

**STATEMENT OF THE NATIONAL DEMOCRATIC INSTITUTE (NDI)
INTERNATIONAL PRE-ELECTION DELEGATION TO ALBANIA**

Tirana, September 11, 2000

I. INTRODUCTION

This statement is offered by an international pre-election delegation organized by the National Democratic Institute for International Affairs (NDI) in advance of Albania's October 1, 2000 local elections. The delegation visited Albania from September 6 through September 11.

The purposes of this international delegation were to express interest in and support for a democratic election process in Albania, to assess the electoral conditions and political environment in which the upcoming local elections are taking place and to offer an accurate and impartial report on the pre-election situation. The delegation conducted its activities according to international standards for nonpartisan election observation and Albanian law.

NDI has conducted more than 40 international election observation delegations and more than 60 pre-election delegations around the world, including in Central and Eastern Europe. The Institute does not seek to interfere in the election process or, at this time, to make a final assessment about the process. NDI recognizes that, ultimately, it will be the people of Albania who will determine the credibility of the elections and resulting local governments.

NDI began its activities in Albania in 1991 and monitored the country's 1991, 1992, 1996 parliamentary, 1996 municipal and 1997 parliamentary elections. The Institute has provided assistance to the Society for Democratic Culture, a nonpartisan Albanian civic organization, since 1992. NDI also conducts programs in Albania supporting political party development and grassroots civic education through its Political Leadership Development Program and Civic Forum. The Institute has maintained an office in the country since 1993.

SUMMARY OF OBSERVATIONS

Albania's local elections present a critical opportunity for advancing democratic development and establishing public confidence in the country's political process. Conditions surrounding the elections contain both positive aspects and serious challenges. Political polarization remains high, and with only 20 days left until voting takes place the circumstances are fragile. Therefore, electoral and governmental authorities, as well as the country's leadership – across the political spectrum – must act quickly and prudently to resolve problems facing the election process.

These elections will provide a mandate for local governments, set the stage for next year's parliamentary elections and test the commitment of the political parties to the longer term national interest, as well as gauge their relative strength at this political moment. The process is taking place in the context of Albania's troubled electoral history and at a time when other countries in the region are also facing important elections. The upcoming polls are significant therefore for the governing parties

and those that are in opposition at present, for the Albanian electorate and for the international community. These factors all increase the need to leave the troubles of past Albanian elections behind.

Important positive factors in the electoral context include the following points.

- There appears to be a general acceptance among political leaders of the need for a normal democratic process, where the contest for political power is resolved through genuine elections.
- The adoption of a new Electoral Code, establishment of a permanent Central Election Commission (CEC) and a new voter registry indicate a desire to regularize the election process.
- If implemented effectively and in good faith, the legal framework for the elections would provide a basis for the political will of the people to be freely expressed and respected.
- Although there have been some instances of violence and intimidation against public personalities and candidates, the campaign environment thus far has been generally peaceful, compared to past Albanian elections.
- Freedom of expression for citizens is generally respected, and there is political diversity of news sources.
- Civic organizations are actively promoting voter education, including candidate forums, and are engaged in nonpartisan election monitoring.

Nonetheless, significant challenges and problems confront the election process.

- The CEC has yet to gain broad public confidence in its ability to perform impartially and effectively; winning such confidence has been made more difficult by the timing of CEC appointments, the political identification of CEC members and by political polarization.
- Many Local Government Election Commissions (LGECs) have yet to establish themselves fully, and their impartiality is questioned because a transitory provision of the new Electoral Code changed the method of appointment to the advantage of the governing coalition.
- Problems that may particularly affect certain small parties have developed in registering candidates, which could severely undermine confidence in the election process.
- The late start of LGECs and problems in creating the country's first voter registry have made it difficult to ensure that all eligible voters will be allowed to cast ballots, even though the CEC has announced that it is to take measures that should address this problem.
- It will be a difficult challenge to produce reasonably accurate final voter lists, given the limited time remaining before the elections and the evidence of technical errors in the preliminary lists; this creates opportunities for multiple voting and impersonation, as well as risks of disenfranchising eligible voters, which will require heightened election day safeguards.
- Allegations of widespread deletions from the voter registration lists, based on political discrimination, if true, pose a serious challenge to the credibility of the election process; the credibility of those making the charges will be questioned should they prove to lack substance.
- Challenges remain for establishing Voting Center Commissions (VCCs), for training their members and for ensuring the integrity of voting, counting and determining results.

The delegation was encouraged by the strong desire expressed by Albanians to hold the upcoming local elections in accordance with international standards, and therefore a series of recommendations is offered at the end of this statement.

II. THE DELEGATION AND ITS WORK

The delegation included: Patrick Cooney, a former member of the Irish Parliament, the European Parliament and a former Irish Minister of Interior; Sonja Lokar, a former member of the Slovenian Parliament and now chair of the Stability Pact's Gender Task Force; Deborah Alexander, NDI Central and Eastern Europe Regional Director; and Patrick Merloe, NDI Senior Associate and Director of NDI Programs on Election and Political Processes. The delegation was joined by Gillian Gloyer, NDI Resident Program Director for Albania and Damian Murphy, NDI Washington Program Manager for Albania.

The delegation made its observations and findings based upon: experience gained by NDI in Albania since 1991; analysis of the legal framework for the elections; review of materials on Albania's election process produced by other international organizations, Albanian and international press and impartial Albanian election monitoring organizations; and analysis of information presented during the delegation's meetings in the country. The delegation met with Prime Minister Ilir Meta and other representatives of the government concerned with the elections; the Chairman of the Central Election Commission (CEC) Fotaq Nano; leaders of ruling and opposition political parties (including among numerous others, Socialist Party President Fatos Nano and Democratic Party President Sali Berisha); candidates for local offices; representatives of the news media; leaders of civic organizations, including the Albanian nonpartisan election monitoring organizations; representatives of international organizations, including the Albania office of the Organization for Security and Cooperation in Europe (OSCE), OSCE's Office for Democratic Institutions and Human Rights (ODIHR), the Council of Europe and the International Foundation for Election Systems (IFES); and others concerned with processes leading to the elections.

III. OBSERVATIONS

An accurate and complete assessment of any election must take into account all aspects of the electoral process. These include: 1) conditions set up by the legal framework for the elections; 2) the pre-election period before and during the campaign; 3) the voting process; 4) the counting process; 5) the tabulation of results; 6) the investigation and resolution of complaints; and 7) the conditions surrounding the formation of new local administrations. This delegation therefore does not pre-judge the overall electoral process. At the same time, no election can be viewed in isolation of the political context in which it takes place. The pre-election period, including electoral preparations and a political environment, must be given considerable weight when evaluating the democratic nature of elections.

A. Electoral Framework and Composition of Election Commissions

In general, Albania's new Electoral Code compares favorably with international standards. However, the composition of the CEC and transitory provisions added to the Code by Parliament, which changed the formula for composing LGECs and VCCs, have created controversy in the election process. In addition, shortcomings in implementation of the Code have become apparent.

CEC. Under the 1998 Constitution, the CEC was to be established for the first time in Albania as a permanent, independent body. Nonetheless, most of the CEC's members are widely perceived by

political party leaders and the public as being close to the ruling Socialist Party and its governing coalition. The Chairman of the CEC, for example, represented the Socialist Party on a previous election commission. In addition, six of the seven members of the CEC were appointed before the Electoral Code was passed. Negotiations led to the replacement of two CEC members, in part to address opposition concerns. Regrettably, however, the main opposition party, the Democratic Party refused to nominate representatives to the CEC. Eventually, the seventh member of the CEC was appointed upon the individual initiative of a member of the opposition.

These developments have damaged confidence in the ability of the CEC to function impartially. At the same time, opposition leaders point to the lack of experience of several CEC members and question its ability to operate effectively. Such concerns have been magnified by a lack of clear, written communication of some CEC decisions. Exceptional transparency and political inclusiveness therefore will be required for the CEC to demonstrate clearly its ability to function impartially and effectively.

LGECs and VCCs. Transitory provisions of the Electoral Code ensure that the parties in the governing coalition will appoint four of the seven members of the LGECs and the VCCs. The transitory provisions accomplish this by giving the seven parties that won the most votes nationwide in the 1996 local elections the power to propose such commission members, rather than the parties that won the most votes in that election in localities corresponding to the commissions.

Parties that were thus excluded from various LGECs and VCCs, as well as the opposition generally, expressed strong objections to this change from the permanent provisions of the Code. Further polarization was created by a CEC interpretation that allowed the members of the LGECs to elect their chair and vice-chair, rather than giving the chair to the party that won the most votes in the 1996 local elections. Negotiations led to a recent decision to allocate half of the LGEC chairs to the Democratic Party and half to the Socialist Party. It remains to be seen if this same formula will be applied to the VCC chairs.

The controversy and political maneuvering, along with problems in installing secretaries in some places, contributed to the late formation of the LGECs. In addition, many LGECs have been hampered by a lack of offices and equipment. These factors in turn contributed to problems in providing adequate opportunity for citizens to check and correct the voter lists. It is hoped that similar delays are not experienced in establishing and beginning the work of the VCCs.

B. Voter Lists

Albanian authorities, with the assistance of international organizations, designed and implemented procedures for creating the country's first national voter registry. This effort responded to recommendations made by international and domestic nonpartisan observers in past elections. The proper completion of the exercise is all the more important because the Electoral Code provided that citizens may not vote unless their names appear on the voter lists.

The voter registration effort was massive and complex, involving initial computerized lists from the Civil Registry and Albania's Social Insurance Institute that were updated by administrative means and

door-to-door enumeration by three-person teams, with one member provided each by the local authorities, the Socialist Party and the Democratic Party. The results were to be verified by further administrative means, and citizens were to be allowed to check and correct publicly posted preliminary lists between August 28 and September 13.

The bipartisan aspect of the effort proved successful, which improved transparency in the process. Delays in the overall process have hindered the electorate's opportunity to review and correct the lists. While the lists were distributed in a timely manner, administrative problems led to late posting of many lists. Moreover, most LGECs were not operational until approximately a week or even more beyond August 28, the date the lists were to be posted. The delegation learned from many sources that up to half of the LGECs were not functioning as late as September 9. This deprived citizens, particularly in rural areas, of adequate time to check and seek corrections to the voter lists. Complete copies of the lists were given to the two largest parties; it is regrettable that they were not also provided to the smaller political parties.

It appears that significant numbers of citizens were not included on the preliminary voter lists because they were not at home when enumerators visited. A letter designation of "L" was placed by such names, and these persons were not placed on the lists under an assumption that they must have moved away from their residence. This has led to sharp controversy over the credibility of the voter lists. The CEC announced in the last two days that it is to take measures to ensure that persons with "L" designations have an opportunity to vote.

In addition, the Democratic Party has alleged that large numbers of persons who were enumerated, and received coupons to use in claiming their voter ID cards, are not on the lists. They allege further that many such persons are from areas known to be Democratic Party strongholds and that the omissions are the result of deliberate political discrimination. This is a very serious allegation that merits careful investigation by concerned actors. The situation requires that all evidence be presented. If the omissions are found to be deliberate, the perpetrators should be identified and held accountable in order to restore confidence in the election process.

Procedures are needed to secure the opportunity to vote for persons who have been excluded from the lists. The appropriate remedy for the loss of time to verify and correct the preliminary lists would appear to be a reasonable extension of the process. The delegation learned of a number of suggestions for ameliorating problems with the voter lists, including those announced by the CEC. Transparency in deciding on any such steps and in their implementation will be critical in the days ahead.

C. Candidate Registration and Allegations of Coercion

While there have been few reported cases of politically motivated violence connected with the local elections, the delegation was troubled by reports it received from small political parties (including Democratic Alliance Party, the Republican Party, the National Front Party and the Human Rights Party) that their candidates for mayor in a number of municipalities and communes have been threatened with loss of their jobs at state-controlled entities. It was further reported that some individuals withdrew their names as potential candidates as a consequence of such coercion. The parties concerned have a

responsibility to present details of such incidents to electoral or appropriate government authorities. At the same time, the government has an obligation to investigate such allegations and to hold perpetrators accountable. While it is difficult to prove such allegations, those in government are obliged to put measures in place that make clear to all working in government controlled entities that such coercion will not be tolerated.

The Electoral Code requires that applications of candidates for the local elections be received no later than 22 days before the elections, which was midnight on September 8. The Code also stipulates that applications include a declaration of endorsement by the sponsoring political party, signed by the party's chairman. Several small parties complained that this requirement was overly burdensome, given the large number of candidates for the local elections. It was reported to the delegation that an agreement was reached among the parties and the CEC that the authority to sign the declarations could be delegated to appropriate party representatives, but that a number of LGECs would not accept applications that did not bear the party chairman's signature. The rejections were also inappropriate because the Code provides that LGECs must allow up to three days for correcting irregularities in candidate applications.

It appears that several small political parties were particularly affected by the rejections of candidate applications (including the Christian Democratic Party, the Republican Party, the National Front Party and the Human Rights Party). In addition, the delegation received reports that a number of LGECs were not open on Friday to receive candidate applications. The three-day correction period should extend until midnight of September 11. If candidate applications are not yet accepted from those who were inappropriately rejected on Friday, or if certain LGECs have not been open to receive candidate applications, an extension of the deadline will be required. Otherwise, the credibility of the process will be questioned.

D. The Election Campaign Environment

There appears to be a general acceptance by political leaders of the need for a normal democratic process, where the contest for political power is resolved through genuine elections. The delegation noted that, despite a high degree of political polarization, leaders of all parties with whom it met expressed a commitment to holding competitive elections in accordance with international standards. Reports that the bipartisan voter registration enumeration teams (which included persons proposed by the Socialist Party and the Democratic Party, as well as a government representative), worked relatively well together indicate that the two largest parties are learning that they have to share the political playing field. At the same time, the political environment is indeed polarized, and conditions remain fragile.

Parties and candidates are actively campaigning throughout the country. The campaign thus far is relatively violence free, and freedom of movement appears to be generally respected. Candidates for mayor of Tirana have pledged to base their campaigns on programmatic issues rather than personal attacks, and in Korça all local party branches signed an agreement to conduct an ethical campaign. These are welcome developments that hopefully indicate a departure from the sharp personal attacks launched by leaders of the two largest parties. Inflamed rhetoric and the politics of accusation have added to the instability of Albania's political process to date.

On August 27, Deputy Speaker of Parliament Jozefina Topalli's convoy was attacked in the Vlora prefecture. Guns were fired at her car and its rear window was smashed. Reportedly, the government at first denied the event took place because no complaint was filed with the police. Ms. Topalli's governmental bodyguard has submitted a declaration, and authorities report that the incident has been investigated and warrants have been issued for the perpetrators. On September 9, Deputy Prime Minister Makhbule Ceço was prevented by an armed group from entering the town of Lazarat, and it was reported that the Socialist candidate for chair of that commune had been beaten up. The delegation received additional reports of violent intimidation of candidates. While such incidents have not been numerous, they illustrate the potential for violence, given the proliferation of weapons and recent civil strife. It is important that all parties – and particularly the largest parties – condemn unequivocally such outrages and demand that there be no more.

Media Access and News Coverage. The provisions of the Electoral Code for party access to the broadcast media are generally positive. The Code specifies that a total of 10 hours of free time be made available for political parties on public radio and television during the official campaign period. Thirty-two minutes for each parliamentary party and 15 minutes for each party not represented in parliament is to be broadcast in prime time. This allotment, though small, has been assigned in accordance with the Code. Public radio and television are prohibited from broadcasting paid political advertising, although private radio and television may transmit up to five minutes of paid advertisements per day for a political party or independent candidate.

News Bias. Media bias is particularly damaging to the electoral process because it can distort the political picture and deprive voters of the sufficient, accurate information needed to make a truly free and informed choice at the ballot box. The Code provides that news and informative programming on public and private radio and television that concerns the election campaign must comply with the principles of “impartiality, completeness, truthfulness and pluralism of information” provided in the law on broadcast entities. This too is a positive legal provision. It is generally agreed that public television did not meet this standard in the period before the official election campaign began; even though it has a special responsibility to act in the public interest, it reportedly aired heavily disproportionate coverage that favored governing political party. Some private television stations, which do not have the broadcast reach of public television, reportedly favor the main opposition party.

Use of State Resources for Electoral Advantage. The delegation received reports of state resources being used for the electoral advantage of certain parties and candidates. State resources, whether at the national or local level, belong to the citizenry as a whole and should be used for the public interest, rather than for the private benefit of any individual or political party. Thus state resources and governmental offices should not be used for the electoral advantage of candidates or parties. Candidates who hold governmental office, especially high profile posts likely to command media attention, have a duty not to politicize their office or staff. How they discharge their official functions will indicate their commitment to the long term public interest.

E. Preparations for Election Day

Problems setting up the LGECs, some of which may still not be fully functional, cause serious concern over the timely installation and operation of VCCs. In addition, scant time remains to implement a proper training program for the LGEC and VCC members. VCCs conduct voting and counting procedures, while LGECs play a critical role in tabulation of election results. Given problems in past elections with irregularities in polling center operations and at times questionable determination of results, it is particularly important that extra efforts be made to ensure proper training and implementation of electoral safeguards.

In addition, the logistical challenges of distributing and collecting sensitive electoral materials will require extraordinary resources. The delegation was unable to examine closely administrative preparations for these tasks and hopes that governmental agencies at both the national and local levels will cooperate fully with election authorities in these respects.

Election Observation and Citizen Participation. Albania benefits from a tradition of credible and professional nonpartisan election observation by nongovernmental organizations, including the Society for Democratic Culture, the Albanian Helsinki Commission and others. The delegation was encouraged by learning of the efforts of these groups and the Albanian Youth Council to monitor the local elections.

The delegation, however, was troubled to learn about difficulties being encountered by domestic election observers in obtaining accreditation for monitoring pre-election processes and their inability to obtain clear information about accreditation for election day observation. They also expressed concern that limits may be placed on the number of domestic monitors that will be allowed into polling stations and that domestic election monitors may be forced to remain in polling stations rather than be free to move from place to place as they may choose.

The delegation was pleased to learn from the Chairman of the CEC that no such restrictions on domestic election monitors are contemplated. It is hoped that the CEC, LGECs and VCCs will cooperate fully with such domestic election observers and provide them full access to all aspects of the election process, as contemplated in the Electoral Code.

Domestic election monitoring groups, as well as the Institute for Democracy and Mediation, the Institute for Contemporary Studies, and others are also conducting voter education, candidate forums and other activities to encourage citizen participation in the elections and general political process. The delegation was pleased that leaders of the two largest political parties also expressed some commitment to increasing women's political participation, including as candidates for election. Two women's NGO coalitions have trained women candidates. This and other activities should help to increase women's participation in politics and improve gender equality in Albania's electoral process.

IV. RECOMMENDATIONS AND CONCLUSION

As stated above, the delegation was encouraged by the desire expressed by Albanians from many sectors to hold the October local elections in accordance with international standards and to establish a normal democratic process. It is with this in mind and in the spirit of international cooperation that the delegation respectfully offers the following recommendations.

- **1) Allowing Candidate Registration:** The CEC and LGECs should approach problems in the registration of candidates for the local elections with the spirit of inclusiveness and pluralism embodied in the Electoral Code. If deficiencies still exist, such as signatures not having been secured or nonfunctioning LGECs prevent candidates from filing applications, reasonable extension of deadlines should be implemented, while bearing in mind time requirements for printing ballot papers.
- **2) Providing Adequate Opportunity to Correct Voter Lists:** In recognition of delays in posting voter lists and in setting up fully functional LGECs, the CEC should implement a reasonable extension of the period for the public to check and seek corrections of the voter lists. The period for correction, which is set to end on September 13, can be extended without jeopardizing election day procedures. The CEC should also consider additional measures for including on the voter lists persons who may have been excluded because they were not at home when enumerators visited. In addition, immediate and vigorous investigation must be pursued of all cases where persons who received coupons as proof of enumeration and who were somehow not included on the list. Should a pattern of political discrimination appear from such investigations, criminal investigations should be initiated as well as placing on the lists the names of all persons who were enumerated but omitted.
- **3) Setting Up and Training for LGECs and VCCs:** It is imperative that all LGECs which are not fully functional be brought up to that status immediately and that adequate facilities and resources be made available for them to complete their tasks properly. Every effort should be expended to ensure the timely setup and proper functioning of VCCs as well. Training programs for LGEC and VCC members and other safeguards should be put in place to ensure the integrity of voting, counting and tabulation of results.
- **4) Building Public Confidence in Election Commissions:** Every effort possible should be made to build public confidence in the impartial and effective functioning of election commissions in Albania. Maximum transparency for political party representatives, domestic observers, journalists and international election observers is the surest way to increase public confidence in the immediate period. Notifying the public, including such interested persons, of meetings and allowing observation of all aspects of the election process are essential for this. CEC decisions should be recorded and communicated to subordinate election commissions, all political parties and observers.
- **5) Accrediting Domestic Election Observers.** The CEC should accredit all domestic election observation organizations without delay. Such organizations should be provided complete

access to all aspects of the election process, and should be allowed to move freely on election day between polling stations and election commissions at various levels. Observers should be allowed to operate in teams of more than one person as they choose.

- **6) Using Complaint Mechanisms and Providing Effective Remedies:** Political parties should use complaint mechanisms provided in the Electoral Code and all other legal channels to peacefully seek redress for electoral deficiencies, irregularities and violations of electoral rights. Governmental authorities and election commissions should seek to provide appropriate, timely and effective remedies in order to address immediate problems and build confidence in the rule of law in Albania.
- **7) Condemning Politically Motivated Violence.** Government and political party leaders, especially leaders of the two largest parties, should publicly and unequivocally condemn acts of political violence. Party leaders at all levels should issue instructions to party activists to not take part in and to actively work to prevent such acts. Parties should act to discipline any members who take part in politically motivated violence and should cooperate fully with law enforcement agencies in the investigation of incidents and apprehension of perpetrators of such incidents. At the same time, law enforcement agencies should investigate political violence and prosecute those responsible for organizing and carrying out such acts.

Conclusion. The delegation would like to express its gratitude for the uniformly warm welcome it received and would like to express its appreciation to all those with whom it met for sharing their views. Without their assistance, the delegation could not have completed its work.

The delegation was encouraged by positive developments in Albania's election process and, at the same time, was struck by the continuing need to build political tolerance and public confidence. Albania has again gained ground, and has reached another important juncture in its potential for democratic development. As in the past, however, the key to resolving problems and moving forward toward integration with the community of democracies lies with Albania's political leadership. Overcoming Albania's extreme political polarization is a critical component for the country's progress. Political leaders therefore must act further in the long-term national interests to conduct peaceful, genuine democratic elections, based on respect for pluralism, as they compete for political gains in the elections. NDI will continue to monitor the process and offer assistance to those working to strengthen democracy in Albania.