



OSCE/ODIHR
ELECTION OBSERVATION MISSION

REPUBLIC OF ALBANIA
LOCAL GOVERNMENT ELECTIONS
1 October 2000



STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Tirana, 2 October 2000 — The Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) Election Observation Mission (EOM) for the 1 October 2000 local government elections in the Republic of Albania issues this statement of preliminary findings and conclusions before the final certification of the results and before a complete analysis of the observation findings. The OSCE/ODIHR will issue a comprehensive final report on these elections approximately one month after the completion of the process.

Preliminary Conclusions

The 1 October 2000 local government elections in Albania marked significant progress towards meeting the standards for democratic elections formulated in the 1990 OSCE Copenhagen Document.

In contrast with previous occasions, these elections took place in a tense but remarkably peaceful atmosphere, with only a few isolated incidents of violence reported during the campaign and election day. This was a reflection of restraint exercised by political parties and important measures undertaken by the Government to improve public order.

On election day, voting was carried out in an orderly manner, commissions generally administered the procedures correctly, and police conduct was appropriate. Some irregularities were noted, but none seemed significant enough to impact the outcome. The counting of the results was also done in accordance with the law.

Following the 1997 crisis, the authorities of Albania undertook an ambitious program of reforms, including a new constitutional, legislative, and administrative framework that made substantial progress towards improving State structures and meeting international standards for democratic elections. However, the Albanian political scene remains highly polarized, and the reforms were used by the main political parties for campaign rhetoric, with the opposition Democratic Party (DP) rejecting most of the reforms.

A new electoral code, the result of multiparty roundtable discussions with the participation of international experts, in general provides a sound basis for democratic elections. However, the parliamentary majority introduced some inconsistent transitional provisions in the code that compromised the political balance of election commissions.

The administrative framework for these elections was problematic. The appointment of election commissions at all levels were contentious, causing delays in an already tight time frame. The Central Election Commission's (CEC) performance was hampered by shortcomings and its independence, though its performance in the current election was fair. In addition, errors and omissions in a new voter register presented another challenge that the CEC was able to address and almost all voters were able to cast their ballots on election day.

For the first time, a broad spectrum of media offered voters a wide range of information. The public broadcaster provided free air time equitably to all election contestants and increasingly fair coverage as the campaign progressed. The private media, however, continued to provide highly biased and less than professional coverage.

Preliminary Findings

Political Context

The 1 October elections were once again marked by the deep polarization of Albanian politics, stemming from past elections and the aftermath of the 1997 crisis. Indeed, the political scene in Albania remains dominated by the two main political rivals, the governing Socialist Party (SP) and the opposition Democratic Party (DP). During the past decade, the fortunes of both parties have shifted dramatically from one election to another.

Since the crisis, Albanian authorities undertook significant measures to reform State structures and the electoral framework, including a new Constitution (adopted in 1998), an electoral code (May 2000), and a computerized national voters register (summer 2000). In addition, an ambitious program of decentralization was started with the intention of giving representatives of municipalities and communes enhanced powers. In general, these new instruments made substantial progress towards improving State structures and meeting international standards for democratic elections formulated in the 1990 OSCE Copenhagen Document.

However, leaders of both political parties have used these reforms as electoral campaign issues, and the legal foundation and main institutions of the State remain highly disputed by the DP. In addition, the local government elections were viewed by both political parties as a test for next year's parliamentary elections.

Legislative Framework

The 1 October local government elections were held under a new electoral code (Code), developed in multiparty roundtable discussions under the aegis of the OSCE Presence and with the participation of international experts, including from the OSCE Presence, the OSCE/ODIHR, the Council of Europe, and the International Foundation for Electoral Systems (IFES). In general, the Code provides a sound basis for democratic elections.

However, some transitional provisions of the Code, introduced by the parliamentary majority late in the process and applicable only to the 1 October elections, are not consistent with the main provisions and recommendations of international experts. In particular, concerns were raised about the composition and chairmanship of local election commissions that compromised their political balance.

As a result of these transitional provisions and a continuing opposition to the new Constitution, including the CEC provisions, the DP rejected the Code in its entirety and refused to take part in its adoption in Parliament even though it had participated in most of the multiparty roundtable discussions.

Election Administration

The composition of election commissions at central and local levels was contentious between the two main parties. Partly as a result, commissions were established late, compounding the challenge faced by all commissions in administering these complex elections under a compressed time frame.

The 1998 Constitution stipulates the creation of a permanent and non-partisan Central Election Commission (CEC). However, the early appointment of six out of seven CEC members before the Code was adopted and the SP affiliation of some members created considerable controversy and remains of concern. Three new CEC members were selected and the controversy diminished after the commission adopted a more balanced and flexible attitude.

The CEC performance was hampered by difficulties, ranging from initial under-staffing and inexperience to the persistent deficiency of rules of procedure. Occasionally, the CEC adopted decisions in informal meetings and unnecessarily delayed their publication. Political parties, candidates and voters were poorly informed of these decisions, especially in the regions. Such practices had a negative impact on the

transparency and uniformity of election administration. Local commissions in particular lacked clear guidelines and training.

The composition of local commissions is based on party affiliation. The most controversial transitional provisions of the law resulted in securing the majority of seats on all local commissions to the representatives of the governing coalition. To enhance confidence in the process, the CEC instructed the Chairs of the Local Government Election Commission (LGECs) to reflect a 50/50 nationwide ratio between the two main parties. The CEC only recommended a similar arrangement for the appointment of Voting Center Commission (VCC) Chairs. As a result, most VCCs were established late and the Chairs were not uniformly appointed in accordance with the CEC recommendation. Election commissions relied heavily on the State administrative structures for logistical support. This interaction was not sufficiently regulated to ensure transparency and prompted allegations of undue influence.

While multiparty commissions enhanced transparency, partisan commission members at times used their positions on LGECs and VCCs to obstruct the election administration.

These shortcomings of the election administration resulted in procedural gaps for candidate registration among others, adversely impacting in particular smaller parties. In a number of cases, LGECs did not submit the relevant documentation to the CEC, which seriously affected a limited number of candidates and parties. Complaints were handled inefficiently by the CEC.

Voters Register

The first national computerized voter register was initially hailed by the main parties as a major achievement. However, after publication, the preliminary voter lists became highly controversial. A considerable number of errors and the exclusion of unaccountable records from the preliminary voter lists were used by the DP as evidence of political manipulation.

In response, the CEC announced that the names of all unaccountable records included in the data base will be entered in the final voter lists and issued instructions to that effect, creating two registers: one for verified voters, and another for unaccounted records. Thus, all citizens on either list were eligible to vote. Moreover, the CEC instructed VCCs to be flexible over the identification of voters.

The CEC response was effective in reducing the possible disenfranchisement of voters and averted a crisis on election day.

The Campaign

A total of 2,232 candidates registered for the mayoral contests and 2,360 local council lists for the 385 constituencies. These figures are further evidence of a competitive election.

The election campaign was mostly conducted in a calm atmosphere, though the tone clearly escalated towards election day. There were a few isolated campaign-related incidents. In contrast to previous campaigns, the police generally reacted appropriately, despite allegations of isolated harassment incidents by police. Generally, candidates were able to campaign in all parts of the country, even in areas that were traditionally considered as strongholds for the "other side". The campaign of smaller parties was overshadowed by the two main political forces. The allocation of public funding also favored the two main political parties.

There was a sharp difference in the campaign rhetoric of local candidates and national party leaders. While local party leaders had a pragmatic approach and generally respected each other, national party leaders remained prone to inflammatory language. Although agreements between party leaders were reached on campaign ethics in a number of municipalities, political polarization at the central level prevailed.

The Media

The media played a major role in the pre election campaign both at national and local levels. For the first time, a broad spectrum of media outlets offered voters a wide range of information. However, few media could be considered independent. In some cases, a pronounced editorial policy and support for one party or another are clearly visible.

In accordance with the Electoral Code, the Steering Council of the public broadcaster TVSH provided free air time to parties and candidates running in the elections. The air time was assigned through a lottery, broadcast on TV, to ensure the transparency of the process.

The National Council for Radio and Television (NCRT), an independent agency entrusted with monitoring and supervising the media, functioned in a transparent and balanced manner, and provided an effective mechanism for addressing media-related complaints. The NCRT interpreted the legal framework for the media as obligating public and private TV networks to provide impartial coverage during the campaign. While public TV improved its performance in terms of fair coverage during the course of the campaign, the private media devoted most of their time to the two main political parties. In general, in the highly polarized political climate, small parties received little attention by the media. Some 20 televised debates between candidates took place throughout the country, with half on public television in which more parties participated, and half on private television limited to the main parties.

The media often magnified the inflammatory tone used by the main national leaders during the political campaign. In particular, this was the case for the party press in which the quality of information provided was poor and often distorted.

Election Day & Vote Count

Voting and counting was carried out in a calm and orderly manner in the majority of municipalities and communes and no major security incidents were reported. After delays in opening centers, VCCs generally administered voting procedures correctly and in a co-operative spirit. Extremely few voters could not find their names on voter lists. In general, police conduct was appropriate and in accordance with the law.

However, the following irregularities were observed on election day:

- In Durres and Tirana, the distribution of election material was disorderly and some polling centers did not receive a sufficient quantity of ballots in time;
- Elections were not held in one constituency as a result of the LGEC failing to distribute voting material;
- Around 20% of centers observed ignored the inking procedure, though the very small number of voters added to the additional lists indicates an extremely low possibility of double voting; and
- Family voting was noted in 56% of centers observed.

Mission Information & Acknowledgments

The EOM, with Eugenio Polizzi (Italy) as Head of Mission, was established in Tirana on 25 August and shortly thereafter started monitoring the electoral process with 18 experts and long-term observers deployed in the capital and six regional centers. For election day, the EOM deployed 239 short-term observers from 26 OSCE participating States monitoring the polling and vote count process in over 900 voting centers out of 4,578.

The EOM wishes to thank the OSCE Presence in Albania for its support throughout the duration of the mission, as well as the international organizations and embassies for their support on election day.

The EOM wishes to express appreciation to the Ministry of Foreign Affairs, the Central Election Commission, and other national and local authorities for their assistance and cooperation during the course of the observation.

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