



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

**INTERVIEW OF THE HEAD OF PRESENCE, AMBASSADOR BERND
BORCHARDT, GIVEN TO THE VOICE OF AMERICA'S ALBANIAN SERVICE,
ON ELECTORAL REFORM ISSUES**

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Q: Mr. Ambassador, elections in Albania are a common topic of discussion, and the Electoral Code has been amended 12 times in 29 years. What do elections in Albania lack, in your opinion, and what would be, let's say, a definite electoral reform that would made further amendments unnecessary for a long time?

Ambassador Borchardt: Thank you very much for this question. I would like to clarify on the whole picture of the debate. First of all, the OSCE/ODIHR, our experts from Warsaw, have formulated since 2013 recommendations on how to improve the Electoral Code, how to fill gaps, how to repair. The second part of the discussion was introduced after the 2017 elections. That was a discussion about the introduction of new voting technologies or electronic voting, and the issue of out of country voting. The third part is a more recent debate; that is a debate of changing the whole electoral system. I will now go into these three aspects and comment on them a bit.

First, the OSCE/ODIHR recommendations. For us, these are recommendations. We do not have any executive mandate here, of course, and we do not want that. But we would, of course, like to help Albania to improve its electoral system by implementing these recommendations. For that purpose, last year, we organized six broad workshops, where international best practices to find replies, to find improvements were discussed. There are a lot of recommendations, many are very technical, but important aspects are for instance: to define mechanisms to avoid pressure on the public service during the election, to avoid abuse of the public administration during the election campaign. Another one is the investigation of all allegations of abuse, including vote-buying. A very central one is the depoliticization of the election administration. Better campaign financing, oversight through a depoliticized Central Election Commission is an aspect. Or to stop, you know that, you get from the parties these prefabricated 'tapes' instead of the parties enabling you to go to their events and then to report independently on that. There is much more; some are very technical, so I will not go into them. We have discussed how in other countries, in other systems, these problems are solved, and we will continue to support Albania on that way. The decision of the German parliament, requesting from Albania an implementation of the reform, put a new impetus into this debate. Already at the end of last year, we have seen two draft laws which accommodated the recommendations which were formulated until 2017. One covered, let's say, 90% of them, the other one was a bit weaker, but that is already a good starting point.

The second aspect of the discussion is the discussion on new voting technologies, and on out of country voting. Also, on both of them, we organized workshops last year and we debated with the experts of the parties on how to accommodate, how to introduce that. On out of country voting there are different models, and our experts introduced the pros and cons of the

different models, be it voting in embassies, be it voting by mail, by post, by letter. On the electronic voting, our experts also explained advantages, disadvantages and the risks if you do it online, and the risks are high. If you do it offline, you have to prepare it over long time, because you must do an elaborate campaign to explain to voters how that works. You want to see also that some old people in the villages, who are not playing with their smartphone every day, that they are able to vote in this voting machine. It is doable, but it needs time to be implemented, and it is very costly. Another aspect is electronic counting, which is much cheaper and much easier to do.

The third aspect of the discussion, which started recently, is the debate about introducing even a new electoral system for Albania. That, again, has two aspects: one is the general rules. The general rule, a strong recommendation from us and the Council of Europe, is that this is introduced at the latest one year before the elections, so that people can be properly informed how it works. The other one is what kind of electoral system? We do not make suggestions. There are many different systems which are legitimate and can work, and only Albanians can decide what is the best system for the country. What we can do is, if you, if Albanians, their politicians, their members of parliament decide with majority we want this system, then we can say, but if you want this system, you have to take care of this and this and this technical aspect. So this would be our role in that context. And this discussion is still at a fairly early stage. The workshop that was organized by us last week was dealing with this discussion, with these elements.

Finally, to conclude, for us the most important are the recommendations. It seems this is a central element in the EU debate as well, and we encourage the ad hoc committee to work on that and to find a solution at the latest until the end of the year.

Q: The extra-parliamentary Democratic Party proposed at the roundtable the establishment of a new structure with OSCE, EU and US experts, thus refusing to recognise the current bipartisan electoral reform committee. What does the OSCE think about this proposal?

Ambassador Borchardt: This encompasses two aspects. One aspect is how to discuss questions about implementation of the OSCE/ODIHR recommendations, questions about a new electoral system, and that can be done in workshops, as we did it last year. And we are more than willing and we offer to organize these workshops. There are also requests, in the list of the German parliament for instance. there is also request to also change the party financing. We are more than happy to organize debates around that. I cannot speak for our US or EU partners, but I would imagine that they would be willing to contribute to this debate as well, and I know that other bilateral partners of Albania and our friends from the Council of Europe have already been working with Albanian structures on party financing, for instance. But the decision making... your constitution is very clear how that works: you need a qualified majority in parliament.

Q: So, to you the SP proposal falls outside of the Constitutional framework, and you say that the DP is invited to participate, is this correct?

Ambassador Borchardt: The ad hoc committee has invited the DP to join, but if they do not want to join, I encourage them to provide the input into the discussions. And if the DP is willing to do that in another format to enrich the discussions, and I know that they have excellent experts, we are willing to help with that. We are willing to provide a framework for

that. But the decision is with Albania, and the decisions are done in the constitutional framework. How to discuss the decisions before they are taken, that is a different question.

Q: Election experts and observes notice a deterioration of the situation, based on the OSCE/ODIHR recommendations, especially with regard to vote-buying, a phrase that did not exist in earlier recommendations. You also recommend the investigation of all claims, including vote-buying. How do you consider investigations on these cases so far?

Ambassador Borchardt: I would like to be precise. The report of the OSCE/ODIHR said that there are widespread allegations of vote-buying, and that this is undermining the trust in the elections, and therefore more should be done in that field. And there is a number of recommendations on how to do that, and in the debates of the ad hoc committee last year, we had some ideas on how to do that. A central recommendation from the last elections, which was not focused on vote-buying but on all kinds of infractions in the framework of elections, was that the prosecution follows up intensively. After the 2017 elections, we had about 400 allegations about vote-buying. The police sent about a hundred to the prosecution, and in the last report of the prosecution, there were I think four investigations ongoing. This is very little. That shows also something about the dimension, but I encourage the prosecution to look very intensively into all infractions be it pressure, illegitimate pressures on voters, illegal pressure on voters, be it vote-buying, be it other infractions.

Q: The opposition MPs in parliament condition their vote for electoral reform with the change of electoral system. Without their vote, the reform cannot be approved. Does this create any difficulties?

Ambassador Borchardt: I believe if there is a political will you can implement or, at least, draft until the end of the year and agree in the ad hoc committee on the implementations of the OSCE/ODIHR recommendations. A lot of work has been done last year, and when you build on this work, you can achieve that. Reviewing the electoral system... the debate started last Wednesday. I think that would take a longer time. So, it would be a big challenge to do that until the end of the year. But even that should be done until spring/early summer next year, because it is a very strong recommendation from the Council of Europe and the OSCE/ODIHR to change the system not later than one year before the next elections. So, the work has to go on in parallel.

Q: The opposition has constantly insisted on early elections. Can the electoral reform be ready in case of early elections?

Ambassador Borchardt: I know that there is an enormous lot of speculation going around about early elections, but you have a Constitution, and this Constitution says that elections take place in 2021, so a bit more than one and a half years. There are mechanisms in your constitution how to reach early elections, but that is a political decision, on which I certainly have no say.

Q: How much time is needed for a comprehensive and correct reform that also respects the Electoral Code deadlines? Are we ready for the 2021 elections?

Ambassador Borchardt: These are strong recommendations from the OSCE/ODIHR and from the Council of Europe not to introduce a new electoral system later than one year before elections.

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