Where the Anger Remains

A Letter from Tirana

Janos Richter

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It is Tuesday afternoon, late October, and a few hundred people have gathered on Rruga e Durrësit in Tirana, the capital of Albania. They stand around in small groups, talking and smoking. Some are waving the Albanian flag – a black double-headed eagle on a red background. Every now and then, someone starts a chant, which a few others join in. Others buy packets of nuts or cans of Coke from street vendors who have managed to weave their way past the police barriers on motorised cargo bikes. As a visitor who has stumbled upon the gathering by chance, I find the scene remarkably peaceful. The only reminders that the protests have not always been this way are three rubbish bins, apparently set alight out of habit, now smouldering away, giving off a faint smell of smoke but attracting little attention, and the façade of the Ministry of Education on Rruga e Durrësit, now decorated with paint-filled balloons and soot. It is against this façade that the anger of many Albanians has erupted – anger that has specifically Albanian roots on the one hand, but is also part of a broader European context, and for which Germany has long lacked any sustainable form of public expression.

But let's start at the beginning: the protests began in May this year on Zvërnec Beach and around the Narta Lagoon. Thousands of people gathered there to demonstrate against several planned luxury resorts in the middle of protected nature reserves. One of these projects is being spearheaded by Jared Kushner, husband of Ivanka Trump. Migratory birds use the Narta Lagoon as a resting and breeding ground. Among them are flamingos, which gave the protests their name: the Flamingo Revolution.

Even the first demonstrations saw violent clashes between protesters and the police. The demonstrations quickly spread throughout the country. People have been taking to the streets every day ever since, particularly in Tirana. And for the most part, they have done so peacefully – despite massive police violence. On 13 October, students and, alongside them, a number of professors also joined the protests. Instead of going to university, they took to the streets of Tirana.

To better understand what is driving the protests, I exchanged emails with legal scholar Arnisa Tepelija. She sees two dimensions to the protests. The first is rooted in Albania's particular circumstances: corruption, systematic land grabbing, and the state's increasing capture by oligarchic interests. The second connects the Albanian protests to similar movements across Europe: frustration over unaffordable housing, a crumbling education system and a general lack of prospects for the future. Together, Tepelija says, these circumstances create a sense of helplessness.

At times, this helplessness has turned into violence. After the students joined the protests on 13 October, rioting broke out in Tirana for several days. Demonstrators not only set the Ministry of Education on fire but also attacked other government buildings and the Constitutional Court. These disturbances were accompanied by severe and disproportionate police violence. It was the first time since the protests began that such serious unrest had occurred. Tepelija describes how the protests have changed since then: what began as a campaign to protect a nature reserve has developed into a movement demanding the resignation of Prime Minister Edi Rama.

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In Albania, however, this sense of helplessness seems to breed anger rather than resignation. And this anger is finding political expression: it has brought people onto the streets and kept them there for more than 150 days. The scene outside the Ministry of Education on that late October day may suggest otherwise, but conversations with protesters quickly reveal how angry they are: because politicians are ignoring their demands, because the sell-off of the country is continuing while everyday life becomes increasingly unaffordable. The riots a few weeks ago can therefore also be understood as an expression of political powerlessness, as an attempt by protesters to make themselves heard and reclaim some agency, if only for a moment, in a system that refuses to respond to their demands.

The Albanian government had already been seeking to severely restrict freedom of assembly even before the riots took place. Tepelija explains to me that the government has greatly expanded the powers of the executive and the police to restrict assemblies in terms of time and location and to impose hefty fines on protesters, regardless of whether they have engaged in violence. In her view, these measures are difficult to reconcile with the rights of freedom of expression and freedom of assembly guaranteed by Articles 10 and 11 of the European Convention on Human Rights, which have constitutional status in Albania. Yet, Tepelija adds, these measures are designed so that judicial review remains effectively delayed until after they have already served their purpose.

Watching the demonstrators in Tirana, I find myself thinking of France. There, too, people are taking to the streets to demand improvements to the education system, only to face extreme police violence. And, just as in Albania, the protests in France have been going on for weeks despite all the obstacles and political attacks. Since last week, protests have also been taking place in Italy, where people are demonstrating, among other things, for more funding for education. As in Albania, thousands of people in France and Italy are making their grievances and their dissatisfaction publicly visible.

And what about Germany? There is no shortage of reasons here, too, for an anger that could drive people onto the streets. The state of the education system alone would be enough. In the *Süddeutsche Zeitung*, Christoph Möllers argues that parts of the education system are being allowed to deteriorate faster than they can be rebuilt, and that universities remain chronically underfunded. The literal decay of TU Berlin illustrates this point. Last weekend, the protest alliance "Gen Z regelt" made a rather tentative attempt to bring this anger onto the streets in cities across Germany – an attempt that many had apparently dreaded happening. While this protest resembles those in Albania and France in that it was organised primarily by members of Generation Z, its impact so far has fallen far short of that of its European counterparts. And it seems increasingly unlikely that the protests will gain similar momentum. The very first demonstration already fell significantly short of the organisers' expectations.

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Perhaps it is because injustice is so much more visible in Albania, France and Italy: when one luxury resort after another is built, only to end up barely accommodating any guests (let alone Albanian ones); when school buildings are dilapidated and classrooms overcrowded; and when the housing crisis continues to worsen. But this answer does not quite hold up. After all, Germany has its own share of injustices: growing wealth inequality, outrageous cuts to social benefits, all while life is becoming increasingly unaffordable for many people. In Albania, however, it is much easier than in Germany to identify those responsible. Edi Rama has been governing the country for 13 years. Rather than serving the interests of the Albanian population, his government has repeatedly put other interests first – repeated corruption scandals, favouring political allies, and the allocation of public resources for the benefit of private interests. Albanians therefore do not have to turn against some vague ruling class, but against clearly identifiable individuals. And when these people ignore the political demands of the population, those demands simply have to be voiced loudly and publicly – on the streets.

In Germany, by contrast, people have grown accustomed to being told that politics are dictated by unavoidable constraints – an argument that can be used to obscure almost anything. Problems are addressed performatively: they are managed rather than solved (which, of course, is itself a political choice!). Political decision-makers thus appear to be at the mercy of circumstances rather than accountable for the problems they are supposed to address. This is not to say that there are no people responsible in Germany. It is simply that political responsibility is sometimes well hidden and harder to pin down. This result seems to produce a kind of paralysing helplessness that does not translate into anger, but into withdrawal and hopelessness: people lose faith in their ability to bring about change through collective action. Even though the major changes in Albania, France and Italy have yet to materialise, the protests are a reminder that change is possible. And that anger can help make it a reality.

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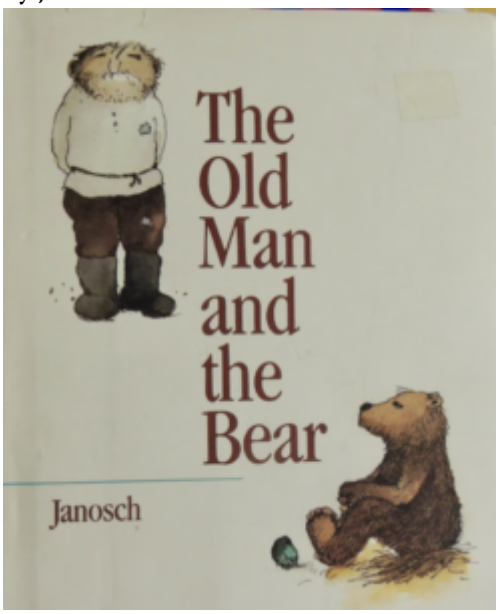
Editor's Pick

by JANA TRAPP



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At Verfassungsblog, we don't (yet?) write children's books (unfortunately). But we share one big idea with the legendary German author and illustrator Janosch, who passed away this week at the incredible age of 95: telling stories about the world's big, often tangled questions in a way that everyone can understand. Generations of readers grew up with his beloved books, which he crafted with effortless charm and the occasional help of his iconic little wooden tiger duck. We are still working on finding a similarly convincing editorial sidekick. Since Christmas is practically just around the corner, I'd like to warmly recommend his story "The Old Man and the Bear". In it, an old man spends his already scarce money on birds just to set them free right away. It's a touching, plain Christmas story about freedom – a topic that regularly sparks entire debates on our blog. And it's a wonderful oppor-

tunity to experience the unique magic of an author who shaped our childhoods, letting him explain the world to us once again. And finally – the ultimate question with the ultimate answer: *"Mr. Janosch, what do we need to overcome all the borders that divide us?" – "Above all: wings."*

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The Week on Verfassungsblog

summarised by GEORGIA IOSIFIDOU

Poland dominated the news over the past week as its Constitutional Tribunal crisis escalated. On Friday, 30 October, judges elected by the parliamentary majority entered the Tribunal. One of them, Judge Anna Korwin-Piotrowska, suspended the Tribunal's president and vice-president for one month, accusing them of obstructing its work. Outside the court, riot police were deployed after protests broke out.

The constitutional crisis in Poland has kept not only the country's politicians and police busy this week, but us at Verfassungsblog as well. First thing on Monday morning, we published a joint statement by four former Presidents of the Constitutional Tribunal, MAREK SAFJAN, JERZY STĘPIEŃ, BOHDAN ZDZIENNICKI, and ANDRZEJ ZOLL (ENG), stating that the **suspensions of the president and vice-president** were necessary steps to restore the functions and status of the institution. KIM LANE SCHEPPELE, LAURENT PECH and MACIEJ KISILOWSKI (ENG) come to the same conclusion. They argue that while radical-right political actors in **Poland** and abroad portray the suspension as a coup d'état, legally, the intervention is an important and necessary step towards restoring the rule of law. Finally, JAKUB JARACZEWSKI (ENG) gives a full picture of the current events and sets out the situation surrounding the ceremonial oaths at the heart of the **Polish rule of law crisis**.

A political crisis might also be on its way to Israel. The 27 October **Knesset election** left Israel in political deadlock: neither Benjamin Netanyahu's Likud-led coalition nor the anti-Netanyahu camp secured the 61 seats required for a majority. GÁBOR HALMAI (ENG) explores possible ways forward and what they reveal about Zionism's relationship to non-Jewish political forces in Israel.

Meanwhile, the centre-right coalition in **Italy** has adopted yet another security decree after the protests and riots in Milan on 17 and 18 October. VITTORIO CAMA (ENG) explains how the decree blurs the line between violent offenders, organisers and peaceful protesters.

Germany is also debating protests. After the "Gen Z regelt" demonstrations in several major German cities, some politicians are calling for future **protests** to be banned. THORSTEN KOCH (GER) emphasises that this reveals a flawed understanding of freedom of assembly, as the state must facilitate assemblies, not prevent them.

Turning our attention towards the executive branch, TOBIAS TRAPPE (GER) highlights the vulnerability of **police academies** to authoritarian influence, for example in the event of an AfD-led Ministry of the Interior. He explains why legal safeguards alone will not be sufficient in such a scenario.

North Rhine-Westphalia aims to become the first federal state in Germany to establish its own **AI real-world lab**. JONAS BOTTA (GER) explains why the real-world lab and market oversight of AI systems should be managed by a single entity, and how data protection oversight should be organised.

On the topic of regulation and oversight, Germany must implement the EU Platform Work Directive by 2 December. JOANNA BRONOWICKA and EVA KOCHER (ENG) argue in favour of requiring **platform workers** in the food delivery sector (and beyond) to be employed directly by digital platforms and thus effectively prohibiting subcontracted labour.

This is not the only EU directive pending implementation. KILIAN WEIL and EVA KOCHER (GER) are also calling for salary information to be made mandatory in job advertisements in order to implement the **Pay Transparency Directive** (EU) 2023/970 in German law.

Implementation problems also exist in Switzerland. On 30 September 2026, Switzerland refused to set up an independent climate council – the latest step in a pattern of resistance to the ECtHR's **KlimaSenior-**

innen ruling. VÉRONIQUE BOILLET and CHARLOTTE BLATTNER (ENG & GER) elaborate on the resistance to the landmark ECtHR ruling and Strasbourg's struggle to respond to it.

Meanwhile, in the **UK**, a County Court has ruled that through a referral under Prevent – the UK's counter-terrorism programme for identifying and responding to suspected signs of radicalisation – a school unlawfully discriminated against a Muslim schoolboy. FREDERICK ATTENBOROUGH (ENG) highlights the ruling's importance for higher education and the risk inherent in Prevent's precautionary referral process.

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On the other side of the pond, as the US public is discussing the implications of the Blue Wave, KASH RADOCHA (ENG) shows how the **Purcell principle** – a doctrine in twenty-first-century Supreme Court decision-making – has become an excuse for justices to modify election conduct.

More news from the US: in its latest attempt to obstruct the work of the **ICC,** the US sanctioned the court, although the US is not a State Party to the Rome Statute. ALFRED REBOUL (ENG) calls on the EU Commission to swiftly activate the Blocking Statute to shield the ICC against the effects of these US sanctions.

This week our symposium ***"Reflexive Globalisation and the Law: Expanding and Deepening its Understanding"***(ENG) is continuing with several new contributions: GRETEL MEJÍA BONIFAZI shows how genocide survivors in Guatemala reshape transitional justice toolkits. CHARITY WIBABARA explains why transitional justice must be understood in relation to local history using the case of the Gacaca jurisdictions after the genocide in Rwanda. CLAUDIA CÁRDENAS ARAVENA turns her attention to a key question in the legal scholarship on torture: how to differentiate torture from other cruel, inhuman, and degrading treatment. She shows how the Inter-American Human Rights System can help answer this difficult question. CRISTIÁN IRARRÁZAVAL ZALDÍVAR argues that criminal offences associated with organised crime are often punished more severely than the specific offence actually warrants and argues that this pattern should be avoided. LUCIA LEONTIEV explains that despite the Global East's continued absence from debates on reflexive globalisation, the Global East's liminality offers insight rather than a deficit. OUMAR BA highlights that amid unprecedented challenges to the international order, its foundations should be critically examined. TAXIARCHIS FISKATORIS traces the historical trajectory of States of the Global South trying to include colonialism as a crime against the peace and security of mankind and analyses why this attempt failed. AHMED ELBASYOUNY argues that the doctrine of militant democracy must now look beyond parties to other actors that threaten democracy. ZIM NWOKORA also turns her attention to political parties and highlights that parties are not the only source of (political) authority, particularly in African states. Furthermore, debates on African constitutionalism

often focus on the ways in which constitutional ideas and institutions have been adopted. SANAE BOUYAY-ACHEN asks us to look beyond the question of adoption, and finally ROHIT SARMA illustrates the parallels between Bollywood soundtracks and the future of constitutionalism.

This week we also start a new symposium, with a particular focus on the provisions of **constitutional law relating to national defence in Germany**. How well is the German constitution prepared for an emergency? What happens if Germany is attacked? To mark the start of our symposium, KATHRIN GROH, JASPER NEBEL and MORITZ VON ROCHOW (GER) outline the role that the law can play in such scenarios. FERDINAND GEHRINGER (GER) analyses the responsibilities of various actors for national civil and military defence and proposes a civilian planning framework. MATTIAS G. FISCHER (GER) argues in favour of a pacifist orientation of the Constitution, which is reflected in the peace provisions of Articles 24 and 26 of the Basic Law.

With this in mind, and with a positive outlook on a more pacifist future, we hope you enjoy your weekend.

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That's it for this week. Take care and all the best!

Yours,

the Verfassungsblog Team

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