

ALBANIA

PARLIAMENTARY ELECTIONS

JUNE 29, 1997

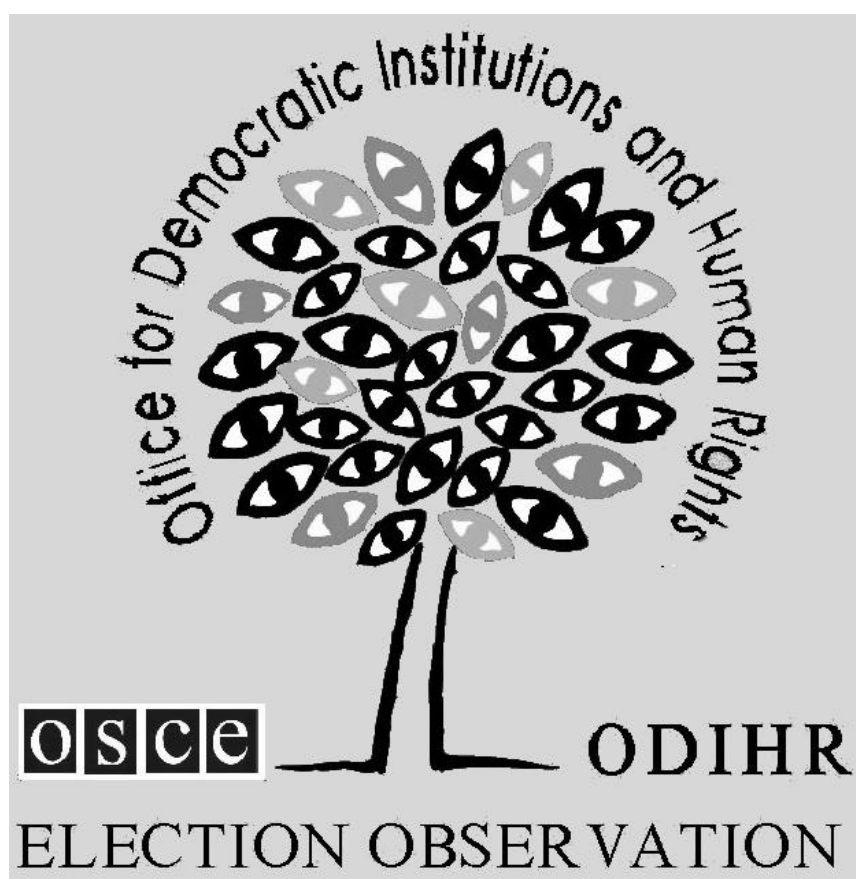


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BACKGROUND NOTES

After a deep political and economic crisis struck Albania at the beginning of 1997, a Government of National Reconciliation was formed with the participation of all major political parties of Albania. One of the main points of the platform of the Government of National Reconciliation, signed on March 9 1997, was the organisation of new Parliamentary elections, no later than June 1997, under full international monitoring. The election of a new Parliament was considered a crucial step in the process which aimed at putting an end to the political, social and economic crisis disrupting the country.

Dr. Franz Vranitzky, former Chancellor of the Republic of Austria, was appointed as a Personal Representative of the Organisation for Security and Co-operation in Europe (OSCE) Chairman-in-Office in Albania. In accordance with the OSCE Permanent Council Decisions N.158/March 20 1997 and N.160/March 27 1997 the OSCE, in co-ordination with other international organisations, established a Presence in Tirana to provide, among other things, advice and assistance in election preparation and to monitor the elections. The experts of the Office for Democratic Institutions and Human Rights (ODIHR) joined the OSCE Presence in Albania in early May to start the operation.

The realisation of the June 1997 elections in Albania would not have been possible without the excellent co-operation of the Multi-National Protection Force (MNPF), established in Albania in accordance with United Nations Security Council Decision N. 1101. The MNPF provided substantial logistical support and secured a stable environment for the election process.

INTRODUCTION

The OSCE's Office of Democratic Institutions and Human Rights undertook an Election Observation Mission during the 1997 Parliamentary Elections in the Republic of Albania. ODIHR also fielded a Technical Advisory Group (TAG) which undertook the role of advising the Albanian authorities on practical questions pertaining to the implementation of the Election Law and administration of the election and to give technical assistance within the OSCE mandate in Albania.

The OSCE Chairman-in-Office appointed Mrs. Catherine Lalumière as the Special Co-ordinator for the International Election Observation in Albania. Along with Sir Russell Johnston, Head of the Council of Europe Parliamentary Delegation, and Mr Javier Ruperez, President of the OSCE Parliamentary Assembly, she has reported on the overall conduct of the election process. A copy of their conclusions is attached as Annex 1. This Report complements their assessment.

Mr Anthony Cleland Welch (United Kingdom) was appointed as the overall On-site Co-ordinator for the OSCE Election Mission and Mr Nikolai Vulchanov (ODIHR Election Adviser) served as the Co-ordinator of the Technical Advisory Group (TAG).

The ODIHR started its technical advisory role at the end of April 1997 and offered its advice to the Albanian authorities on Voter Registration, the Election law, the Media and Voter Education. An analysis of the work of some 90 Technical Advisors is contained in

the Technical Advisory Group Analysis which is Annex 2 of this Report. The Observation Mission commenced in the second week of May 1997 with the gradual deployment of 26 Long Term Observers into 13 Regions throughout the Republic of Albania.

On Election day, 29 June 1997, the ODIHR deployed 475 International Observers, from 32 countries, to 106 of the 115 Electoral Zones. During the second round, on July 6, and the reruns in two zones, on July 13, 160 and 20 Observers, respectively, were deployed to cover all the Zones being re-contested. A brief preliminary analysis of the findings of the Observers for Election day can be found as Summary of Observation Statistics which is Annex 3 of this Report.

SUMMARY OF CONCLUSIONS

The ODIHR concluded that the Albanian Parliamentary Elections of 1997 can be deemed as acceptable, given the prevailing circumstances in the country. This election process has to be viewed within the context of a conflict resolution process following the grave political crisis that preceded the election, and which had immediate consequences for the election standards.

PRE-ELECTION PERIOD

The ODIHR found that the process leading up to the election was marred by a variety of problems. Some of the problems stemmed from the overall situation in the country; however, others seemed to be inherent to the Albanian election process. The problems were fundamentally of a procedural nature, which obstructed transparency in the process, and were magnified by the security situation. As a consequence, the campaigning and the choice of candidates by the voters was made extremely difficult.

Election Law

Last minute changes in the election law were agreed by the Albanian Parliament on the 13th and 16th of May, 1997. Some of the changes were the result of advice offered by the OSCE/ODIHR Technical Advisory Group.

These changes, in addition to those amendments made prior to the 1996 Municipal Elections, have modernised the Election law to some degree. They have, however, further compressed an already short election timetable when compared to the May 1996 Parliamentary Elections.

The election system, finally adopted, after a Constitutional Court decision from the first decade of June 1997, was a mixed one. It comprised the distribution of 115 mandates between party candidates on the basis of absolute majority, in two rounds where necessary, in single-seat constituencies (zones) and the proportional distribution of 40 additional mandates between those parties which gained not less than 2% of the valid votes on the national level.

Election Administration

The election administration in Albania was organised on three levels: a Central Election Commission (CEC), 115 Zone Election Commissions (ZEC) and approximately 4,700 Polling Station Election Commissions (PSC). It was decided that each commission would have a Chairman, a Vice-Chairman and a Secretary. The Chairman and the Vice-Chairman were to be representatives of the two biggest parties in Albania - the Democratic Party and the Socialist Party, while the secretary should be elected among the other commissioners who, at the zone and polling station level, should have been representatives of the local competing candidates. Seats in the CEC are equally distributed between the political parties in the governmental and opposition coalition. Within this division, seats in the CEC are distributed to representatives of political parties in proportion with their results in the election for the local government. Electoral commission's take decisions by a 2/3 majority vote.

Much time was lost in debate, among the Albanian authorities, over how best to proceed with organising the election process. The late formation of the Central Election Commission made an already short election administration timescale even shorter. The effect of these delays reached down to Polling Station level and, in some instances, caused late or non-opening of polling Stations on Election day. The extremely late notification of the names of candidates for inclusion on Ballot Papers (which were, for security reasons, printed in Italy) was a particular problem during the final days before both the First and Second Rounds. The advice of the TAG was not always taken; and in many instances the local election administration continued to follow non-transparent methods of operation.

There are still issues in the Election Law, including those pertaining to the Electoral Administration, which have to be seriously addressed before future elections take place in Albania. For example, the process of registering candidates by a previously established election commission, which might not yet reflect a multi-party nature, might not permit multi-party representation on the commission that validates a candidacy.

Voter Registration

Despite the best efforts made by the TAG and the Albanian authorities, the voter registration process remains incomplete and unsatisfactory. The destruction of some records during the turbulence at the beginning of 1997 meant that a number of voter registers had to be reconstructed in short time. There was no uniform method for this reconstruction and the integrity of some registers can be considered questionable.

Media

There was a generally fair overall coverage of the campaign by the State Television in terms of airtime, but not always in editorial content. The distribution of the print media was not uniform across the country. The print media remained largely split into two political camps, although there was some limited diversification in the independent media. However, the security situation in the country prevented a normal media coverage of the election campaign with many reporters being limited in their travel.

The Referendum

A Referendum on the adoption of a Constitutional Monarchy was conducted at the same time as the Parliamentary elections. The OSCE was not mandated to monitor the Referendum and therefore did not report on it. The TAG counselled against the dual running of two election processes, but the Albanian authorities chose not to take this advice.

ELECTION DAY

First Round

During the poll on the 29th June, 155 seats were contested in the corresponding zones and, despite the security difficulties, the majority of 4,525 polling stations were operating. Statistics drawn from an analysis of observer questionnaires on election day can be found summarised in Annex 3

Observers were of the general opinion that the conduct of polling station procedures, in the prevailing circumstances, was acceptable. They did note, however, a number of discrepancies in the administration of the election at polling station level. In certain areas, there were attempts at fraud and intimidation. It seemed that many discrepancies were brought about by ignorance of the procedures and a lack of training. Once again, this can be largely attributed to the short lead up to the elections and the security situation. The most extreme election day incidents were related to the political crisis, in which isolated acts of violence claimed the lives of some PSC members.

The circumstances for the count, after the closing of the polling stations, were worse than during the voting procedure. There was definite confusion over the conduct of the count in many polling stations, which in many cases was probably due to a lack of training of election officials. However, observers reported in general that the counting procedures at the polling stations were carried out in a more or less acceptable manner. Because of intimidation and manipulation in two zones, the results were subject to judicial procedure and elections there were rerun on July 13th.

There was a considerable delay in moving the results from the zone level to the CEC in Tirana. This can be attributed, in part, to the security situation and to the lack of transportation available to the ZEC's. It is also noted that there was some reluctance on the part of the perceived losers to render up the results to the CEC. This delay put a strain on the mechanism for the setting up of the second round of voting. In particular, there was an unnecessary delay in informing the OSCE and the Italian printing house of the names of the contestants for the second round ballots.

The aggregation procedure at the zone and central levels was not uniform and transparent, and attempts at intimidation, largely by gunfire and a threatening presence outside the ZEC's premises, were noted in a number of instances.

Second Round

The second round was conducted on the 6th of July in 32 zones. All zones were covered by the ODIHR international observers. The overall impression of the observers was that

the second round was better conducted than the first and that it was carried out in a calmer atmosphere. The turnout was, however, lower than that of June 29th, with noticeably less young people casting their vote.

Infringements of polling station procedures were less frequent than during the first round and they could have been attributed to a lack of training of election officials rather than deliberate fraud.

The rerun of the two zones already mentioned was carried out on the 13th July. The ODIHR international observers covered both zones.

RECOMMENDATIONS

The ODIHR would like to offer the following recommendations for electoral reform in the Republic of Albania:

Election Law.

There should be continued examination of the Election law to ensure that it precisely reflects modifications in the election system.

Consideration should also be given to achieving a broad consensus for reform of the electoral system, which could guarantee that the proportion of the mandates of the parties be as close as possible as the proportion of the votes cast for those parties.

The process of establishing election commissions of a multi-party nature as soon as the election is officially called for, and before the registration process for candidates commences should be encouraged. The composition of the election commissions might be extended after the registration of parties/candidates to include a potential representation of all contestants of the elections

Note should be taken of the compressed election timescale brought about by recent reforms; it is suggested that these timescales be re-examined in the light of events during this election and previous ODIHR recommendations. The establishment of a more realistic timetable in the election law for election-related deadlines would ensure a more orderly, transparent and uniform process.

The law should explicitly state all details concerning the validity or invalidity of a ballot paper.

Central Election Commission.

A close examination of the procedures and methods of working within the Central Election Commission will be necessary to overcome the existing difficulties in achieving effective, uniform and transparent election administration. The reluctance of the CEC to follow the advice of the TAG, which could have improved the process, was particularly disturbing during this election. The lack of transparency in the process of registration of candidates and the aggregation of the votes is a point of serious concern. A uniform and transparent

election administration by the CEC would be greatly improved by the issuance of timely guidelines and written decisions explaining the implementation of the Election Law, which should be uniformly supplied to ZEC's without delay.

Zone & Polling Station Commission Training.

Standardised training in the election process will be necessary for zone and polling station commission staff which should follow from improvements at Central Election Commission level. This training should be undertaken as a matter of urgency and should cover all aspects of the implementation of the Election Law.

Voter Registration.

A complete voter registration exercise should be undertaken immediately in order to prepare for any forthcoming elections. This can be combined with a civic registration process which will be necessary in view of recent large-scale movements of the population. The right to easily inspect the register should be ensured in practice as well as in the law, and the process for amending the register should be explained to the electorate. It should, however, be stressed that a complete and accurate voter registration process is not a one month event.

The Media.

The Republic of Albania should continue the process of establishing democratic standards in the performance of the State media, which should ensure equitable time and editorial presentation to political parties to convey their message to voters, and augment programs that allow parties/candidates to exchange their views in dialogue with one another. The governing board of the State Radio and Television should represent a cross-section of political opinion and act as an independent and depoliticized body.

Voter Education.

More time should be devoted by the election and State administration, and by the media, during the run-up to an election, to the explanation of voting procedures and to the election campaign. This must be done in conjunction with improvements in media coverage noted above.

Domestic Observers

The Albanian authorities should take all necessary steps to ensure accreditation of non-partisan civic observers, as well as party observers, in all future elections.

Annex 1
to ODIHR
FINAL REPORT

The Albanian Parliamentary Elections 1997

Special co-ordinator and Parliamentary Troika
International Election Observation
Final Report



**ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

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**SIR RUSSELL JOHNSTON
HEAD OF THE COUNCIL OF EUROPE PARLIAMENTARY DELEGATION**

**JAVIER RUPEREZ
PRESIDENT OF THE OSCE PARLIAMENTARY ASSEMBLY**

**FINAL REPORT
PARLIAMENTARY ELECTIONS IN ALBANIA 29 JUNE - 6 JULY 1997**

This final report was foreseen in the Political Contract of 9 May 1997 signed by the main political parties. Based on the findings of international observers, we are confident to say that, in our judgement, these elections can be deemed as acceptable given the prevailing circumstances. They should constitute the foundation for a strong, democratic system that the Albanians want and deserve.

During the first and second round, irregularities were observed which were, in a few cases, serious ones. A final technical assessment containing a more detailed analysis of the whole electoral process and recommendations will be released by the Office for Democratic Institutions and Human Rights of the OSCE after the final round has been completed¹. It is up to the Albania judicial system to process complaints in accordance with the domestic legislation.

¹ The election process could not be completed after the second round, due to some of the problems identified in this report. However, the few expected run-offs can neither change the overall outcome of the election, nor the main conclusions drawn from the observation.

Pre-election Period

The pre-election period was marked by a number of problems, mainly stemming from the overall situation in the country. The security conditions, in particular, made normal technical preparations and observations difficult in the extreme. The presence of the Multinational Protection Force helped to improve the security situation, thereby allowing the elections to take place.

These problems were mainly of a procedural nature, relating to the inability to strictly observe the timetable set forth in the Electoral Law. As a result, the necessary flow of information to the electorate was uneven throughout the country. In some cases, voters were not sufficiently informed to be able to objectively select among the candidates.

This, coupled with the serious hindrances in campaigning, particularly in the South, brought about by the security situation, made normal preparations for the elections extremely difficult.

However, the Albanian authorities responsible for the administration of the election, particularly the Central Election Commission, displayed a high degree of commitment and responsibility in seeking to overcome the very real problems facing them.

In particular, the following significant difficulties were observed:

- The Electoral Commissions, both in the electoral zones and in the polling stations, became operational at a very late stage in most areas.
- The voters' lists were not completed on time. In several polling stations, no voters' lists at all were available for the first round.
- The list of candidates was established at a very late stage in several electoral zones, and was forwarded to the Central Election Commission at the very last moment.
- The late printing of the ballot papers and the distribution of election material also caused serious delays, resulting in several polling stations not receiving them in time for the first round.
- The opening and closing hours of the polling stations were changed only the day before the first round by a ruling of the Constitutional Court. This change had been held up for some time, seemingly for political reasons.

Media

The State TV and Radio followed the election law and the media guidelines issued by the Central Election Commission on 31 May 1997. The monitoring resented to the OSCE by the *Osservatorio di Pavia*, an Italian media research institute, indicated an overall fair coverage of the campaign by the State TV in terms of airtime. There have, -however, been reports that indicate footage of rallies by one party were taken from last year where crowds were significantly larger.

Compared to the State TV, the influence of print media on public opinion is relatively limited. It remains split into the two major political camps. The largest dailies are still either political party publications or nominally independent papers that demonstrate strong political bias. It has to be noted, however, that in the aftermath of the recent political crisis, the independent print media became more diversified. However, technical difficulties and distribution problems prevented circulation to a large part of the population.

Coverage of the campaign in many parts of the country was limited by crime--related thefts of reporters' cars and equipment.

First Round

Although great difficulties in the weeks before the election caused many observers to doubt the ability of the Albanian authorities to conduct a successful election, the large turnout of voters (73%) demonstrated that Albania, in close co-operation with the OSCE, was able to organize the voting day in a reasonably orderly fashion. On the same day, a referendum on the question of Constitutional Monarchy took place. This referendum, which the OSCE had recommended should be held on a separate date, did not fall within the OSCE's mandate.

Despite the logistical difficulties reported above, a vast majority of the 4,500 polling stations were in operation on election day, although in some cases opening late. Diaspora voters were allowed to return home to cast their ballots.

Over 500 short-term observers, including 112 parliamentarians from the OSCE Parliamentary Assembly, the European Parliament, the Parliamentary Assembly of the Council of Europe, the North Atlantic Assembly and various national parliaments, were deployed in more than 250 teams, covering a high percentage of the voting population. They were able to visit polling stations, witness the counting of ballots and freely interview voters. The co-operation of the polling stations commissions with observers was on the whole excellent. Although observers' findings will be presented in a more systematic manner in the final technical assessment, one may draw some conclusions at this stage:

- The vast majority of the observation reports indicate that the voting procedures were being followed in a good or very good manner.
- In areas where there were difficulties, the majority of the problems were ballots not stamped or signed family voting and ballot box seals not properly affixed. These cannot be considered as serious violations. It was only in a small percentage of cases that the difficulties could be described as acute.
- The quality of the security at polling stations was generally described as good. However, there were incidents, including the seemingly election-related murder of one polling station official, which is to be condemned.
- The counting and tabulation process was very slow and problematic. There were instances of manipulation and intimidation at the Zonal Electoral Commission level; these serious irregularities, although of no implication on the overall results are to be deplored and, eventually, corrected through the normal judicial procedures. The Central Election Commission was hampered in its work by the, in some instances, deliberately slow transmission of result protocols from the Zones. Serious lack of transparency and missed deadlines made the timely preparation for the second round difficult.

Second Round

On 6 July, a second round took place in 32 zones. In addition, one zone held a first round election. This followed a week of some tension, including a serious shooting incident during a rally. One person was killed and a number of people injured.

The second round was monitored by over 150 short-term observers, including parliamentarians from the Council of Europe and the Italian Parliament, who covered all contested zones. Over 600 polling stations were visited during the day and many were returned to in the evening for observation of the vote count.

The hours of polling went calmly with a voter turnout below that of the previous week. A number of minor incidents were reported but generally there was no deterioration in the situation reported during the first round. Again, we have to condemn the killing of two election officials during this round. Overall, observers indicated that there were no serious technical violations of the voting process.

Conclusions

We believe, therefore, that we can say that the elections can be deemed as acceptable, given the prevailing circumstances, because:

- of the large participation of voters, in particular during the first round
- voters were generally able to cast their ballot without fear or intimidation
- the conduct of the electoral commissions appears to have been, apart from a relatively small number of incidents, correct and impartial. Domestic and international observers were, for the most part, granted access to all stages of the voting and counting without interference or intimidation.

The results of these elections should be the foundation for a strong, democratic system, which Albanians want and deserve. It is, however, essential that all Albanian political parties observe the commitments they have made to respect the results of the elections. We recall that the international community expects a major effort towards national reconciliation after the elections. Without such reconciliation, there will be no basis for defining the terms of international aid, and the continued support of the international community.

We should like to commend the OSCE, and in particular the efforts of Dr. Franz Vranitzky, the Multinational Protection Force, as well as the Council of Europe and the European Union for the tremendous contribution that they have made to the international effort to help build democracy in Albania.

Catherine Lalumiere
OSCE Special Co-ordinator for the Albanian Parliamentary Elections
Member of the European Parliament

Sir Russell Johnston
Head of the Council of Europe Parliamentary Delegation

Javier Ruperez
President of the OSCE Parliamentary Assembly

Annex 2
to ODIHR
FINAL REPORT

The Albanian Parliamentary Elections 1997

Technical Advisory Group
Analysis

TECHNICAL ADVISORY GROUP ANALYSIS

Executive Summary

Pursuant to OSCE Permanent Council Decision N.160/March 27 1997 a Technical Advisory Group (TAG) was organised by the ODIHR to accomplish the relevant part of the OSCE mandate. The first members of the TAG joined the OSCE Presence in Albania in early May and the last ones left the country after the last by-election took place in mid-July. During the campaign period and until June 29 the TAG consisted of a core team of approximately 20 advisers and 80 field advisers who were deployed throughout the regions of the country where the MNPF could assure adequate security conditions. All activities of the TAG were based on the formula that the June 29 election was “an Albanian election”; the TAG was only advising and assisting but not administering the election.

The main fields of activity of the TAG can be summarised as follows:

- assessment of the pre-electoral situation in the country;
- analysis of the existing election law and formulation of proposals for amendments;
- creation of election manuals for the polling station and zone electoral commissions;
- formulation of proposals for the design of ballot papers, protocols, stamps;
- creation of voter education materials;
- transference in bulk to the Albanian authorities of election materials procured and/or produced outside of Albania - ballot papers, polling station and zone protocols, individual stamps for the polling stations, indelible ink, ultraviolet lamps and ballot boxes;
- technical advice on the vote aggregation procedures and a bulletin of the Central Election Commission with all election results;
- technical assistance to the OSCE Observation Mission in Albania.

It is fair to state that while good working relations were established between the OSCE TAG and the various Albanian authorities, the overall technical assistance process was often difficult to organise and co-ordinate. Some examples are: the reluctance of the Albanians to organise a complete voter registration exercise; the failure to take an early decision on the type of technical assistance required; the last minute changes in the election law; the threat of the Albanian Central Election Commission (CEC) to cancel the elections if the ballot papers for 10 electoral zones were not reprinted less than two days before election day; the dilatory aspects of dealing with the Director General of the Local Government at the Ministry of Interior and the Personal Advisor to the Prime Minister; certain unrealistic demands for financial assistance; the reluctance for transparent aggregation procedures in the CEC. There is an overall impression that, while the Albanian authorities were apparently eager to work with the international community, they often followed their former, and rather non-transparent, election practices.

Analysis of the Existing Election Law and Proposed Amendments

The analysis of the existing election law revealed certain procedural inconsistencies in the appointment of the election commissions, potential for complete control by the ruling party on the electoral commissions, and lack of transparency in the voting, aggregation and declaration of the election results. Proposals to amend the law were discussed with the OSCE Presence and the Vranitzky Group in Tirana and some of them were included in the

Political Statement of Dr. Franz Vranitzky from May 15 1997. These proposals found their place in the last amendments of the election law, approved by the Parliament on May 16. As reported to ODIHR, these last amendments comprised an improvement on the issues of the composition of electoral commissions and the aggregation and declaration of the results. There was, however, no improvement on the issue of the voters registration and the election timetable. The election timetable would have been difficult to execute even under normal security/administrative conditions, but under the prevailing circumstances was totally unrealistic. As a consequence many deadlines were missed in the pre-election period.

Assessment of the Pre-Electoral Situation

There was disagreement between the political parties on the most fundamental aspects of the election system, even after the election system was changed by a Constitutional Court decision from the first decade of June. The structure and mode of operation of the election commissions gave some advantage to the ruling party, until the last amendments to the election law were approved by the parliament on May 16.

All opposition parties complained about the bad quality of the voter registers, which are prepared manually as extracts from the civic registers. The fact that to date there is no computerised voter register in Albania compounded this problem. The election law was partially amended after the 1996 elections and generally improved to some degree, but it is still largely characterised by procedures which lack integrity and transparency.

The security situation in the country was far from encouraging. The looting in March resulted in destruction of some municipal offices and other public buildings used for the election process. The increased internal migration and the emigration of the population posed additional difficulties to an eventual election process.

The Creation of Election Manuals

Members of the TAG core team in Tirana created, edited and published an Election Manual for the PSC and another manual for the ZEC. The first manual was published in 15,000 copies in Albanian and 2,000 copies in English for the needs of the OSCE Observer Mission. The publication of the manuals was preceded by written approval by the Albanian CEC however, and contained modifications in line with the OSCE Observer Code of Conduct.

Proposals for Design of Ballots and Protocol Papers

The design of the sensitive election materials was discussed with the General Director for the Local Government and the Personal Advisor to the Prime Minister. Both officials showed reluctance to apply some proposed security measures for the polling station protocols (triplicate carbon-back paper) and a tendency to preserve the existing practice. This was exactly the same reluctance as they exhibited when a completely new voters registration exercise was proposed a month earlier. In contrast, the design of the security features for the ballot papers and the polling station stamps was accepted.

Voter Education Materials

The voter education materials were prepared by the media, election and legal experts from the TAG. Although the most basic elements, such as voting sequence and procedures, were not formalised by the CEC until 9 days before election day, a “How to Vote” video tape, approved by the CEC, was run 4 times daily by the Albanian State Television Network starting from June 23. There were indications that the tape was widely seen throughout Albania. It was also aired by a number of foreign TV networks. Corresponding radio broadcasts were aired by the Albanian State Radio.

The “get out to vote” motivation posters were orally approved by the CEC but after the printing of 100,000 copies, the CEC formally demanded that they not be distributed arguing that part of the text was printed with a colour coinciding with the colours of one of the main parties in Albania. The same number of information pamphlets were successfully distributed across the country.

Transferral of Election Materials to the Albanian Authorities

The transfer of the election materials, procured outside Albania, to the Albanian authorities was a challenging task. Two different options were discussed within the OSCE Presence in Tirana. One of these was to transfer the election materials “in bulk”. This is to say to deliver to the Albanian authorities, within the agreed time frame, all ballot boxes, ballot papers, etc., in the appropriate quantities ordered by the Albanians, at the airport in Tirana and let them disseminate these materials across the country. The other option was, after the shipment of the election materials to the Tirana airport, to prepare “bags” for all polling stations with each “bag” containing all the necessary materials for one polling station. It was decided that the first option corresponded to the OSCE mandate and this seemed to be the right decision in view of the continuous attempts of the Albanian administration to involve OSCE into the election beyond the mandate. The transferral of the election materials was documented in detail via *Bulk Transferral Agreements* prepared for this particular purpose by the TAG legal advisor.

The process of procurement, shipment, storage and delivery was a difficult one due to the failure of the Albanian authorities to respect the election timetable and to respond in time to the requests for information on the part of the TAG team. This process would have been impossible without the participation of the MNP Italian Unit at the Tirana airport.

After the hand delivery of an outdated letter submitted by senior state officials requesting an unreasonable amount of financial assistance and bearing a date two weeks prior to the date of receipt, the practice was introduced by the TAG to make all agreements with the Albanian authorities in written and carefully dated documents.

As late as June 6, the Prime Minister’s Office submitted written requests to the OSCE of quantities of election materials with short deadlines which were requested according to the assistance mandate. The ballot boxes were shipped from Bosnia-Herzegovina. The ultraviolet lamps, the batteries for the lamps and the indelible ink bottles were shipped from Vienna. The ballot papers were printed and packed by the Italian State Printing House in Rome and then shipped to Tirana.

The stamps for the approximate 4,700 polling stations, numbered individually, were procured by the OSCE in Vienna and came from the Netherlands. Due to specific requirements of the Albanian authorities, they were manually packed in 24 hours by members of the TAG, which required an immense effort.

The process of printing and packing of the ballot papers and the protocols in Italy was attended by members of the TAG and supervised by Albanian officials. Due to the failure of the CEC to accomplish the candidate registration within the time frame of the election law, the names of the candidates were subject to changes until the last minute. As a result a significant quantity of ballots and protocols were annulled even in the Printing House. A critical situation was created when at 10.00 on June 27 three members of the CEC visited the OSCE Presence with the request to reprint the ballots and the protocols for 10 zones, stating that in case of refusal the elections would have to be cancelled. A positive decision was taken by the OSCE/ODIHR after consultations. Even in these impossible circumstances the Italian State Printing House, thanks to an extraordinary effort, succeeded to print and ship the ballots on time, while the OSCE Presence and the TAG representatives delivered the new ballots and protocols to the Albanians. The invalidated ballot papers and protocols were burned at the airport by the MNPF in the presence of TAG members.

The procurement, shipment, storage and delivery of the election materials for the second round was carried out similarly.

The Vote Aggregation Procedures and the Bulletin of the CEC

An election system with a prevailing majority element, such as the one implemented in Albania, requires perfect procedures for vote count in the polling stations and aggregation of the votes at the zone (constituency) level since it is possible that the winner of each mandate can be determined by a single vote. This poses a demand for complete transparency of procedures. One necessary condition for such transparency, in view of the above mentioned election system, is the immediate publication of the complete results from all polling stations and zones in one concise publication - the Bulletin of the CEC - which has to be distributed between the political subjects before the deadlines for the appeals have expired. Although the requirement for the timely publication of the Bulletin was included in the last amendments of the election law, the Bulletin was produced very late, regardless of the efforts of the TAG members to assist and advise the CEC on the Bulletin issue.

First, due to a lack of experience on the part of the CEC and to bad communications in the country, the vote count practice was not uniform - different criteria for the validity/invalidity of the votes were implemented. The concern is that these criteria might influence the result of the vote count, particularly when the margin of victory between candidates is small. The counting procedures must be uniform, transparent, and completely precise particularly in the case of a majority system, where in certain cases one vote can determine the winning candidate.

Second, the previous election practice of bargaining for the allocation of mandates instead of counting and aggregating correctly was implemented again - at all levels of the election administration.

As a result, despite all the efforts, and regardless of the computers given to the CEC to facilitate the processing of the results, and the fact that a contract of USD 10,000 was signed by the OSCE Presence and the CEC to produce the Bulletin, it was not produced within the legal deadlines. The Bulletin was submitted to the ODIHR for review in mid-October. It was established that the Bulletin was far from perfect, but nevertheless, the mere fact that it was finally produced in a credible format, is a step forward to more

transparent elections in Albania. It should be noted, however, that the real value of the Bulletin diminishes if it is not published immediately after the election.

Technical Assistance to the OSCE Observation Mission

In addition to the preparation of the English language versions of the polling station and zone commission manuals for the observers, members of the TAG participated in the briefing sessions for the short-term observers (STO's) for the two rounds, informing the STO's about the voting (especially the procedures related to the voters registers) and counting procedures in the polling stations.

Annex 3
to ODIHR
FINAL REPORT

The Albanian Parliamentary Elections 1997

Summary of Observation Statistics

Summary of Observation Statistics

This report provides an overview of the results from the completed observation forms received from international observers of the voting and counting of the votes in polling stations of the Albanian elections on 29 June, 1997. By Saturday, 5 July, 12:00, reports were received from a total of approximately 1944 polling stations. Forms came in from the prefectures Tirana (556), Durres (243), Korce (252), Fier (191), Elbasan (122), Shkoder (84), Gjirokaster (111), Dibier (81), Berat (50), Vlore (110), Kukes (45) and Lezhe (90). Observers covered 106 out of 115 zones in Albania. Consequently, observers were observing the voting process in most of the country. However, some prefectures and zones are clearly over-represented (particularly in the Tirana area), whereas from some regions only a limited number of forms were delivered to the Statistical Office in Tirana. This means, that although observers covered a wide range of polling stations, the figures presented in this report do not provide a statistically representative overview of the whole of Albania and therefore should be treated with caution.

In addition, a total number of 177 counting forms were received.

At a vast majority of the polling stations - 88% - the conduct of the poll was estimated "good" or even "very good". Observers reported that, on average, the circumstances followed procedures and the voters' understanding of the voting process were found to be between "not good/not bad" and "fairly good". Intimidation of voters, agitation or unrest, and campaigning was seen in very few stations only. These results do not differ between the north (Shkoder, Kukes, Lezhe, Dibier), middle (Durres, Tirana, Elbasan) and south (Fier, Berat, Korce, Gjirokaster, Vlore) of Albania.

Observers recorded that the PSC consisted of several members and that all of them were involved in the voting process at most polling stations. According to the observers the PSC's worked well, were acting impartially and accepted the presence of observers. At most stations (94%) observers noted that the quality of the security was good. It has to be recalled, though, that all observer teams were escorted by the Multi-National Protection Force during the whole election day.

Despite these positive general judgements, observers noted some specific problems and irregularities. Observers saw that in many polling stations (34%) not all ballots were signed and stamped before the opening of the polls. Observers noticed in one out of seven stations that the ballot boxes were not sealed properly. The inking procedure caused many problems as well. This may indicate that better instructions are needed to overcome such problems in future. Proxy and family voting was another issue during the elections. Observers reported that in half of the polling stations many voters did not cast their vote by themselves or alone.

However, observers did report procedural problems and irregularities from all over the country. In particular problems regarding the identification check, the stamping of the identification documents, the application of the ink and the sealing of the ballot boxes.

Observers reported that in 88% of the polling stations one proxy of a party was present. At least two representatives of different parties were present at 78%, and three in 69% of the stations observed. Observers noticed that in 9% of the polling stations at least ten members of different parties were present. Observers noted that in 78% of the polling stations a

representative of the Socialist Party was present, while in 71% of the polling station there were representatives of the Democratic Party. In two out of five stations a proxy of the Legality Movement and the Democratic Alliance were present. Observers reported that other parties had fewer representatives present in the polling stations.

Observers were requested to note the number of registered voters and voters who already had voted at each polling station they visited. According to observers, by 14:00 50% of the electorate had voted. Till 14:00 the graph shows a linear dependence, which indicates that every hour more or less the same number of voters went to the polling station. Between five o'clock and the closing of the stations, 66% had cast their vote. This indicate that in Albania the turnout was at least 66% based on the voters register.

After the poll, observers were requested to observe the count in two polling stations. A total of 177 of counting forms have been received. Observers' overall impression about the conduct of the count was "good" in 67 stations, and even "very good" in a further 38 stations. A "bad" conduct of the count was seen in 27 stations and a "very bad" impression was observed in 16 stations (in a further 29 reports observers did not - or could not - provide information on this point). This means observers judged that in 29% of the stations the conduct of the count was (very) bad and in 71% (very) good. Observers also gave their opinion as to the organisation of the count and the understanding of the counting process. The organisation was judged to be (very) bad at 33% of the stations visited; voters reported that the commission understood the counting process (very) bad in 25% of the stations.

Apart from the overall opinion observers were requested to give answers to specific questions. Observers witnessed that in 11% of the visited stations the signatures on the voters' registers, and in a further 14% the unused ballots, were not counted. Observers noticed that the ballots were not counted one by one in 12% of stations and in 20% not all ballots were shown to all members of the PSC. In a further 12% of stations observed the invalid ballots were not counted separately and in 37% of the visited stations the number of ballots differed from the number of registered signatures. In addition, at 9% of stations not all members of the PSC signed a copy of the protocol and at 20% of stations the members did not receive a copy. In addition to the above, observers noticed many other problems related to the counting procedure.

Observers were asked to give additional comments. According to many observer teams, the conduct of the count was overshadowed by a lot of incidents, such as gunfire outside the station. Other teams commented on the counting rules. Several PSC's had not had enough training or experience to perform their duties in a professional manner. Particularly the invalidation of the votes led to many misinterpretations, confusion, debates and consequently - to a slow counting process. Observers recorded that fraud had occurred in a few stations. On the other hand, in spite of many mistakes made by PSC members, observers reported that this did not appear to be intentionally done in many polling stations visited.