



Organization for Security and
Co-operation in Europe
Presence in Albania

INTERVIEW OF HEAD OF PRESENCE, AMBASSADOR BERND BORCHARDT, GIVEN TO THE ALBANIAN PUBLIC BROADCASTER, RTSH

Interviewed by: Entela Komnino

RTSH: The Albanian Foreign Minister declared yesterday that, while the work on electoral reform is ongoing, the time left is very limited and we are at the time limits foreseen in the Constitution of Albania. What is the OSCE opinion on this given that you have been very close to the ad hoc parliamentary committee on electoral reform?

Borchardt: I am very happy that Minister Bushati has made this statement. It underlines that time is running and time is running short indeed. The long due reform measures have not yet been approved through law and that has to happen, because it is best international practice to do electoral reform a year before the next elections, at the latest half year before elections. There is a good reason for that. A law has to be made applicable through bylaws, through administrative regulations through the Central Election Commission. Election commissioners have to be trained, so they have to know what to apply. And then, of course, the voters have to be informed. All that takes time. All that has to be prepared. We will support that as well, but this takes time, and time is running. Another aspect is that, of course, the recent public debate in Albania has raised concern about the future work on electoral reform. The Albanian Constitution requires for changes to the electoral law a qualified majority and we are worried about the risk of obstruction or slowing down of the progress of reform. This would limit the scope of the reform. Without a qualified majority, there can only be some sublegal changes that also the Central Election Commission can do, but this is not what we were taking about when we encouraged and recommended strongly an electoral reform. During the work of the ad hoc committee a lot of common ground had been established. That was also the conclusion of the two chairmen. That was a very positive signal and it would be a very negative signal to the friends and partners of Albania if this common ground would now not be transformed into legislation.

RTSH: There were some OSCE/ODIHR recommendations after a series of elections in Albania, which are reviewed and reflected into the Electoral Code, guiding these elections. Actually, there is a lot of discussion about the main recommendation related to the depoliticization of the administration that organizes and holds elections in Albania. What is your view about this process? Do you think it is doable, given that the depoliticization process has not been accomplished for over 20 years?

Borchardt: The depoliticization of the electoral structures is of course one of the important recommendations, but that is not all. Over the first half of this year, the OSCE has coordinated and also itself mobilized a lot of support for the *ad hoc* Committee on Electoral Reform. We had eight big workshops where all the different aspects were discussed, including the wishes of the parties on new voting technologies, and on out-of-country voting, but mainly on the recommendations of the OSCE/ODIHR. Just to give some examples on what was discussed and we recommend, to name but a few points:

Robust efforts to address the persistent issue of vote buying, both through civic awareness campaigns and through more prosecutions. The low number of people sent to court, so far, for election-related crimes does not have a real deterrent effect. Also, the parties have to make much more close commitments.

Then, there were recommendations made on more transparency of campaign funding and spending, which would also shed light on how much money is used for different election-related activities.

Another issue is the abuse of State resources in the campaign. We recommended setting up an independent body to monitor this.

Another very long-standing OSCE/ODIHR recommendation which has been for many years is that Albania should repeal criminal provisions on defamation, in favour of civil remedies designed to restore the reputation which has been harmed. We gladly of course offer further help in that field and also the help of our Representative for the Freedom of Media.

Another important point, as you mentioned, is the non-partisan appointment of election commissioners and counting team members.

But it goes on. During the last local elections, a big step forward was that 50% of the candidates were females. This can be improved by guaranteeing them also good positions on the list, like a zipper system, one man, one woman, or something similar.

And we have also offered support for an alignment between the decriminalisation law and the electoral law, so they fit more smoothly together.

We have observed the discussion and the different workshops. We have seen a lot of common ground and I use this opportunity again to encourage consensus finding on electoral reform.

RTSH: Elections in Albania are monitored and consistently included in the conditionality for Albania in the EU integration processes, and this has been going on for over 10 years. Conditions are frequently imposed, and consequently the Electoral Code is frequently amended. Meanwhile, the German parliament and the Netherlands parliament have included in their conditions both the electoral reform and the conduct of the next elections with this reform in place, accepted and not opposed by the parties. What is the OSCE's view about the decisions that bear a weight also in the decision-making for Albania's EU integration?

Borchardt: This is a question that should be addressed to the Parliaments you mentioned or to the embassies representing them. These Parliaments will have to decide what consequences they draw in case that one side obstructs the reform that they require from Albania. Let me underline very clearly that the OSCE Presence is not involved in the discussion about the opening of the EU accession negotiation. That is an EU issue and the OSCE has a much broader membership than the EU. We have more than 50 states on board and only half of them, approximately half of them, are EU Members. So, this is not part of our mandate here in the country. But, over the last 20 years, though, the Presence has supported any Albanian government to design, approve, and implement reform legislation, including on electoral reforms, which would reform the country's institutions, strengthen democracy, and promote rule of law; and in doing so we have of course also facilitated Albania's international co-operation and integration.

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