executive decisions approved. It is focused on the transparency and accountability of the reform process, and the role of the Assembly to discuss and oversee defence policy. Its purpose is to review the decision-making process for the approval of key reform measures, such as the decommissioning and dismantling of military hardware and

the military modernisation programme, and to analyse any changes in the power of the Assembly in relation to the Council of Ministers as a result of NATO accession reforms.

The challenges of the oversight architecture are examined in the context of the institutional capacities and cooperation between the Assembly and the IOIs to hold the defence sector accountable. This examination is based on official audit reports produced by the Supreme State Audit Institution, annual reports published by the Ombudsperson and the Information and Data Protection Commissioner, interviews with academics, and two focus groups: one with representatives of civil society organisations and investigative journalists and another with representatives from the Assembly's Committee on National Security and IOIs.

This methodological approach was mainly influenced by the insufficient literature on the democratic control of the AAF and the lack of scholarship on Albanian civil-military relations. Consequently, it is important to note few constraints:

- a.** The examination of the historical development of political–military relations is intended to address only key historical events that illustrate important norms or policies that have had a lasting impact on these relations; it is not intended to thoroughly examine them throughout Communism.
- b.** The study does not examine the current institutional dynamics between senior civilian and military defence officials; instead, it focuses on the role of oversight institutions to ensure that defence institutions are effective and accountable. This is due to both the importance and neglect of the role of oversight institutions on defence policy; difficulties in accessing official documents and defence officials also had an influence.

2. Political-military relations: Mistrust and control

Political-military relations under Communism have changed from Party control of the military allowing for professional expertise in defence issues (1946-1966) to total Party control whereby the military is under total ideological submission and Party ideological thought prevails over military expertise (1966-1991). Political purges and ideological control have defined the development of political-military relations during the Cold War. They have been connected to internal Party struggles and shifting strategic alliances. Since the military was a tool of the Party, political struggles within the Party inevitably affected the military. The following key historical junctures are examined to outline the developments of political military relations: (i) the 1948 military purge after the Tito-Stalin split, (ii) the 1960 “Çam group” conspiracy during the Sino-Soviet split, and (iii) the 1974 military purge.

2.1. Purges and shifting alliances

Albania established a key strategic alliance with Yugoslavia, which was built on the close cooperation during the Second World War. In 1946 the two countries signed the friendship and cooperation treaty, which provided Yugoslavia with immense strategic influence over Albanian domestic policies (Zickel and Walter R. Iwaskiw 1994; Vickers 1995). On the military front, the Communist leadership under Enver Hoxha called for the organisation of the Albanian military based on the Yugoslav model. Disagreements between Hoxha and the chief of the armed forces, Major General Spiro Moisiu, on the development of the armed forces and Hoxha’s proposal to attach Yugoslav advisers to the Albanian military, led to Moisiu’s dismissal and forced retirement in 1946 (Leci 2002, 61-62).

Despite Hoxha’s position as secretary general of the Albanian Labour Party and prime minister of Albania, it was the Deputy Prime Minister and Minister of Interior Koçi Xoxe – and his faction within the Party – who had the closest relations with the Yugoslavs. Recognising that his position within the Party would be untenable as long as Albania remained joined at the hip with Yugoslavia, Hoxha exploited the Tito-Stalin split⁸ to side with the Soviet

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8 The causes of the Tito-Stalin split originate in ideological differences on the policies of Communist parties in Europe – particularly in Spain, France, Italy, and Greece. While Stalin had initially favoured an approach of parliamentary participation in the politics of European Communist parties in their nations’ post-WWII politics, Tito had favoured armed struggle. Although these ideological disagreements had not prevented the substantial influence of the Yugoslav Communist Party on European sister parties, the Yugoslav armed support and the deployment of Yugoslav military units in Albania to aid the Communists in the Greek civil war were not supported by Stalin. According to Swain (1992), this was due to the agreement made with Churchill that Greece would remain within the Western sphere of influence.

Union, purge the Party from the pro-Yugoslav faction, and execute Xoxe. After purging the Party, Hoxha rehabilitated formerly demoted Party officials because of their disagreements on the Albanian-Yugoslav cooperation (Vickers 1995, 174). Major General Moisiu was recalled to military service and was assigned to command the Tirana garrison (Leci 2002, 63), while Hoxha and Mehmet Shehu – who had also been demoted as chief of staff by Xoxe (Vickers 1995, 173) – would become the central axis of the Party that would determine future national security policies.

Albania's relation with the Soviet Union had increased the country's national defence capabilities and had produced an officer corps educated in Soviet military academies. After the death of Stalin in 1953 and Khrushchev's "secret speech" in 1956, in which he criticised Stalin and his cult of personality, Albanian-Soviet relations began to wane until they broke-off in 1961. Khrushchev presented a significant threat to Hoxha's control of the Party because de-Stalinisation meant reassessing past Party policies and demanding accountability from senior Party officials (Mëhilli 2011). Furthermore, Khrushchev's pressure to rehabilitate former Party members who had been purge after the Tito-Stalin split risked the revival of the pro-Yugoslav faction in the Party (Vickers 1995, 179-180).

Hoxha's apprehension towards Khrushchev's "revisionist" policies coincided with Mao Zedong's own dislike of Soviet rapprochement towards Western imperialism through Khrushchev's policy of "peaceful coexistence" (Lüthi 2008). Sino-Soviet split provided Hoxha with an opportunity to establish economic ties with China in case relationships with the Soviet Union would be severed. Realigning the Party and the country away from the Soviet Union and towards China was a challenge due to the pro-Soviet faction within the ALP. Consequently, purges would inevitably follow such realignment (Pipa 1990, 55; Vickers 1995, 187). And real or perceived pro-Soviet military personnel would not be spared. Rear Admiral Teme Sejko, chief of the Albanian Navy, was found guilty as the head of a group of officers and other Party officials from Çamëria (hence the "Çam" group) plotting to overthrow the regime with help from Yugoslav, Greek, and American intelligence services (Pipa 1990, 64). Other high- and mid-ranking military officers – not part of the group of alleged plotters – were also purged (Leci 2002, 138-141).

2.2 Strategic isolation, Hoxha's takeover of defence policy, and the de-professionalization of the military

Establishing ties with China was far more advantageous for Hoxha and his regime. China – unlike Yugoslavia – was geographically far – and unlike the Soviet Union – did not interfere in intra-Party politics. Nevertheless, the relationship with China was not bound by a security pact. Even if it were, providing assistance to Albania in case of an invasion would have been extremely challenging. Albania's withdrawal from the Warsaw Pact after the Soviet invasion of Czechoslovakia in 1968 led to strategic isolation. Although the question of national security became more pertinent after 1968, cooperation within the Pact had effectively ceased after the withdrawal of Soviet troops from Albania in 1961 (Institute of Marxist-Leninist Studies 1981, 456).

After the Soviet-Albanian split, Hoxha issued his dictum that the country had to fight both with the imperialist West and the revisionist Soviet Union. This view was seen as adventurous by the military leadership, whose contingency plans were focused on potential invasions from neighbouring countries. On the basis of these plans, the MoD and General

Staff established the combined Army-Naval Command (Komanda e Forcave Ushtarake-Detare)⁹ to strengthen the western part of the country, which was considered the most vulnerable due to the lack of natural barriers and insufficient capabilities for naval warfare (Rama and Cami 2014, 143-146). Despite the approval of this reorganisation by the Defence Council – the country’s supreme defence policymaking body – comprehensive organisation reforms of the military initiated by the General Staff were being stalled by the Council because the Party line – preparation for war against both NATO and the Soviet Union and the inclusion of the experience from the Albanian Military Art¹⁰ – was not being followed (Rama and Cami 2014, 148-149).

Meanwhile, in 1966 the Party Central Committee – led by Hoxha and Shehu – issued its own defence policy changes. The military would be restructured to make it an effective instrument of the Party through a stronger connection with the people by stemming out “bureaucratisation” (read: elitism) in the officer corps. To achieve this objective, military ranks were abolished, Party committees in the military were established and political commissars were re-introduced (Institute of Marxist-Leninist Studies 1974, 39, 55). Officers would be subject to the “critique and control” of the masses (read: subordinates), which was necessary – according to the Party – because lack of criticism and a hierarchical structure based on rank and privileges had bred a culture of superiority and elitism among the officer corps and had been an obstacle for “implementation of the revolutionary line of the Party” (Institute of Marxist-Leninist Studies 1974, 40). This meant that the construction of fortifications (bunkers and pillboxes) for “total defence” had not been progressing, and the military had not contributed to the agricultural and industrial production of the country. This was part of the regime’s attempt to mobilise all public sector employees to meet the labour needs of the country (Institute of Marxist-Leninist Studies 1978, 66).

These measures were met with mild opposition in the military. The intelligence chief of the armed forces wrote an anonymous letter in which he denounced Hoxha’s regime for failing to increase the country’s standard of living and condemned the military “reforms” as destructive for the armed forces (Himaj 2015). He was imprisoned after his identity was discovered.

In 1967, Prime Minister Shehu outlined in the Defence Council the draft defence “theses” (read: policies) to protect the country in case of an invasion from both NATO and the Warsaw Pact countries, following Hoxha’s dictum. Shehu – a former WWII partisan commander – advocated for both regular (first phase) and irregular (partisan) warfare (second phase) (Rama and Cami 2014, 158-159). The military leadership was tasked to turn the draft “theses” into defence policies that would essentially follow the Party line. The “theses” were arguably the official endorsement of the policies of fortification and military dispersal¹¹ that had already started to be implemented, but at a slow pace due to military resistance (Rama and Cami 2014, 151; Kaloçi n.d).

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- 9 The Command included the Naval Forces (Flota Luftarako-Detare), coastal artillery, two anti-aircraft regiments, two tank brigades, two land artillery regiments, as well as engineering, chemical, communications and other service and support units.
- 10 This referred to partisan warfare, in contrast to the “classical” military art of conventional warfare.
- 11 Military dispersal initially meant that the Armed Forces would be deployed wherever they were needed to augment the labour force in various agricultural projects whose purpose was to increase productivity.

The “theses” presented a particular conceptual challenge because they were contradictory. On the one side, they posited that the Albanian military would defend every inch of the territory during the first phase of the defence; on the other, they advocated that sophisticated weaponry should be withdrawn and used in partisan warfare during the second phase (Rama and Cami 2014, 158-159). Defending every inch of the territory would translate into substantial increases in fortifications – bunkers and pillboxes – particularly to protect the western lowlands and a military that was spread thinly across the territory of the country.

Despite the conceptual and political difficulties for the working groups, which were established by Minister of Defence Beqir Balluku to outline the country’s main defence policies based on the “theses”, the paper was submitted in April 1973. A year later, the minister, the working group, and other officers who were thought to be sympathetic or associated with them were either expelled, arrested, or executed (Institute of Marxist-Leninist Studies 1981, 496-501). They were accused of having sabotaged the Party “reforms” in the Armed Forces and of having drafted a defeatist defence policy hidden from the Party (Institute of Marxist-Leninist Studies 1981, 498). These accusations were rather peculiar since both Hoxha and Shehu had been included in the drafting process and had noted their comments (Leci 2002, 163).

After the 1974 purge, the Party exerted total control over the military. Military doctrine became purely dogmatic whilst the Armed Forces subservient to the Party line. Military culture and ethos were severely undermined due to the 1966 “reforms”, which heavily restricted military training in favour of “voluntary” labour (Rama and Cami 2014, 163-170). Reforming such system of political-military relations after the fall of Communism presented a monumental challenge. The civilian Party cadre outlined an ideological defence policy, thereby subjugating military expertise to Party dogma. This approach established that adherence to Party ideology was the main criteria for career advancement in the military, thus precluding the development of professional expertise. The relationship between a civilian cadre uninterested in military expertise and a subservient military would define post-Communist civil-military relations and would prove extremely difficult to address.

3. The “Western” model of civil-military relations

The fall of Communism ushered in a new government that was exceedingly impatient to establish ties with Western nations. Despite the hope of the new government to replicate the “Western” model of civil-military relations, past perceptions about defence policy and of the military itself were a profound obstacle. Structural and political issues, coupled with the inexperience of President Berisha and Minister of Defence Zhulali, presented formidable challenges for fundamental defence policy reforms.

Lack of civilian defence policy experience and a subservient military would create a hybrid form of civilian control, which was neither democratic nor totalitarian. The military was still mistrusted as an institution, but would no longer be subject to ideological dogma. Instead, political party affiliation would play an important role in career advancement, despite attempts to professionalise the military. The development of this system of civil-military relations would lead to the collapse of the Albanian military in 1997. This part outlines the perceptions of the new political leadership on the civilian control of the military, the decision-making process to enact defence reforms, the relationship between the minister of defence and the Armed Forces, and the decision-making process to respond to the 1997 revolts.

3.1 Attempts to re-professionalise the military

The fall of Communism found Albania with a profound security challenge due to the disintegration of Yugoslavia. Furthermore, the military had been politically controlled; its human and material resources misused; its doctrine enveloped in ideological dogma; its structure and organisation purportedly designed to fight a war on all fronts and against all; and its weapons and supplies in a poor state due to the military’s widespread deployment and the country’s poor economy after becoming completely isolated. Both the military and civil-military relations were in dire need of reform. To deal with these challenges, the new democratically elected government – de facto led by President Berisha¹² – sought NATO membership and increased cooperation with NATO member states.

The main objectives of the government were to depoliticise, professionalise, and reorganise the military. Legislation restoring military ranks and depoliticising the military were introduced during the transitional period between the December 1990 protests calling for the end of the Communist dictatorship and the first free elections of March

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12 Although Albania was and still is a parliamentary republic, President Berisha, the leader of the Democratic Party, was the driver of government policy. This was particularly true for defence policy, since he led the Defence Council, which was the main security and defence policy coordination body.

1992.¹³ The subordination of the military to the Party was severed, and the reforms of the new government would concentrate on establishing civilian control of the military, its professionalization, and reorganisation. Civilian control of the military would mean that the Ministry of Defence was led by a civilian official, and that the parliament approve the defence budget and other defence legislation (Çopani 1995). The military's professionalisation included the retirement of political commissars and the education of military officers in Western countries.¹⁴ Additionally, the military's reduction of forces and reorganisation was a priority. The army (ground forces) were reduced from 25 to five divisions. Reorganisation of the military led to the reduction of forces. Through a Council of Ministers decision¹⁵, all military personnel who reached 50 years of age (for men) and 45 years of age (for women) by August 1993 were forced to retire.

Despite general parliamentary discussions of defence policy, decisions on military reforms were taken by executive decisions, not through parliamentary deliberation. Except for depoliticisation, reinstatement of ranks, and the new regulations on the career in the Armed Forces – which were enacted by parliamentary approval – other reform measures related to military reorganisation, forced retirement of military personnel, and the approval of a new security and defence policy document¹⁶ were enacted either through Council of Ministers or Defence Council¹⁷ decisions. The forced retirement of military personnel was taken through a Council of Ministers decision while the Defence and Security Policy of Albania was adopted by the Defence Council.

Even within the MoD the decision-making process was highly centralised as defence minister Zhulali trusted few of his collaborators in uniform (Lane 2002). While the Albanian ground forces were reduced initially from 25 to nine divisions, the further reduction of nine divisions was conditional upon a strategic threat assessment that would be needed to estimate the specific force needs and thus decide on the number of forces and units to keep for further deployment. Despite tasking his military adviser, Brigadier General Perlat Sula to convene a working group to conduct the threat assessment, Zhulali decided with General Sheme Kosova, who was Chief of General Staff, to further reduce the ground forces to five divisions (Lane 2002, 19-28).¹⁸

While Minister Zhulali and other Democratic Party (DP) members strongly defended the reforms in parliament and boasted about the numerous cooperation agreements with NATO member states, the basic infrastructure and the supply needs of the military were

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13 Military ranks were re-introduced in 1991 through Law no. 7499, date 06.07.1991. The military was formally depoliticised and deparicised through Law no. 7492, date 08.06.1991.

14 Author's interview with former Prime Minister Aleksandër Meksi, 21 July 2020.

15 Decision no. 225, date 29.5.1992 of the Council of Ministers "On financial compensation for military personnel forced to retire due to the implementation of structural reform in the armed forces"

16 Security and Defence Policy of Albania approved in 1995.

17 The Defence Council was the main defence policymaking body. It was headed by the president, and its members included also the defence minister and the chief of General staff.

18 According to Lane (2002), the reduction to five divisions was proposed by the US attaché based in Vienna (32-33).

not being met.¹⁹ Substandard food supplies, unsatisfactory living quarters, and lack of uniform supplies were common (Lane 2002, 49-52, 187). Believing that they were on a mission to “forget everything...[from] the past”²⁰, the Democratic Party in parliament and the government would not accept criticism from the opposition. Instead, they would claim that ongoing cooperation with NATO member states and few changes in the military educational system proved that the military was under democratic civilian control.

While international cooperation was indeed increasing, so was the politicisation of the military. In the MoD and the General Staff, high-ranking officers were being appointed in their positions based on their proximity to the Democratic Party (Lane 2002, 27, 57).²¹ The most flagrant example of such appointments was the 32-year-old commander of the Naval Forces, Rear Admiral Edmond Zhupani, who had been promoted to general officer rank from Lieutenant.

3.2 1997: Collapse of the military and its chain of command

Low morale, a politicised military leadership, and unclear lines of command and control within the civilian leadership led to the total collapse of the Albanian military during the popular revolts of March 1997. The revolts started as peaceful protests after the public’s loss of savings in the financial pyramid schemes that had blossomed in the chaotic and unregulated post-Communist financial market. They turned violent in January and February 1997 in Vlorë, Tiranë, and Lushnje by setting the DP offices on fire (in Vlorë) and cutting off the rail tracks and setting up barricades (in Lushnje) (Pettifer and Vickers 2007, 15-22).

After violent clashes between protesters and National Intelligence Service (SHIK) forces in Vlorë on 28 February, ammunition warehouses were stormed by the protesters (Parliamentary Commission to Investigate the Events of January-June ‘97 1998, 17-18). On 2 March 1997, the Albanian parliament – the People’s Assembly – convened to hastily approve a series of decisions to respond to the revolt. It approved the civil emergency law, declared the state of emergency, and tasked the police and SHIK to restore law and order, and ordered the partial mobilisation of the Armed Forces. To head the operation, the Assembly appointed the director of SHIK, Bashkim Gazidede, as the commanding officer.²²

The revolt had spread throughout the southern Albania and by mid-March the rebels controlled most of the South. They faced little or no resistance from the military as conscript soldiers deserted while the General Staff and MoD were in disarray. The decision of the Assembly to appoint Gazidede to lead the operation was merely the formalisation

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19 Assembly Proceedings of the 13th Legislature.

20 Quote by Major General Çopani, President Berisha’s adviser (Lane 2002, 58).

21 Lane (2002) mentions the director of personnel in the MoD and the director of military intelligence.

22 The People’s Assembly approved Law no. 8194, date 2.3.1997, Decision no.297, date 2.3.1997; and Decision no.298, date 2.3.1997. Decision no.299, date 2.3.1997.

of the decision taken by President Berisha.²³ This decision, however, had created two main chains of command: one running through Gazidede and another through Zhulali and the General Staff, although the chief of General Staff would be frequently bypassed.

Orders to military units would be given directly by Gazidede, Chief of General Staff Çopani²⁴, Minister Zhulali, and State Secretary Leonard Demi (Parliamentary Investigative Committee on the Events of January-June '97 1998, 12-13, 19-20). Gazidede, who was most trusted by President Berisha, would not coordinate his actions with the military, whilst Zhulali would not coordinate with his Chief of General Staff.²⁵ Throughout the operation, military was tasked to provide logistic support to the forces commanded by Gazidede and ordered to bomb rebel holdings or strategic infrastructure (Parliamentary Commission to Investigate the Events of January-June '97 1998, 19-20).

The military's disintegration in the South demonstrated the failure of the design and implementation of the first post-Communist defence policies. The military had not regained the professional purpose lost during Communism while civil-military relations had not profoundly changed; mistrust and control still dominated them. Placing the military command structure and its remaining units under the operational control of the director of SHIK clearly demonstrated that the function of the military was to carry out political orders, rather than to shape and implement the country's defence policy through its expertise. The president dominated the Defence Council and defence policy was formulated without proper deliberation in the Council²⁶ or in the People's Assembly. This decision-making process was not based on professional expertise but on the trust of few key advisers to the president. Consequently, the chain of command was in disarray whilst attempting to respond to the 1997 revolt. Personalisation and politicisation of defence policy led to the subordination of military forces under command of the SHIK director, despite SHIK's legal mandate allowing only for intelligence gathering operations and espionage.²⁷

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23 According to Major General Çopani, this was due to Berisha's distrust in the effectiveness of the General Staff to respond to the revolt. "Chief of General Staff: SHIK opened fire against the army in the South" ([1997] 2021)

24 President Berisha had dismissed General Kosova and replaced him with Major General Çopani.

25 "Chief of General Staff: SHIK opened fire against the army in the South" ([1997] 2021).

26 In accordance with Article 6 of Law on the Functions of the Defence Council and of the Commander-in-Chief of the Armed Forces, decisions of the Defence Council are approved only if the majority of its members have voted. According to Çopani, President Berisha had told him and Minister Zhulali to follow Gazidede's orders. See "Chief of General Staff: SHIK opened fire against the army in the South" ([1997] 2021).

27 Law no. 7495, date 02.07.1991 "On the organisation of the National Intelligence Service".

4. NATO membership: Negotiating democratic norms

After the June 1997 elections, the Socialist Party (SP) – led coalition came to power. The new government was faced with the awesome challenge of rebuilding a military that was destroyed both structurally and materially. Despite recognising the importance of the democratic control after the military's disintegration in 1997 crisis, from 1999 until April 2009 – when the country joined NATO – the Albanian political leadership engaged in a process of negotiation of democratic control norms. On the one side, they had to implement the necessary reforms to rebuild the military and demonstrate their commitment to NATO membership; on the other, traditional (historical) institutional norms continued to steer defence policy through executive decision-making rather than parliamentary deliberation.

4.1 Integrating democratic control in defence reform plans

In July 1997, Albania submitted a request to NATO for assistance to rebuild the military, and the Individual Partnership Programme (IPP) was agreed between the two parties (Katsirdakis 1998). In the framework of the IPP, NATO sent a fact-finding team of experts to assess the country's needs on a wide array of issues including: drafting defence and security strategic documents and the necessary legislation to establish democratic control; the reorganisation of the MoD, General Staff and senior command structures; ammunition storage and ordnance disposal; and defence planning and budgeting. The program lasted until 1998, and in 1999 Albania signed the Membership Action Plan (MAP) through which it made official reform commitments. The MAP includes five priority reform areas: (1) political and economic, (2) defence/military, (3) resources (financial and military), (4) security, and (5) legal. Within the political/economic reform area, there is a provision for candidate countries to establish “*appropriate* democratic and civilian control of the armed forces” (NATO [1999] 2012; emphasis added).

The importance of democratic control features prominently in the defence assessment report drafted by the US Department of Defense (DoD) (Office of the Assistant Secretary of Defense for International Affairs) and the US European Command (EUCOM) in the early 2000s to assist the Albanian government in its defence reforms. It includes not merely the importance of clear command and control provisions to delineate the responsibilities of the civilian and military leadership of the Armed Forces but also the need for strong parliamentary oversight, as well as cooperation between the Assembly and the MoD on defence policy planning (DoD and EUCOM n.d., 135). Despite this important advice for an accountable and effective defence policy planning, the Albanian authorities failed to include priorities to improve parliamentary oversight capacities.

The annual reform action plans of the Albanian government clearly overemphasise the importance of civilian control – through the president, prime minister, and the minister of defence – over democratic control, which implies greater oversight and accountability of defence policy by the Assembly and other independent institutions such as the Supreme

State Audit Institution (SSAI) and the Ombudsperson. The action plan for 2000-2001 argues that “in order to ensure the transparency of the military and its neutrality on political issues, the Constitution stipulates that the Armed Forces are subject to civilian and democratic control” (Ministry of Defence 2004, 17).²⁸ Therefore, democratic control continued to be understood only as civilian control over the Armed Forces, rather than a broader institutional architecture of checks and balances to ensure that defence policy is well formulated and transparent, and that the defence sector as a whole – not just the military personnel but also the civilian leaders – is accountable to institutional and public scrutiny.

4.2 Democratic control and the transformation of the Armed Forces

Although the role of the Assembly in approving defence strategic documents and legislation was formally recognised in relevant defence legislation²⁹, failure to recognise the needs to strengthen the capacities of the Assembly effectively reduced its institutional responsibilities to merely rubber-stamping government policies. Before Albania joined NATO in 2009, the Assembly approved the Defence Policy Document (DPD) (2000) and three military strategies (2002, 2005, 2007). These documents set the year 2010 as a target for the “future force” – a transformed and modernised Albanian military. They outlined the transformation process rather generally, and did not differ substantially from each other on two fundamental issues: (1) decommissioning (and dismantling) of ageing and excessive military hardware and (2) modernisation (acquisition of new hardware). These processes have profound military readiness and national security implications because they impact national defence capabilities. Consequently, their consultation with and approval by the Assembly – as the responsible body to approve the country’s defence posture, military strength, and defence budget – is paramount.

Despite the importance of these processes and the need to deliberate in the Assembly, they were implemented through executive decisions. The defence strategic documents

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28 This approach features also in the Defence Policy Document of the Republic of Albania and the various military strategies (2002; 2005; 2007).

29 A series of key strategic documents and legislation were approved by the Assembly during 2000-2004 which had a positive effect in restoring the military’s basic professional standards. They include the approval of the National Security Strategy (2004), Defence Policy Document (2000), National Military Strategy (2002), the Law on the Powers and Command Authority in the Armed Forces (2000), the Law on Ranks and Career Progression in the Armed Forces (2004), and the Law on the Status of Military Personnel (2004) – which established the rights and obligations of military personnel. The Law on the Powers and Command Authority in the Armed Forces (2000) recognises the authority of the Assembly to approve national security and defence policy documents, defence legislation, the country’s defence budget and military strength, the organisation and mission of the Armed Forces, as well as to declare war, deploy forces abroad, and ratify international defence treaties.

approved by the Assembly outline a rather unclear and contradictory defence posture³⁰, and do not provide information on the transformation of the Armed Forces and specific defence capability needs to be acquired (see Table A in the Annex A). Except for the DPD, which briefly notes that ageing non-combat equipment will be the first to be decommissioned, none of the military strategies hints at the decommissioning process. Similarly, only general modernisation objectives related to command and control capabilities, tactical airlift, and search and rescue helicopters are included without specifying the type of equipment and their purpose in defence and national security objectives.

Meanwhile, as the Assembly was circumvented from the decision-making process, in 2002 the Council of Ministers issued the first decision to decommission ageing tanks, artillery, ships, and submarines while in 2006 issued the decision to decommission ageing aircraft.³¹ The 2002 decision of Council of Ministers tasks the minister of defence to establish the criteria, selection processes, and the infrastructure to retire and scrap or sell the weapon systems and ammunitions. The process was mired in corruption and mismanagement, which culminated in the explosion of an ammunition dismantling site near the village of Gërdec in March 2008.³²

The Ministry of Defence has thus far failed to publish any internal investigative report on Gërdec, or a comprehensive report on the decommissioning and dismantling process. No reports have been published also on the modernisation process and the implementation of its plans. Until 2016 deliberation on military modernisation was conducted only after an acquisition agreement was made by the Albanian government and needed parliamentary approval. In 2016 the Assembly approved The Long-Term Development Plan of the Armed Forces (LTDP) 2016-2025³³, which includes some information on acquisition plans. Despite this positive step towards greater parliamentary oversight, the document does not clearly state whether the planned equipment will be acquired. At the end of the LTDP, a disclaimer is added warning that “The financial sustainability of the Long-Term Development Plan 2016-2025 will depend on balancing the costs between approved and planned projects based on budgetary forecasts”.³⁴

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30 According to the 2002 military strategy, due to the lack of sufficient resources, the military will focus on developing the necessary capacities to address short-term unconventional threats (threats to the constitutional order, terrorism, and organised crime) while conventional threats (threats to sovereignty and territorial integrity) are to be addressed through alliances; however, Albania had no mutual defence treaties until 2009. Another inconsistency is related to the authorized force strength. While the Defence Policy Document of the Republic of Albania (2000) maintains that the country’s authorized force strength will gradually increase until it reaches 31,000 (active duty) by 2005, the military strategies approved in 2002 and 2005 authorize a force strength of 16,500 and 14,500 of active duty personnel respectively.

31 Decision of Council of Ministers no. 617, date 4. 12. 2002. Decision of Council of Ministers no. 662, date 4.10.2006.

32 “Fatmir Mediu, the minister who authorized the crime” (2012).

33 The LTDP outlines the future force structure of the Armed Forces: threats, personnel limits, acquisition plans, development priorities, budgetary projections.

34 Law no.121/2015 “On the approval of The Long-Term Development Plan of the Armed Forces 2016-2025”.

4.3 Erosion of the authority of the Albanian Assembly

Despite some relatively successful reforms to reorganise the military and formally establish principles of democratic governance of the defence sector, the authority of the Assembly on two key issues – the approval of the defence budget and troop deployments abroad – was only formal or was undermined. These prerogatives, albeit formal and undermined, were clearly stipulated in the Law on Powers and Command Authority of the Armed Forces that was approved in 2000. After the Assembly approved a new Law on the Powers and Command Authority of the Armed Forces in 2014, these stipulations were completely removed (see Table 1).

Approval of the defence budget by the legislature is at the core of its democratic control functions. In the United States³⁵, the United Kingdom³⁶, or France³⁷ defence budgets are considered separately from the overall state budget. Consequently, the intention of this provision was likely to give the authority to the Assembly to scrutinise the defence budget in a similarly manner. In Albania, however, the defence budget is approved as part of the state budget, not as a separate defence bill that would include funds for operational and maintenance needs, acquisition of new weapon systems, production of weapons systems, deployment abroad, and research and development among other items.

The LTDP 2016-2025 is the closest document resembling a defence bill, but without clear and detailed provisions on specific defence spending items. The parliamentary Committee on National Security, which is responsible also for defence, reviews the MoD budget and does hold hearings with the minister and the chief of the General Staff, but the discussions in the Committee hearings are restricted to the budgetary framework and the information provided by the MoD. Without a detailed spending plan, it is challenging to conduct an effective inquiry of objectives, priorities, and targets.

While the removal of the provision in 2014 may be inconsequential to this process because it was only a formal prerogative, it is concerning to note that instead of making the provision effective by obliging the MoD to submit a comprehensive defence bill, the Assembly decided to derogate its own authority to exercise effective oversight over defence appropriation.

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35 House Appropriations Committee (2019).

36 See debate on the UK Ministry of Defence's Equipment Plan 2019-2029. UK Parliament (2020).

37 French Parliament (2013).

Table 1. Changes to the authority of the Albanian Assembly

Law on the Powers and Command Authority of the Armed Forces (2000)	Law on the Powers and Command Authority of the Armed Forces (2014)
Approves, by law, the national security document and the defence policy document.	Approves, by law, the National Security Strategy and the National Military Strategy. Approves, upon the proposal of the Council of Ministers, the long-term development and modernisation plans of the Armed Forces.
Approves the defence budget.	
Approves the military's personnel limits and its mission.	Approves personnel limits of the Armed Forces of the Republic of Albania.
Exercises parliamentary control over activities related to the Armed Forces.	Exercises parliamentary control over activities related to the Armed Forces.
Approves the deployment and mission of Albanian troops abroad.	
Approves, by law, the deployment of foreign military troops in Albania or their transit through Albanian territory by defining their status.	If not otherwise specified in an international agreement, it specifies the legal status of foreign military forces entering the territory of the Republic of Albania.
Ratifies and denounces, by law, international treaties and agreements related to territory, peace, alliances, political and military issues, and to the membership of the Republic of Albania in international organisations.	Decides, in accordance with the standing legislation, on international military cooperation.
When facing external threats or when collective defence commitments derive from an international agreement, upon the proposal of the President of the Republic, declares the state of war and decides for total or partial mobilisation and demobilisation of the country and of the Albanian Armed Forces.	
Declares the end of the state of war and declares peace.	Decides on the activation and mobilisation of human and material resources to be deployed by the Armed Forces under extraordinary conditions (this clause refers to both civil emergency conditions and war)

Law on the Powers and Command Authority of the Armed Forces (2000)	Law on the Powers and Command Authority of the Armed Forces (2014)
Declares, upon the request of the Council of Ministers, the state of emergency (gjendjen e jashtëzakonshme) when the constitutional and public order is threatened or in the case of natural disasters over all the territory of the Republic of Albania or in specific areas.	
Decides, upon declaring the state of emergency, on the deployment and use of the Armed Forces, only if police forces are not able to perform their duties.	
Decides on the powers and command authority of the Armed Forces during peace, state of emergency, and war.	

A similar pattern is observed also on the power of the Assembly to decide on troop deployments. The 2000 Law on the Powers and Command Authority of the Armed Forces clearly stipulated the authority of the Assembly to decide on troop deployments abroad. This authority was undermined immediately by the government in the first troop deployment after the law was enacted. The government did submit a bill for approval of the deployment of Albanian troops in Afghanistan in 2002, but it had only three articles: (1) the purpose of the bill, (2) authorisation of the Council of Ministers to determine financial compensation limits, and (3) its entry into force.³⁸ This is the only deployment that has been formally enacted fully by law.

In 2005 a new law on troop deployments abroad was approved, which further undermined the authority of the Assembly to approve them.³⁹ The law outlines three main operational deployments: (1) for collective defence, (2) United Nations missions, (3) NATO-led or -authorised operations. If the Assembly has approved a collective defence agreement (e.g. with NATO) and the government plans to deploy troops in the framework of such agreement, it is assumed that the approval to deploy troops has been implicitly given through the approval into law of the agreement. In the case of NATO-led or organised operations – not under the collective defence provision – the Assembly is given seven days to examine the request made by the Council of Ministers and determine the force level and mission. Similarly, in the case of UN missions, the Assembly decides on force levels and mission, unless this has been decided through an international agreement, but no deadline is set for the Assembly to approve the deployment request.

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38 Law no. 8932, date 27.7.2002 “On the deployment of an Albanian military unit to Afghanistan in the framework of the International Coalition against Terrorism”.

39 Law no. 9363, date 24.3.2005 “On the transit of Foreign Troops and the Deployment of Albanian Troops Abroad”.

Despite these provisions, troop deployments in all cases have been implemented in essentially the same manner (see Table 2). After Albania’s NATO membership in 2009, two out of the three operational deployments apply since NATO operations are conducted within the framework of collective defence. In such operations (e.g. Resolute Support Mission), the government may issue a decision of Council of Ministers authorising troop deployment. In the case UN missions, the government issues a normative act, which is subsequently approved by the Assembly. Consequently, the authority of the Assembly in the case of collective defence and other NATO-led operations is non-existent, while in the case of UN missions it is nominal. Although the authority of the Assembly to deploy troops abroad and approve the defence budget has not substantially changed since 2000, the removal of these provisions suggest a transition from norm negotiation – by including these key provisions in 2000, but refraining from fully implementing them – to norm rejection – by revoking the same provisions in the 2014 law.

Table 2. Troop deployment mechanisms used since 2002 (indicative)

Year	Deployment	Legal tool
2002	Afghanistan (International Coalition against Terrorism)	Law
2003	Iraq	Normative act adopted by the Council of Ministers followed by law approving the act
2009	Chad and Central African Republic (MINURCAT)	Normative act adopted by the Council of Ministers followed by law approving the act
2009	Afghanistan (International Coalition against Terrorism)	Normative act adopted by the Council of Ministers followed by law approving the act
2014	Afghanistan (Resolute Support Mission - NATO)	Decision of Council of Ministers
2016	Sea Guardian (NATO)	Decision of Council of Ministers

The decision of the Assembly to undermine its own authority is not only a priori peculiar but also contrary to its constitutional authority, since the Constitution clearly states that “no Albanian forces can be deployed abroad, except through law approved by the majority of the members of the Assembly”.⁴⁰ The Assembly’s predisposition to curtail, rather than maintain, its own power and authority on defence policy strongly suggests that it is thoroughly dominated by the executive and its actions have marginal policy effects. The purported “Western” model of democratic control of the Armed Forces, which is governed at its core by a strong legislature, has not materialised. The positive developments through the defence reforms of the early 2000s were quickly undermined and that process has persisted.

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40 [Article 12, paragraph 3 of the Constitution of the Republic of Albania.](#)

5. Challenges of oversight architecture: Returning to basic principles of democratic governance

The current challenges of democratic control of the Armed Forces are inextricably linked to the challenges of the current institutional oversight architecture. Together with the Assembly, the Supreme State Audit Institution (SSAI), the Ombudsman, and the Information and Data Protection (IDP) Commissioner hold immense potential to hold the defence sector accountable. Their purpose is to ensure that defence policy is well formulated, seeks to maximise the country's security and prosperity, and is implemented in a transparent and accountable manner. Positive pressure exercised by these institutions on the defence sector is fundamental to shape institutional standards and practices that seek to promote professionalism and integrity. Complementing institutional oversight is public oversight by civil society – particularly universities, think tanks, media and other civil society organisations (CSOs). Civil society has a critical role in shaping research and debate on defence policy. The challenges examined in the previous parts have been enabled by the lack of research, debate, and public information exchange on defence policy and, specifically, on the democratic control of the Armed Forces.

5.1. Institutional oversight architecture

5.1.1. Assembly

The Assembly has consistently demonstrated its inability to exercise effective oversight of defence policy. It has largely failed to successfully use its oversight tools: parliamentary inquiries, motions, committee hearings, questions, and information requests (see Table 3). They have been used predominantly as political tactics in partisan attacks rather than as oversight tools designed to hold the government accountable.

In 2014, allegations on the use of military infrastructure for drug trafficking prompted an inquiry by the parliamentary opposition. The opposition then boycotted its proceedings, while the Assembly members of the governing SP-LSI (Socialist Movement for Integration) coalition produced a one-sided report arguing that military infrastructure had been indeed used for drug trafficking, but during the years 2012-2013, when the DP-LSI coalition were in power.⁴¹ One-sided reports or even two reports from the same inquiry committee are not exceptional; on the contrary, they seem to be one of the key institutional practices of the Assembly. Most notably, the inquiry into the revolt of 1997 produced two separate reports:

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41 “Drug [trafficking] inquiry: Plane in Gjadër in 2012” (2014).

the official committee report and the unofficial dissenting report of its chair.⁴² Although the substance of the two reports does not significantly change, it is clear that political statements that feature in the first report are omitted in the second. Nevertheless, both reports fail to comprehensively answer the key questions that purportedly guided the inquiry. They present a rather simplistic and superficial summary of the collapse of the pyramid schemes and the disintegration of the military after the rebels broke into military bases and warehouses. They are noticeably silent on the causes that prevented the military from defending its own installations.

Table 3. Use of parliamentary oversight and control tools on defence policy (2013-2020) ⁴³

Oversight tools	2013	2014	2015	2016	2017	2018	2019	2020
Interpellation	0	0	1	0	0	0		
National Security Committee hearing	0	0	1	3	3	1	0	1
Questions								
Information request						1	2	5
Inquiry	0	1	0	0	0	0		
Motion	0	1	0	0	0	0		

Source: Data on the number of interpellations, questions, inquiries, and motions are based on the annual activity reports of the Assembly (2013-2018), which can be found here (<http://parlament.al/RaporteStatistika?statusId=1>). Data on the Committee hearings are based on the annual Committee reports. Only hearings held for specific issues, e.g. civil emergency or the use of military infrastructure for drug trafficking, have been taken into account. Routine hearings, e.g. on defence budget or legislative initiatives, have not been taken into account. Data on the information requests are based on the relevant statistical reports published by the Assembly (2018-July 2020), which can be found here (<http://parlament.al/Kerkese?tipId=4>).

Another feature that defines the oversight practices of the Assembly is its inability to be effectively engaged in improving defence policy and the performance of defence institutions. Before Albania’s NATO membership there was a bipartisan interest in advancing legal reforms and adopting strategic documents in the framework of the NATO accession process. Nevertheless, the implementation of these reforms – particularly the downsizing of the military and the decommissioning and dismantling of military hardware – did not receive much scrutiny from the Assembly. As it was already noted, these processes

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42 The official report was signed by all the members of the Committee and its deputy chair, Fatbardh Hushi. The dissenting report was submitted by the chair, Spartak Ngjela.
 43 This table has been reproduced from Dafa (2021), unaltered from the original.

were implemented through executive decisions and with little accountability.⁴⁴ Even the explosion of the ammunition dismantling site close to the village of Gërdec did not prompt a parliamentary inquiry despite allegations of corruption, mismanagement, and arbitrary decision-making by the minister of defence.⁴⁵ Similarly, defence procurement, which involves high risks of corruption, has not been a topic examined by the Assembly despite a lawsuit filed by the Supreme State Audit Institution against 12 Ministry of Defence officials alleging abuse of power and violation of fair tendering standards.⁴⁶

In addition to its subordination to the executive, the Assembly suffers from another structural challenge – namely, exclusive political decision-making power on the internal organisation and functioning of administrative services. The financial and administrative life of the Assembly is governed by the Bureau. The Bureau of the Assembly is led by the speaker, and its members include the deputy speakers and the heads of six secretariats⁴⁷, which have a mandate to oversee the work of the parliamentary administration. All are elected members, and their powers include, among others, budget approval, establishing financial benefits for elected members, employment criteria for the Assembly staff, appointment of the secretary general of the Assembly, and the approval of the internal regulations for the organisation and functioning of the administration. Although the Bureau has the power to decide on technical matters related to the internal functioning and organisation of the administration, its decisions have produced an inefficient organisational structure that does not have sufficient resources to support its members in their oversight duties.

The Committee on National Security, which has a mandate to oversee not only defence policy but also intelligence services, the national police, and domestic security policies, has only two advisers – one providing legal counsel and the other providing policy expertise. The parliamentary research service has only six researchers, who must cover the needs of all members (Dafa 2021). It is clear that one policy expert cannot cover all the defence and security institutions the Committee must oversee. Furthermore, six researchers cannot cover the needs of 140 members. The Bureau has not demonstrated sufficient concern that the members are able to discharge the duties entrusted to them by the Albanian people, since the resources of the Assembly are rather minimal.

5.1.2. Independent oversight institutions (SSAI, Ombudsperson, IDP Commissioner)

Despite the Assembly's lack of sufficient resources to oversee the executive, its relationship

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44 The MoD has published a summary of the process of decommissioning and dismantling of ammunitions from 2009 until 2014, but there are no comprehensive reports published on the entire process, which extends back to 2002 and includes military platforms – ships, aircraft, tanks, and other weapons systems – in addition to ammunitions (Ministry of Defence n.d.a).

45 “Fatmir Mediu, the minister who authorized the crime” (2012).

46 “ALSAI files lawsuit against 12 Ministry of Defence officials” (2015).

47 There are six secretariats: (1) budget, (2) parliamentary procedures, voting, and ethics, (3) status of elected members, (4) research, information, and library services, (5) foreign relations, and (6) transparency and information technology (Assembly n.d.).

with independent oversight institutions (IOIs) is not used to its fullest potential to address its oversight needs. IOIs have a legal mandate to oversee public finance management, institutional transparency, and the state of the rule of law and human and civil rights in the country. The heads of IOIs are elected by the Assembly. The legal framework governing their functions does require that they report to the Assembly; however, there is little cooperation amongst themselves and with the Assembly (see Table 4). Cooperation is based on legal provisions – which do not extensively address cooperation needs – or through Assembly resolutions, which occasionally call on IOIs to cooperate closely.

The Supreme State Audit Institution has a strong mandate to audit the executive. It is legally required to conduct compliance, performance, and ICT (information and communications technology) audits. Since 2013, however, SSAI has conducted only two audits of the Ministry of Defence: one that covers the period from 2013 to 2014⁴⁸ and another that covers the period from 2015 to 2017⁴⁹. The findings of the last two MoD compliance audits include irregularities on defence procurement procedures and mismanagement of property records, but the recommendations in the audit conducted in 2018 – covering 2015-2017 – are rather vague and do not identify systemic corruption risks that need to be addressed. Instead of examining the causes of the identified irregularities, SSAI recommends that the MoD establish committees to examine them and find out their causes.⁵⁰ Furthermore, SSAI has not conducted performance audits on the decommissioning of ageing and excessive weapon systems and munitions, defence procurement, and the transfer of property from the Armed Forces to other public institutions.⁵¹ It has audited the sale of scrap metal from the decommissioning process in its early stages (2004-2005), but not the whole process – from 2002 to 2014.⁵²

While SSAI has a critical role in preventing corruption and ensuring public spending integrity, the Ombudsperson has a rather significant role in ensuring that the military respects basic human and civil rights and that the rights and freedoms of military personnel are also respected.⁵³ The Ombudsperson took an active role in cooperating with the MoD and the Armed Forces in the early 2000s to promote the rights and freedoms of military personnel (Ombudsperson 2003, 193-201). These initiatives involved national conferences and study visits by the Ombudsperson personnel to military bases to discuss the complaints of military personnel. The main topics of complaints ranged from biased

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48 “ALSAI files lawsuit against 12 Ministry of Defence officials” (2015)

49 Supreme State Audit Institution (2018).

50 It is within SSAI’s mandate to verify if public expenditures are in accordance with standing legislation internal procedures and recommend that they are revised to improve public finance management. Article 15, Law no. 154/2014 “On the organization and functioning of the Supreme State Audit Institution”.

51 As the size of the Armed Forces progressively decreased, many of its facilities became redundant; however there are allegations that process of property transfer has been mired in corruption. See Dafa (2021).

52 Information obtained on 14 April 2021 through an FOI request to SSAI.

53 The Ombudsperson has a mandate to protect the rights, freedoms, and legitimate interests of individuals against the unlawful or irregular actions or inactions of public institutions and third parties acting on their behalf. Article 2, Law no. 8454, date 4.2.1999 “On the Ombudsperson” (amended).

career progression to lack of uniform provisions and disbursements of financial benefits⁵⁴ stipulated in the Law on the Status of Military Personnel.

The 2015 and 2016 annual reports suggest a priority shift from handling complaints on the rights and freedoms of military personnel to inspecting the infrastructure used for disciplinary restrictions in military installations – their physical structure, provision of basic services, and respect of human rights of military personnel under disciplinary confinement (Ombudsperson 2016; 2017). The annual reports of Ombudsperson activities do mention inspections conducted in military bases, but little information is provided on the complaints that are handled, the Ombudsperson’s action to address them and potential recommendations to the MoD, or the MoD’s position towards the complaints filed with the Ombudsperson. This information is important from an institutional and public oversight perspective because it provides the Assembly and the public with impartial information on the respect of rights and freedoms in the defence sector and on the morale and welfare of military personnel.

Similarly, the annual reports of the IDP Commissioner provide cumulative statistics on the implementation of the provisions of the Law on the Right to Information by public institutions, but do not examine the challenges to its successful implementation (IDP Commissioner 2018; 2019; 2020; 2021). The reports do include statistics on the recommendations given by the Commissioner to public institutions to improve the implementation of legal requirements on transparency, but they do not outline the main topics of the recommendations or the public institutions to whom they are addressed.

The Commissioner publishes the recommendations from its inspections and the decisions issued in cases when complaints were submitted against a public institution; however, recommendations and decisions on the MoD are few to draw general conclusions on the degree of transparency or lack thereof (IDP Commissioner 2016; 2017; 2019).⁵⁵ Nevertheless, they suggest that their effect on improving the transparency of the MoD have been rather inconsequential. The Commissioner issued a recommendation in 2019 after finding that information on the education, qualifications, and salary of senior- and mid-level ministry officials; procurement procedures; and audit reports had not been published (IDP Commissioner 2019). Publication of these documents is a legal requirement under the Law on the Right to Information, and the Commissioner may fine the public institutions for failing to implement them.⁵⁶ Despite the recommendation, information on the officials’ education, qualifications, and salary, as well as on audit reports continue to be unpublished, while procurement information has been published (Ministry of Defence

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54 They include compensation of overtime working hours; compensation when a military spouse loses his/her job due to an appointment that forces the family to relocate to a new city; and compensation of rent. Until 2009, when Albania abolished conscription, the Ombudsperson addressed also complaints of unlawful conscription.

55 The Commissioner has issued one recommendation (2019) to the MoD and two decisions (2016 and 2017).

56 According to article 18 of the Law on the Right to Information, the Commissioner may fine a public institution from 50,000 to 100,000 Albanian leks for failing to implement the institutional transparency programme in accordance with article 4, paragraph 1, which stipulates that within six months from the entry into force of the law, public institutions must implement the institutional transparency programme.

n.d.b). Furthermore, despite the Commissioner’s decision issued in 2016 obligating the MoD to provide the information requested, the MoD has refused to provide the requested document and challenged the decision in court.⁵⁷ Assessments on the implementation of the Commissioner’s recommendations and decisions would be especially important to examine potential misuses of classification provisions that arbitrarily prevent access to information.

Given the interrelatedness of access to information, accountability, and integrity, there are issues that extend across the scope of work of SSAI, the Ombudsperson, and the IDP Commissioner. For example, information on potentially corrupt procurement procedures could be denied under the guise of national security.⁵⁸ Similarly, lack of morale and welfare of the military may be related to corruption and incompetence within the defence sector. The complexity of these issues highlight the challenges to address them and the unique potential for information sharing, coordination, and joint recommendations.

Box 2. Confidentiality and access to information.

Case 1: In 2015, Res Publica requested that a copy of the study Preliminary Environmental Risk Assessment of Explosives at the Mjekës Plant be made available. The MoD claimed that since the study was produced by a foreign author and it was intended ‘for internal use only’, it could not be shared because it would infringe upon the author’s copyright and it was considered classified. However, ‘for internal use only’ is not a classification level as per Albanian legislation; ‘restricted’ is the lowest level used, but the MoD had not classified the document as such.

Case 2: Whilst researching for this study, the author submitted to the MoD three information requests. Whilst some of the items requested were to be found at the Armed Forces Archive, not in the MoD, other items were handled by the MoD. Amongst the documents requested were the NATO annual assessment reports on Albania prior to the country’s membership and annual statistics on the number of military personnel per rank from 2010 until 2020. Both were denied claiming they were classified. Even if the information requested is classified, the MoD is legally required – according to the Law on the Right to Information – to commence a re-evaluation process to determine if the document can be partially or fully declassified and made available to the requester.

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57 The Commissioner issued the decision after a complaint was submitted by an Albanian CSO, Res Publica. Res Publica had requested that the MoD provide an environmental risk assessment study on an explosives plant. The MoD claimed the study was confidential, but the Commissioner ruled that since the study had not been classified, the MoD had to provide it to Res Publica (IDP Commissioner 2016; Phone conversation with Dorian Matlija, Res Publica co-director on 22 April 2021).

58 Access to information has been highlighted also in a focus group held with representatives of the Committee on National Security, SSAI, the Ombudsperson, and the IDP Commissioner. The prevailing perception among the representatives – excluding those of the IDP Commissioner – was that the MoD, although generally cooperative, tends to delay or not grant access to information in many cases. This is a particular challenge when access to information is obstructed by secrecy provisions (Focus group with representatives of IOIs, 8 October 2020).

The current legislation on IOIs provides a basic framework for cooperation. When the Ombudsperson notices a case of violation of rights and freedoms that could involve also misuse of public funds, it may recommend to SSAI to exercise its functions.⁵⁹ Similarly, the IDP Commissioner and the Ombudsperson share oversight duties on the respect of the citizen's right to information. The Ombudsperson oversees the respect of this fundamental right as part of its larger mandate to report on the state of the rule of law in the country, while the Commissioner has a stronger mandate to regulate the access to information through its decisions, fines, and promotion of institutional transparency.

The Assembly issues resolutions to evaluate the work of IOIs and provides recommendations on priority focus areas or on inter-institutional cooperation. An Assembly (2016) resolution on the annual activities of the Ombudsperson recommended that cooperation between the Ombudsperson and the IDP Commissioner be strengthened, potentially through an official agreement. In 2018 the Ombudsperson and the IDP Commissioner signed a cooperation agreement to exchange information and coordinate their activities on issues related to access to information, protection of personal data, and the promotion of personal rights and freedoms.

In addition to this agreement, the Ombudsperson and SSAI (SSAI 2017, 31) signed a cooperation memorandum that includes also the High Inspectorate of Declaration and Audit of Assets and Conflicts of Interest (HIDAACI), and the US Agency for International Development (USAID) in the framework of a project on transparency in the healthcare sector.⁶⁰ These two cooperation initiatives are important positive steps towards greater cooperation between IOIs, but a more proactive and substantive cooperation and coordination approach would greatly benefit both the Assembly and IOIs.

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59 Article 18, Law on the Ombudsperson.

60 "SSAI signs memorandum of understanding with assistance from USAID to oversee the health sector" (2017)

Table 4. Key legal provisions regulating the oversight mandates of IOIs.

IOI	Scope	Recommendations for legal amendments	Scope of provisions for reporting to the Assembly	Provisions for cooperation with other IOIs	Provisions for cooperation with CSOs
SSAI	Ensure the efficient and accountable use of public funds. (Article 2)	It may issue recommendations to public authorities to change legal acts. (Article 15, a))	Reports on State Budget implementation; provides opinion on the Council of Ministers' expenditure; may request to report to the Committee on Finance and Economy on specific issues. (Article 31)	No specific provisions. It may cooperate with other state institutions, universities, and CSOs to organise joint conferences. (Article 33)	May cooperate with CSOs. (Article 32, (3))
Ombuds-person	Protect human rights and freedoms and advocate the highest standards for their protection. Article 2)	It may issue recommendations to amend legislation to public authorities; it may file requests to the Constitutional Court to revoke legal provisions that violate rights and freedoms. (article 24)	Presents annual and special reports (Articles 26 and 27)	It may recommend to SSAI to exercise its functions. (article 18, c))	May cooperate with CSOs to solicit their opinions on the respect of human rights and may jointly organise a national event at least once a year. (Article 30)
IDP ⁶¹ Commissioner	Enforces public access to information provisions and promotes greater transparency in the public administration. Article 31/1 Law on the Protection of Personal Data)	None	Reports annually and as needed. May request to report on specific issues. (Article 20, (1) Law on the Right to Information).	None	May collect data and information from CSOs working on human rights issues for the drafting of the annual report. (Article 20, (2) Law on the Right to Information)

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61 The work of the IDP Commissioner is regulated by both the Law on the Protection of Personal Data and the Law on the Right to Information.

5.2. Public oversight

Knowledge and expertise are at the core of the effectiveness and integrity of the defence sector. They are important for defence officials, oversight institutions, independent researchers, and the wider public. They ensure that defence policy is grounded in research and analysis, and inform the societal debate on the topic. Universities, research institutes, the media, and other civil society organisations (CSOs) are key drivers of knowledge and information. Universities, research institutes, and think tanks must provide professional research and analysis to inform the policymaking process and public debates on defence issues. Additionally, universities and research centres are responsible for training not only the cadre of defence officials but also independent researchers and journalists. Without an institutional basis for knowledge and expertise, policies became arbitrary and the public's ability to participate in the decision-making process is undermined by misinformation or lack thereof.

5.2.1. Defence policy research and expertise

Research on defence policy is almost non-existent in Albania. Albanian universities do not have academic programmes on security studies, and there are no peer-reviewed academic journals on security and defence issues. The only security studies programme available is offered by the Armed Forces Academy (AFA). The AFA offers master's and PhD degrees on security studies. It houses also a military research centre, the Centre for Doctrine and Research. The Centre publishes the *Military Review*, a quarterly publication that compiles long commentaries, conference papers, and historical reviews on defence and security issues.⁶² The academic programmes offered by the AFA and its main publication – the *Military Review* – are accessible mainly to current or former government civilian and military officials, although there are no formal restrictions to the wider public.

The AFA has a special status as the only public higher education institution responsible for security and defence studies. This status was granted by a decision of Council of Ministers in February 2020, but it has not fundamentally changed its institutional relations with Albanian universities. Security and defence studies have been traditionally seen as “belonging” to the AFA or the Defence Academy – its precursor. These institutional arrangements have shaped the perceptions on the division of tasks between military and civilian higher education institution, which could be partly responsible for the lack of close cooperation between them.⁶³ Notwithstanding the current structural obstacles, the AFA seems to be interested in cooperation with Albanian universities, since it has signed so far three cooperation agreements (Armed Forces Academy n.d.a). Although these agreements are a positive step, if the AFA continues to hold a special status on defence and security studies, it will be difficult for public universities and institutes to invest resources in these domains. On the other side, the AFA does not have sufficient resources to cover the scope of defence and security studies, hence the need for cooperation agreements.

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62 See Kuçi et al. (2014).

63 This assessment is based on the current institutional arrangements and the author's interview with Dr. Hasan Bello, research fellow at the Academy of Albanian Studies.

Nevertheless, both sides lack capacities. While the AFA is to drive research on security and defence, both its internal and external faculty have gained their academic qualifications from civilian academic institutions. Furthermore, the academic background of its PhD supervisors is mainly in history or law. Political science, history, and law are crucial for a security studies programme because of the importance of international relations, regional security, international organisations, conflict resolution, and the law of armed conflict; however, most of the expertise of the AFA faculty is focused on Albanian history, and – more specifically – the history of the National Liberation War of 1939-1944.⁶⁴

Paradoxically, the AFA faculty, who have supervised PhD dissertations, have gained their academic qualifications from the University of Tirana, which has never offered a security studies programme and for which international relations are not a priority area.⁶⁵ The outcomes from the confinement of security and defence studies to the AFA suggest that restricting these studies to the AFA has not improved the growth of knowledge and academic expertise in the field.

The current cooperation challenges between civilian and military academic institutions are similar to the challenges of cooperation between CSOs and the defence institutions. Albanian CSOs were involved in discussions on defence policy – and particularly on the democratic control of the Armed Forces – before the country joined NATO. The discussions took part in conferences organised jointly with the Ministry of Defence and the Armed Forces. These events were covered by the media and publications of the conference proceedings would follow.⁶⁶ The cooperation continued until 2012-2013, mainly through sporadic CSO conferences and publications, but the interactions between the two declined.⁶⁷

It is unclear what prompted the disengagement, but two factors may be influencing: external donor agenda and lack of access to information. Before Albania's NATO membership and a few years afterwards, there was considerable engagement by external donors – most notably the Geneva-based DCAF – to promote greater cooperation and debate between civil society and defence institutions. While external donors have shifted their priorities, thus compromising the financial sustainability of defence research projects, difficulties in accessing information from defence institutions by CSOs have been a key obstacle to research and debate on defence policy matters.⁶⁸

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64 This is an estimate based on the examination of the biographies of the supervisors of AFA PhD candidates (Armed Forces Academy n.d.b), who completed their dissertation in 2018, and their commentaries published in Albanian online media outlets.

65 The University of Tirana offers only a Bachelor's in Political Science and a Master's in Regional Politics. (Faculty of Social Sciences n.d.). There are, however, a few private universities that do offer programmes in international relations. The European University of Tirana (N.d.) offers a Bachelor's in International Relations with a concentration on security.

66 Author's interview with former chief of General Staff, July 2020.

67 Abazi et al. (2009), Hroni and Vurmo (2009), Hroni (2013).

68 Focus group with investigative journalists and CSO representatives, 28 July 2020.

5.2.2 Media and public debate

Investigative journalists, like the CSO representatives, maintain that access to information remains a significant challenge that prevents coverage of defence institutions. Additionally, there are two important interrelated factors that affect media coverage of defence issues: (1) lack of expertise and (2) editorial policy.

Defence issues are rarely debated, if at all. Articles on the Armed Forces are written in the framework of military exercises or NATO presence in Albania⁶⁹, civil emergency response⁷⁰ or as lamentations of their past strength and esteem⁷¹. Most of the articles on developments in the Armed Forces are summaries of official statements, which offer no critique of statements or policies. Indeed, journalists cannot build their expertise on defence issues if they do not have sufficient access to information from defence institutions. Lack of expertise and access to information would understandably steer editorial policy away from defence issues. According to Albanian investigative journalists, due to the 24-hour news cycle, media editors are interested in constant news updates to keep the audience engaged. News about politics and organised crime and corruption seem to attract the audience's attention more than other topics. These are also topics that produce an endless stream of headlines. Consequently, most of the resources are devoted to them.⁷²

The oversight architecture is defined by insufficient cooperation and a rather narrow institutional perspective on the scope of oversight tasks. Oversight institutions limit themselves to the legally required inter-institutional engagements and do not seize the potential to improve their own performance through stronger cooperation and joint initiatives aimed at improving the performance and accountability of the executive. The work of these institutions is made arguably harder since there have been no substantive public debates on the country's defence policy. Lack of public debates alleviates considerable pressure from the executive, the Assembly, and other oversight institutions. Lack of public demand for greater defence policy transparency and accountability enables the executive to bypass or dominate the Assembly and withhold information from the public. Simultaneously, it enables IOIs to put mild accountability pressure on the executive, rather than use their legal mandate to its fullest potential and through greater inter-institutional cooperation.

The absence of public debate on defence policy is facilitated by the insufficient knowledge and expertise produced by Albanian universities and research institutes, thus creating an information vacuum filled – when required – by government data and policy approaches. The government's perspective is rarely challenged, and the public become aware of colossal policy failures after those policies have led to national catastrophes such as the disintegration of the military in 1997 and the explosion at Gërdec.

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69 “6000 soldiers and military hardware in Albania for ‘Defender Europe 21’” (2021).

70 “Minister Xhaçka: Civil emergency as the new battle for the Armed Forces” (2018).

71 Hazizaj (2019).

72 Focus group with investigative journalists and CSO representatives, 28 July 2020.

6. Conclusion

In the last 30 years, defence policy has been implemented arbitrarily and with few restrictions. Its impact has been particularly demonstrated by the revolt of 1997, the explosion at Gërdec, troops deployments conducted without explicit Assembly approval, and allegations of waste and abuse of the Albanian taxpayer's money. The NATO accession process fostered greater engagement between defence institutions and civil society, but that cooperation was rather brief and could not manufacture the infrastructure necessary for the democratic control of the Armed Forces.

Albanian civil-military relations have been determined by the legacy of political-military relations during the Communist regime. The Communist legacy rendered defence policy dogmatic and unprofessional, whilst the military was reduced to a mere ideological tool in the hands of the Party. The executive drove defence policies and the military was completely marginalised and put under firm Party control after 1966. This system persisted precisely because there was no democratic control. The legislature was not elected; the main purpose of the educational system was political indoctrination; and there was no freedom of speech or thought. Dismantling this system was not an easy task after the fall of Communism, but the new democratically elected government in 1992 continued the tradition of incompetent defence policymaking and the subjugation of the military to political control, ending in the disastrous collapse of 1997.

After 1997 the military had to be rebuilt, but most importantly the institutional structure that enabled its disintegration had to be dismantled. This did not happen despite meaningful strides to establish proper checks and balances. The reforms enacted established the basic standards for democratic control, but kept the Assembly virtually powerless despite formally recognising its supreme power over important decisions, such as declaring war and deploying troops abroad.

A fundamental failure of the defence reforms undertaken throughout the past 30 years has been a profound misconception of the meaning of "democratic control of the armed forces". This principle continues to be equated simply with civilian control, but it is conveniently restricted to the executive and not expanded to the Assembly, independent oversight institutions, and civil society. Consequently, the Assembly and independent institutions are weak and do not have the necessary resources or deep understanding of their responsibilities to prevent government corruption and mismanagement in the defence sector.

Civil society, lacking the necessary expertise and access to information, holds the weakest position in the oversight architecture. It faces serious challenges in engaging defence institutions in a critical dialogue. Defence institutions continue to be rather sheltered from public scrutiny and do not provide substantive information on their actions. Probing inquiries on defence spending or alleged corruption and incompetence – although they are rare – are typically dismissed by the MoD by claiming confidentiality.

7. Recommendations

Civil society

1. Albanian civil society must take a more proactive role in engaging and cooperating with the defence sector on research and analysis, as well as demanding transparency and accountability. To this end, the University of Tirana should establish a security studies programme to train the country's future defence officials and provide research and expertise to defence institutions. Its establishment requires a sound strategy based on strong policy coordination at the executive level between defence and academic institutions, international cooperation for knowledge transfer and exchange, and the recruitment of Albanian academics and graduates working on national security topics in foreign academic institutions or think tanks.
2. Albanian CSOs must build their own expertise on security and defence and engage with greater purpose with regional and global think tank networks working in the field. Engaging with regional and global security and defence think tanks is critically important for knowledge sharing and exchange and for building research capacities.

Defence Institutions

3. Defence institutions should actively engage with civil society to ensure that policy development and implementation is transparent and accountable.
4. Defence institutions must establish a strong working relationship with the Assembly, its elected members, and particularly with the Committee on National Security. The purpose of this relationship should be to coordinate defence policy and ensure that its implementation serves the public interest.
5. The Ministry of Defence must provide a detailed defence budget for approval in the Assembly. The defence budget should include not only detailed expenditure provisions but also relevant restrictions to prevent reallocation of funds for activities not related to defence needs and expenditure limits to prevent abuse of funds.

Powers of the Assembly

6. Relevant legislation must be amended to ensure that the constitutional right of the Assembly to decide on the deployment of the Armed Forces abroad is unequivocally

exercised. This would entail explicitly including a provision in the Law on the Powers and Command Authority of the Armed Forces to affirm that right, and the revocation of provisions in the Law on the Deployment and Transit of Foreign Troops in Albania and the Deployment of Albanian Troops Abroad that allow the Council of Ministers to decide on troop deployments without explicit approval by the Assembly.

- 7.** The Assembly must add relevant restrictive provisions in the Constitution to disable the use of normative acts for the purpose of troop deployments abroad.
- 8.** The Assembly should reconceptualise its organisation and functions.
 - a.** There should be no secretariats overseeing the work of the different departments of the Assembly; their oversight and coordination should be the direct responsibility of the secretary general of the Assembly.
 - b.** The secretary general should be a standing member of the Bureau of the Assembly. His/her presence is important to ensure the coordination of the needs of the deputies with those of the administration.
 - c.** The Bureau's involvement on internal technical matters of the administration must be minimal. The Bureau may set strategic priorities that require budgetary approval e.g. the need to augment personnel, but may not be involved in approving internal regulations on the functioning of the administration. That should be the task of the secretary general and should be taken after deliberation with department heads, and based on the strategic priorities set by the Bureau.
 - d.** The Assembly must prioritise research and evaluation of legislation by training its current staff, increasing the number of researchers and committee advisers, and ensuring that the recruitment criteria meet the needs for an effective oversight body.

Independent Oversight Institutions

- 9.** SSAI audits need not only to identify compliance issues but also investigate them. In addition to compliance audits, SSAI must conduct performance audits of defence programmes.
- 10.** The Ombudsperson should reassess its current engagement with defence institutions and take an active role in identifying violations of rights and freedoms of military personnel.
- 11.** The IDP Commissioner should provide comprehensive information on the transparency challenges in defence institutions, not only with regards to the implementation of the legal provisions on the MoD's transparency programme.
- 12.** SSAI, the Ombudsperson, and the IDP Commissioner should increase inter-institutional cooperation. This would improve the effectiveness of their actions and overall impact as independent oversight institutions. They should also establish a stronger cooperation with the Assembly, so that the resources at the disposal of each institution are better coordinated to thus strengthen their oversight powers.

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Annex A. Force structure changes

Table A 1. Changes in force structure of the Albanian military (2000-2007)

Service	Defence Policy Document 2000			Military Strategy 2002			Military Strategy 2005			Military Strategy 2007		
	Army	Navy	Air Force	Army	Navy	Air Force	Army	Navy	Air Force	Army	Navy	Air Force
Authorized force strength (total)	31,000 (peace); 120,000 (war)			16,500 (active duty); 20,000 (reserve)			14,500 (active duty); 2000 (civilian personnel); 10,000 (reserve)			14,000 (active duty and civilian); 10,000 (reserve)		
Retained capabilities	Infantry, mechanised infantry, commando and rapid reaction brigades, tanks, anti-aircraft artillery, field artillery, engineer brigade	Gunboats, coastal artillery, minesweepers, anti-aircraft artillery, coastal surveillance	Fixed-wing aircraft, surface-to-air missiles, anti-aircraft artillery, aerospace surveillance	Rapid reaction brigade (infantry), commando regiment, engineer brigade	The description of the mission suggests that the same capacities are maintained, but a greater emphasis is placed on coast guard duties (maritime law enforcement)	Airspace surveillance, multi-purpose helicopter regiment, air defence brigade	Rapid reaction brigade, commando regiment, engineer	Coastal surveillance, patrol boats	Multi-purpose helicopter regiment, aerospace surveillance, air defence brigade	Undefined	Undefined	Undefined
Capabilities to be decommissioned	Support equipment											
Required capabilities (modernisation)	Communications systems, intelligence, surveillance, and reconnaissance (ISR) systems; helicopter airlift (none of the categories is specified)											
	Command, control, communications, computers and information systems (C4I); helicopter transport for tactical insertion and extraction						Undefined			C4I, search and rescue (SAR) helicopters		
										C4I		

Annex B. Research design

Table B 1. Research process

Phase 1: Literature review	Phase 2: Stakeholder engagement		Phase 3: Discuss and review	
Define research questions and methodological approach	Interview of key informants	Focus group and roundtable discussions	Discussion of findings and recommendations with stakeholders	
Interview of former military officers			External review	Internal review

Phase 1

The literature on the democratic control of the armed forces was reviewed to assess the main conceptual and methodological approaches employed in the Albanian context. Although the literature featured some references to the Communist legacy, it was not informed by the historical development of political (civil) – military relations. ‘Norms transfer’ was the dominant conceptual framework whilst the examination of the defence oversight was confined to the role of the Assembly to approve the defence budget, defence legislation and strategic documents, deployment of troops abroad, and declare war.

Given the gaps in the literature, the research focused on three key areas: (i) provide a historical context to the development of political (civil) – military relations; (ii) examine the implementation of NATO accession reforms; (iii) identify key challenges of the oversight architecture. The purpose of this approach was to identify political (civil) – military institutional norms shaped during Communism, assess any post-Communist changes and continuities, and examine the principle oversight challenges.

Phase 2

Key informants were divided into four categories: (i) current and former military leaders; (ii) current and former political (civilian) leaders; (iii) representatives from the Assembly and IOs; (iv) representatives from CSOs, media, and academia. The purpose of the interviews was to understand their perspective on the democratic control and perceptions on its challenges, and gain inputs on normative institutional challenges.

Focus group and roundtable discussions further enriched the debate on the democratic control and provided insights into the relationship between oversight and defence institutions, as well as between CSOs/media and defence institutions. Additionally, foreign military attachés and international organisations (OSCE Presence in Albania and the EU

Delegation) were interviewed to discuss their perspectives on defence sector cooperation and their assistance programmes for the Assembly.

Phase 3

The preliminary findings and recommendations were discussed in a workshop with representatives from the Assembly and IOIs (representatives from defence institutions were also invited), and their feedback was appropriately reflected in the report. The report was then reviewed externally and internally, and comments from the reviewers were reflected. Different versions of the report were shared throughout the review process also with senior MoD and AAF officials, CSO representatives, and academics.

Annex C. List of stakeholders

The following lists include information on key informants and participants in focus groups. The lists do include the identity and position of all of them, since some wished not to disclose their information.

Table C 1. List of interviewees

Name	Position	Institution
	Chief of Department	Armed Forces Academy
	Official in the finance directorate	Ministry of Defence
	Former deputy chief of General Staff	
Hasan Bello	Research fellow	Academy of Albanian Studies
	Former chief of General Staff	
Aleksandër Meksi	Former prime minister	
Antonela Veshi	Adviser to the Committee on National Security	Albanian Assembly
Arben Imami	Former minister of defence	
Kostaq Karoli	Former chief of General Staff	
Ndue Jaku	Former commander of the Albanian Navy	
Petrit Myftiu	Former high ranking officer in the Albanian Navy	
Seit Jonuzaj	Former high ranking officer in the Albanian Navy	
Vladimir Qirjazi	Former high ranking officer in the Albanian Army	

Table C 2. List of selected participants in focus groups

Name	Position	Institution
Adil Skuqi	Deputy commissioner	Ombudsperson
Alketa Koja	Inspector	IDP Commissioner
Ardita Kolmarku	Researcher	Albanian Helsinki Committee
Dritan Osmani	Specialist	Supreme State Audit Institution
Elona Elezi	Journalist	Deutsche Welle
Elona Hoxhaj	Director of the Directorate for Complaints Assessment	IDP Commissioner
Endrit Reka	Researcher	Albanian Policy Center
Erion Habilaj	Adviser to the chair of the Supreme State Audit Institution	Supreme State Audit Institution
Kesiana Rusi	Adviser to the Committee on National Security	Albanian Assembly
Klodiana Lala	Journalist	New 24 Albania
Lindita Çela	Journalist	Organised Crime and Corruption Reporting Network