



**STATEMENT OF THE NATIONAL DEMOCRATIC INSTITUTE  
PRE-ELECTION DELEGATION TO ALBANIA  
*Tirana, April 21, 2005***

**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 2005 parliamentary elections. The NDI delegation visited Albania from April 17 through April 21 and met with political, governmental, and civic leaders, as well as representatives of the international community.

Albania has yet to conduct an election process that fully meets international election standards to which the country has committed itself. Past elections have been marred by political misconduct, administrative errors, and selective application of election laws. A substantially improved election process more fully in line with international standards would advance the country's democratic transition. It would strengthen the political foundation for democratic governance, invigorate connections between government and citizen, and move Albania closer to NATO and EU membership. There is much at stake.

The purposes of this assessment are to express support for a genuine election process; to assess the electoral conditions and political environment in which the upcoming elections are to be held; and to offer impartial findings on the pre-election situation. The assessment was conducted according to international standards for non-partisan election observation, in conformity with Albanian law, and without interference in the election process. It is not the intention of the delegation to render a complete or definitive assessment of the election process given that the elections are yet to occur. Indeed, it is the people of Albania who as citizens and voters will determine the credibility and validity of the elections.

The pre-election period is critical to understanding and evaluating the degree to which elections are democratic. A full and complete assessment of any election, however, must take into account all aspects of the election process: the legal framework; the political context before and during the campaign; voting and ballot counting processes; the tabulation of results; the investigation and resolution of complaints; and the conditions surrounding the implementation of results.

**II. GENERAL OBSERVATIONS**

In order to hold elections that reflect international standards, election and judicial officials must apply technical expertise and legal authority in a strictly non-partisan fashion. Political leaders must demonstrate political will and consensus—through action and not just rhetoric—to conduct peaceful campaigns tied to voter interests. They should prevent corrupt practices as voter list tampering, ballot stuffing, use of

illegal financial resources, and improper proxy voting, and use their presence in election bodies to uphold the law and administrative procedure. Individual citizens and civic groups must also assume their obligations as voters and monitors responsibly.

The delegation is impressed by the shared recognition among political, civic, and electoral actors of the imperative to conduct democratic elections. At the same time, the delegation shares concerns expressed to it that, at present, the election process is susceptible to--rather than adequately protected against--corruption that would undermine its integrity. In addition, new election procedures might create administrative confusion that could provoke political tension. The delegation notes the growing presence of nongovernmental, nonpartisan actors in the election process as having a salutary effect on the overall conduct of the elections.

Below the delegation notes positive developments that can contribute to democratic elections and also highlights challenges that must be addressed to promote public confidence in the election process.

### **III. FINDINGS**

- Despite a polarized political atmosphere, the two largest political parties have found consensus on key elements of the election process: revisions to the electoral code, demarcation of election zones, and the procedure to compile voter lists. This form of cooperation might be extended to election bodies that they will effectively predominate, helping to curb conflict that in previous elections led to violent incidents and possibly providing an important measure of stability. However, despite the formation of a parliamentary committee to address election law reform, the resulting election procedure confers substantial control to the two largest parties at the expense of broader-based, multiparty consensus that reflects the democratic principle of inclusiveness.
- Longstanding concerns over the integrity of voter lists remain. The decision to decentralize responsibility for the compilation of new voter lists from the Central Election Commission to mayors of local government units has introduced new procedures relatively close to the anticipated date of elections. Political deadlock over resource commitments and confusion over implementation have further delayed action. Without sufficient political will, list tampering and administrative error could still extend delays and lead to voter disenfranchisement and multiple voting.
- There is widespread concern over an election tactic by which a larger party instructs supporters to cast their party list votes for a smaller, affiliated party, and in return supporters of the latter party vote for the larger party's candidate in the single member zone seat. The intention is to maximize the larger party's chances to form a government by increasing the number of seats allocated to allied parties. While this tactic might not violate the election code or Constitution, if realized, it might alter the allocation of seats in such a way as to distort the representation of the electorate in parliament and thus undermine parliament's credibility.

- A change in the electoral code shifting the ballot counting process from each of Albania’s approximately 4,700 polling stations to new vote count centers in each of 100 election districts gives rise to new concerns over potential misconduct in the form of ballot box tampering during transfer by vehicle from polling stations to vote count centers. There are also concerns that political parties may appoint or replace ballot counters as late as two hours prior to the polls closing, leaving insufficient time to train several thousand additional individuals as ballot counters. Although the election law holds that all counting is to be completed by 17h00 on the day after the elections are held, simulation exercises suggest that significantly more time will be needed to complete the count.
- There are systemic and traditional factors that disadvantage women seeking to stand as candidates, serve on election commissions, and even vote. In particular, the delegation is concerned by the illegal practice of so-called “family voting”, whereby a male head of household votes for or unduly influence the votes of other family members, including women and those not resident in-country. The delegation underscores the constitutional right of all citizens qualified to vote—male and female—to vote independently according to their individual conscience.
- Albanian NGOs are helping voters make informed choices and building public confidence in the election process. Local civic groups are preparing “constituent platforms” and local candidate debates through which citizens can engage their would-be representatives directly on community issues. Others are educating voters about checking voter lists and are monitoring the media. Civic groups under the banner of the Albanian Coalition Against Corruption (ACAC) are mounting a non-partisan observation of more than half of the country’s polling stations and all 100 vote count centers. They seek to recruit, train, and deploy several thousand citizen monitors who will impartially and qualitatively observe the voting and ballot counting process per domestic election law and international standards.

#### **IV. RECOMMENDATIONS**

All actors in the election process—state, political, civic, judicial, and individual—should work cooperatively to attain the country’s stated goal of democratic elections. The central institution where these actors connect is the Central Election Commission and it is in Albania’s interest that this body be allowed to function according to the law and by the principles of fairness, inclusion and transparency.

- Political parties should assure citizens of their commitment to uphold democratic principles, sound ethics, and the rule of law in their election conduct. To this end the delegation respectfully offers the following ‘confidence building’ measures:
  - Parties should assure themselves and the electorate that their candidates do not have private or business interests that raise concerns of corruption and other ethical violations that would compromise their credibility as elected officials to uphold the public interest and the rule of law;
  - An election code of conduct is currently being reviewed by political parties. Parties should commit themselves to such a code, educate their representatives on its content, and use the code to foster and demonstrate consensus on conduct befitting a democratic election process.

- Parties should ensure that their representatives on polling station and zonal commissions and on ballot counting teams are informed of relevant procedure, prevent illegal or corrupt acts, and uphold the public interest for accuracy and transparency rather than serve partisan interests; and
  - During the election period, parties should not undertake actions that unduly influence voter choices, including instructing supporters to vote for other parties for tactical advantage.
- State, local government, and political actors should take immediate action to ensure proper compilation and accuracy of voter lists.
    - Public education programs on voter list review and revision methods should be fully supported;
    - Mayors should furnish citizens with timely access to posted lists and ensure that they are informed of their polling station locations; and
    - A multiparty review committee should oversee nationwide cross-referencing of provisional voter lists conducted by the Ministry of Local Government and Decentralization. Multiparty expert teams should conduct spot checks of lists in municipalities not presently in compliance with procedure and fully review those showing discrepancies.
  - The new ballot counting procedure can be enhanced by allowing non-partisan observers to examine vehicle interiors prior to their transfer of ballot boxes and voting materials. Zonal commissions should ensure that international and domestic nonpartisan monitors, media representatives, and political party poll watchers have unrestricted access in observing the vote count process. Election authorities, political parties, and the media should prepare the electorate for possible delays in reporting unofficial final results should the ballot counting process extend beyond the deadline specified in the code.
  - Public education efforts to combat “family voting” should be fully funded by the state and supported by all election actors. Members of polling station commissions should fulfill their constitutional obligation in prohibiting any instance in which one individual votes for another individual, unless authorized by law.
  - As part of full access to all phases of the election process, domestic, nonpartisan monitors should have the right to receive copies of polling station and vote count center protocols. The Central Election Commission should resolve ambiguities concerning the number of nonpartisan domestic monitors allowed in the vote count centers.
  - Voter responsibility not only falls on election day but throughout the election period. Citizens should check their names on preliminary voter lists posted in their neighborhoods. They should attend candidate debates and other venues where they can engage directly with those seeking their vote. They should volunteer for voter education and election observation efforts. And of course they should vote.

## **V. THE DELEGATION AND ITS WORK**

The National Democratic Institute began its Albania program in 1991, assisting the Society for Democratic Culture, an Albanian civic organization, on election

monitoring; supporting the development and reform of political parties across the political spectrum; and engaging citizens throughout Albania in civic education and issue advocacy. NDI is currently joined by Partners Albania and IREX in the Democracy and Governance in Albania Program, supported by the U.S. Agency for International Development, which seeks to further democratic development at local and national levels through civic, electoral, media, political party and legislative initiatives that promote public participation and reduce corrupt practices.

NDI has conducted approximately 100 pre-election and election observation missions around the world in the past 20 years, including many in Central and Eastern Europe. The Institute has monitored eight parliamentary and local elections in Albania since 1991. The findings of this pre-election assessment in their entirety reflect only the views of this delegation and the National Democratic Institute.

This delegation is comprised of Karan English, former Member of the U.S. Congress from the State of Arizona; Peter Hack, former Member of the Hungarian Parliament; and Robert Benjamin, NDI Regional Director for Central and Eastern Europe, all of whom have participated in other NDI pre-election assessments. The delegation was joined by Jennifer Butz, NDI/Albania Country Director, and Dan Redford, NDI/Albania Senior Program Manager, and ably assisted by Elton Stefani, Guri Daco, and Blerim Dimni, to whom it extends its gratitude.

The delegation made its observations and findings based upon an analysis of the legal framework for the parliamentary elections; a review of materials on Albania's election process produced by other international organizations and Albanian civic groups; and analysis of information presented during the delegation's meetings this week. The delegation was pleased to meet with senior political party leaders from across the political spectrum, senior representatives of the international community, media analysts, and nongovernmental groups. The delegation was warmly received by all interlocutors and to them extends its gratitude for sharing their time and views.

## **VI. CONCLUSION**

Albania's ability to hold democratic parliamentary elections at present depends principally on the ability of electoral, political, and civic actors to minimize the possibility for misconduct. If disputes arise, the level of fairness, transparency, and accountability demonstrated, the deference to law that is fully and properly implemented, and the commitment to peaceful resolution—will be paramount.

Ultimately, the Albanian voter is the most important actor in this election. The delegation hopes that citizens regard the election process as worthy of their trust. All that is to be done, by election officials, political leaders, observers, and judges, must serve the public trust, which resides in each voter who casts his or her ballot and expects, in return, that his or her vote be respected as a matter of individual choice.

This basic principle of democracy can be forsaken in a contentious election environment such as exists in Albania. When political interests coincide with rather than undermine the public interest, Albania's promising democratic transition will advance significantly. The delegation hopes that the upcoming parliamentary election represents an important step forward in this regard.