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Exclusive/Interview with OSCE Ambassador Pavel Vacek

Vacek: Political understanding on elections should be found

By Erind Maçi

1.Q: In the recent days, there have been talks of amending the Electoral Code. Specifically, the opposition has proposed changing the law to equate party votes to the votes for the candidates. This, in an effort to avoid the possibility that one or both major parties maximize on their potential vote by instructing their followers to vote for their candidate and vote for one of their smaller allies as a party. Is the OSCE of the opinion that this issue needs to be addressed before the elections?

A. The existing electoral system in Albania provides for the opportunity to distort the outcome of the election by the use of tactical voting, as described in the question. The provisions of the Constitution and the Electoral Code do not explicitly prohibit such practices but that does not render them acceptable, let alone desirable. It is also up to the Albanian constitutional bodies to act appropriately to determine the conformity of such practices with the Constitution and the electoral legislation. It is ultimately up to the Albanian voters to consider whether and how the deals being currently envisaged would distort their will and to make their own judgment.

2.Q: Is it, as some maintain, too late to amend the Electoral Code in order to address this issue?

A. Any attempt to amend the Electoral Code adopted only recently - and to do so quite shortly before the elections - is bound to be problematic, especially if it is not a mere technical change... but it is not a taboo. We clearly have seen an amendment passed which repealed the provision of the Electoral Code which would have terminated its force the day after the 2005 elections. A wide consensus would certainly be required for such a change of the Electoral Code which would aim at prohibiting or regulating the split-vote deals.

3.Q: This sort of maneuvering is considered to be legal under the current law. Do you know of any other countries where this is applied to the extent that it is expected to be applied here in Albania in the next elections and has it led to contested elections elsewhere?

A: There have always been local and informal agreements and understandings between individual candidates, and indeed parties, at a very local level throughout elections carried in every country of the world. The extent to which this occurs depends upon the law and local custom in the particular country or electoral system. That is why there is hardly any international standard established to govern such practices. I am not aware of a European country with an electoral system identical to the one in Albania – that is why comparisons are misleading. The effect of such split-

vote arrangements is always specific to the electoral system... and it is generally believed that their effect within the Albanian system is distorting.

4.Q: Everyone agrees on the need for Albania to hold free, fair and uncontested elections. If one or more parties complain about the election result precisely because their opponents benefit to a large extent from splitting their party vote with their allies, will the OSCE consider it a valid argument?

A: Naturally, the OSCE works for holding the elections according to international standards, not only in Albania, but in the whole OSCE area. The ODIHR and its monitoring operations are not the ultimate arbiters or enforcers of the electoral fairness. Ultimately it is up to the Albanian constitutional bodies themselves - the Central Election Commission and the Courts of Albania - to deal with breaches and also contestations.

5.Q: To what percentage is the OSCE willing to tolerate this phenomenon? If one of the major parties wins 50 candidates in the first round but turns out that it only gets 20% of the national vote because it has dispersed some of its votes among its allies so they can gain candidates from the proportional list, is this considered going too far? If so where do you draw the line?

A. This is pure speculation and, moreover, we do not approach the problem in trying to distinguish - in numerical terms - what is yet acceptable and what already is not. What you can hear from us is: such practice distorts the system and it is up to the Albanians to deal with it – with the assistance from the Organisation, if it is wanted, or without it.

6.Q In the past elections there has been discrepancies between the candidate votes and the party votes. Some people liked the candidate more than the party he/she represented or vice-versa. Our records indicate that with the exception of the Dushk electoral zone in the 2001 elections, this has been a limited phenomenon, not going outside of 2-5% of the total vote? Is the international community applying softer standards this time around?

A. It is perfectly proper for the voter to choose any combination of candidates and parties, for as long as the ballots are filled in a technically valid way. It is the voter's exclusive right and also responsibility to make the choice. But to ensure that such choice is informed and based only on the free will of the voter is a shared responsibility of many other actors, primarily the political parties and the candidates, the whole political class and institutions. And that brings us again to the core of the matter: nobody can resolve these problems on behalf of the Albanians... The international institutions assist but rarely impose... Besides, I do not think that the international electoral standards or their application are softening in time, be it in Albania or elsewhere... It is rather the opposite...

7. The Head of OSCE visited Tirana a few days ago, and the OSCE Presence in Tirana sponsored a dialogue on the issue of the election date. Would you also be willing to sponsor a dialogue on the issue of the splitting of the party vote between political allies?

A. The OSCE Presence may sponsor a variety of things – as long as these are within our mandate and we are asked to do so but here it is not a sponsor which is needed. What is needed is the will of the political parties to admit there is a problem there and do their best to prevent it from happening. And there is the Assembly and the other constitutional bodies as well as the media and the civil society... and whoever feels concerned in a free country to deal with the problem.