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Interview with Head of the OSCE Presence in Albania, Ambassador Pavel Vacek

1. The OSCE and other institutions have promised that the parliamentary polls of 3 July will be appraised on the basis of standards for free and fair elections, and not comparing them against previous electoral processes. From this point of view, how would you evaluate these elections?

The authority to issue election reports is the Election Observation Mission of OSCE/ODIHR – their reports are our reports too.

Personally, I hoped for something better on election day and the vote counting protracted many days beyond the legal deadline, but the progress is there, without a doubt. I am glad that our work in support of improved voter lists has produced results. The role of the police has to be appreciated too.

2. An interim report of the OSCE/ODIHR, the Council of Ministers and of the European Parliament states that the elections only partially met standards. Are you of this opinion? According to you, what standards have been met and what have not been met?

A simple answer: Read the EOM reports, including the final report which will only come out some time after the whole election process is completed.

3. As regards the prospects of Albania-EU relations, it has been repeatedly stated that these elections will be crucial to the realization of an SAA. Do you think that Albania has passed this test.

You will have to seek the answer with the European Commission.

4. There exists an opinion that in its closing phase, the vote count the electoral process was damaged. Would you share this opinion too?

It is the entirety of the process which will tell – the Albanian bodies who are in charge are still deliberating on the complaints and some of them relate also to the vote counting aspects of the process. Also, the third interim report by the EOM deals with the issue.

5. The OSCE/ODIHR Interim Report after Election Day was made public when the vote count had only just begun. Bearing in mind the new zone vote count, different to previous elections, would you say that the preliminary conclusions may have been premature?

Why should it be premature? The preliminary statement by the International EOM of 4 July only dealt with what had happened by then – that is including the election

day. The vote counting, which continued well beyond the legal deadline of 4 July, was dealt with in the subsequent reports.

6. It appears that we will have unexpected results. For example, the party, which, according to results announced by the CEC, is to form the new government, won less than ten per cent of the votes, while, some other party, which has never managed to cross the parliamentary threshold since it was founded, has received 20.5 per cent of the votes. Is this due to a faulty electoral system and or Code?

First, you are talking about the results in the proportional vote which only distributes 40 out of 140 seats in the Assembly. Second, the strategic voting schemes, or the "Dushk" schemes, have been sufficiently explained in ODIHR reports and their possible effects have been demonstrated. The OSCE, the EU and other international actors encouraged Albanian parties to be transparent with their Dushk schemes. Political parties made use of what the system allowed, some more and some less efficiently. It is not the Electoral Code itself which should be blamed. Let us see if the political parties will have the will to develop safeguards against the abuse of the system in the next round of electoral reform. How to do that will also depend on the electoral system opted for.

7. Do you believe that the so-called Mega-Dushk phenomenon distorted the real will of the electorate?

It is up to the Albanian voters to tell. After all, it is they who cast the ballots. I can see the debate unfold in the media. Of course, people ask themselves the question if it is fair to see parties who were below the threshold of eligibility in opinion polls end up with several seats in the Assembly.

8. A number of local and international experts have stated that it would be very difficult for the Albanian political parties to implement a split vote scenario? Were you of a similar opinion?

For some it was clearly more difficult than for others.

9. It has been proven, beyond the wildest imagination that the majoritarian system corrected with the proportional system leaves broad space open to abuse. In this context, would the OSCE suggest and encourage the adoption of another electoral system?

I do not want to prejudge the recommendations which will stem from the final report by ODIHR, but I think it is not our role to prescribe a particular system to anybody. The weaknesses of the current system are known, the Albanian political representation can draw their conclusions even without any recommendations from international institutions.

10. Would a purely proportional system not be more useful and perform better for example?

Every system has its pros and cons, the choice is a highly political issue and nobody can provide any magic recipe. It also depends on how much risk of abuse of the system we presume is there. The stronger the tendency to abuse the system, the stronger safeguards that must be built in.

11. Will the OSCE be leading a new electoral reform for future elections? What would this reform actually consist of?

We are ready to assist if we are wanted. The reform should primarily address the conceptual issue – what system the parties want. That is entirely an Albanian affair. The technical questions, including the language of the legislation derive from the concept opted for. The current system can be further improved; a purely proportional and purely majoritarian system would each entail a different set of technical problems to address. Further improvement of voter lists, better procedures for vote counting, possibly also out-of-country voting are the issues which should be addressed irrespective of the choice of the electoral system.

12. Local experts claim that these elections were very costly. Do you believe that there is a sufficient infrastructure in place to realize the transparency of political party financing?

I think that party campaign financing is one of the areas that should be revisited in the next reform, both in terms of the scope of legislation and of ways and means of ensuring the efficient application of the rules of the game.

13. Did you think that the defeated parties would contest the results?

It is already happening, and the good thing is that parties and candidates have so far used the only legitimate way for contesting the results – filing their complaints and appeals with the CEC and the Electoral College. It is legitimate for the electoral subjects to appeal the decisions of the election administration when they believe they have a case – whether complaints are coming from those who appear to be the winners or the losers of the elections should be irrelevant. The important thing is the fairness and the integrity of the process and respecting the adjudication by the two bodies, the CEC and the College.

14. In general, it is positive that results are being appealed at the respective institutions, the CEC and the Electoral College. Do you think there is a tendency to take advantage of the system, when almost all the candidates who have lost are now contesting results?

Personally, I do not consider it desirable when people assume that the election results should inevitably end up with courts and be decided by them. But generally, it is legitimate for complainants to complain, especially if there have been irregularities reported and when there have been indications of manipulation. It is equally legitimate for the CEC or the Electoral College to dismiss a case if they do not find it substantiated.

15. The political parties in Albania and, in general other institutions of our society as well, reflect a culture of a substantial level of dependence on the International Community. Do you share this opinion? Would you say that the OSCE and the International Community in general, assisting the reforms in Albania, have something to correct in these relations, even if it is merely a perception?

In the case of the OSCE and its work in Albania, I do not think that our principal problem is dependence. Our work does not entail channelling big millions of euros or dollars into the national economy and administration which would make people dependent on what they get through the OSCE. Our challenge is much rather about how to maximise the effect of what we do with modest resources. That has to do also with the Albanian authorities' willingness and ability to tell us what exactly they expect from us within our mandate. We maintain a good demand-driven working relationship with many Albanian partners and we want to promote it further. We also have to overcome the erroneous belief of some that by artificially reducing our mandate or staff or budget, the country's challenges will be reduced too. On the other hand, the Presence has things to improve, too. We have to better plan our work and consult with Albanian counterparts well in time; we have to be able to better and faster generate specific expertise required by Albanian partners within our projects.

16. In this context, what would be your appraisal of the performance of local institutions, for example the local observers and others who were involved in the 3 July elections?

I guess that the Albanian domestic election observers have done a great job and service to their own country and they helped it have better elections than in the past. That the elections were not even better than that is not the observers' fault.

17. Albania is a developing democracy. What do you believe are the short term challenges en route to a functioning democracy?

This is a personal view which I am giving since you are asking the question. For me, the key to a success is a better governance which requires a strong political will of the Albanian representation – good governance is not that costly in financial terms. It is one of the areas where the OSCE Presence is mandated to act and it entails all the things so often discussed here: a resolute fight against corruption, strengthening the rule of law, an efficient and reliable judiciary and administration, involvement of civil society. The attractiveness of the country for foreign investors can then further increase and accelerate and make sustainable the economic growth and prosperity. The state is then better able to deliver on what the citizens expect from it. But this amounts to stating the obvious.

18. You have headed a substantial part of the electoral reform process and now have a clearer picture of how politics functions or malfunctions in Albania. What role do you think the parties and their leaderships have played in this process?

We have not headed anything – we have assisted the Albanian institutions in reviewing the electoral legislation and supported them technically using also large EU resources. The choices whether or not to respect our recommendations and advice were those of the Albanian politicians. The responsibility for whatever outcome has been theirs too. Speaking of the elections and the role of parties, I simply thought that they would better observe the higher standards of the President’s Code of Conduct before and on election day. However, the overall assessment will also depend on the ability of the political representation to manage well the ongoing protracted period of adjudicating on appeals and of election re-runs, if there are any. In that regard, things seem to be on the right track.

19. Was Albania a new experience for you? If so, how?

Of course, every new professional and human experience is enriching. I have greatly appreciated the willingness of the Albanian constitutional and political representatives and office holders to talk with me and I really value the time and interest they invest into this dialogue. I am a civil servant and at this post, I am a servant of the 55 OSCE participating states, primarily of the host country.

21. How much did you know Albania before you took up your current position and what do you think you wrongly imagined?

I had never been in the country before October 2004 but, of course, I was not entirely ignorant of its history and problems too. A European must be aware of such things. One is constantly learning something – to cope with the dynamic Albanian reality is a challenge in itself. At the beginning of my posting, I got some advice, including friendly warnings, from my Albanian colleagues and I can see better now that they did not exaggerate.

22. Would you like to add anything else?

Most of all, I would wish that what the OSCE does here contributed to the things the Albanians themselves want to accomplish.