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

Journalist: Ilva Tare

Albania failed again to have free and democratic elections. Instead it was said that they partly met the standards. Do you feel responsible for this since you have offered assistance during the reforms on the electoral process?

We are responsible for the assistance, not for the results. Those are always and entirely in the hands of the Albanian political representation.

Smaller parties accuse the OSCE of having failed in Albania with the frequent electoral reforms. According to them, the OSCE has fallen in the trap of the larger parties and that you have ignored the smaller parties' interests, listening only to the two main parties. How do you comment on these allegations?

Accusations are always difficult as we all know, but I think that the biggest trap people can fall into is to put the blame on the international organisations. I think that the principal question is whether all partners on the Albanian political scene have been mutually receptive and whether they have listened to each-other. Obviously, we always listen to people and we always know the concerns. To what degree those concerns have been part of whatever consensus which underlies the current electoral code, that's another question.

Maybe you considered it enough for the consensus to be reached between the two main parties?

Obviously, that consensus was the key to having the Electoral Code passed.

After every election there is a need for further improving the legal framework. And after this gets accomplished there is another call for other improvements. What is going wrong with the changes?

Well, it's always about the degree of the progress. Obviously, the comments and the recommendations made after each of the elections in the past were meant to further that progress. It's about the approximation to the standards as interpreted by the ODIHR and this brings us to the recently-published report by ODIHR on the last elections in Albania.

Did the OSCE have any possibility to prevent the Dushk scheme before the elections took place, which, according to the report, violated the Constitution?

There is quite a number of replies to this question contained in the report itself. It was much more an issue for the Albanian political parties and it is widely known to all those concerned, especially to those directly concerned, i.e. the political parties themselves, that there have been concerns about the mechanics of these strategic voting deals which have been shared with the parties. In a way, the distorting effects

of those strategic voting deals have turned against those who actually initially promoted them.

You want to say that the blame goes to the political parties and that the OSCE couldn't do anything to prevent it?

Obviously, the OSCE, like other international organisations, can not either make things happen or prevent things from happening. Its role is advisory; the role there is one of assistance, not of interference. I think that the concerns were raised with many actors in the political scene and they knew very well.

According to the ODIHR report the use of the Dushk scheme went as far as violating the constitution. In this context do you consider the current Parliament a legitimate one?

I will not pass judgements, because first of all it is about the formulations contained in the report. I do not think that the report says that this implementation of the strategic voting deals was unconstitutional and, secondly, it is about the distorting effects of those deals, and the judgement on the constitutionality or not is not up to us to pass.

Will you remain a partner in the electoral reform process, even though some small parties would not want to see you as part of such a process?

The assistance in furthering the electoral reform is one of the mandated tasks of ours, so there is no question that we would shy away. The other thing is the consensus on the fundamental parameters of the further electoral reform. That has to be reached by the Albanian political parties themselves. ...And I am not saying this for the first time - we would be more than happy if that consensus is reached by themselves without any outside facilitation or involvement and then we can come in with the technical expertise in legislative drafting, when it comes to it.

Aren't you tired of all this negotiating?

The debate is only beginning and it is good that it has begun and I will be looking forward to the emerging agreement on the principal contours, on the fundamentals of the electoral reform and I think that possibly more time is needed for that to happen.

As it has been usually the case, the report and the recommendations are read differently by different people. Some of them say that the changing of the electoral system is required in ODIHR's report and some others say the report does not suggest such a thing. What do you think?

Well, the report, certainly, does not prescribe that. It makes a number of recommendations which relate to the current Electoral Code, but I don't think it is the logic of the ODIHR's work to prescribe choices, to impose them, and that is why this is left open and this is up to the political representation of the country. And this brings us exactly to the report which needs to be read by all of those who are interested in pursuing the reform and I very much believe that the report has become a reference material not only for the political parties, but also for instance for the special

committee established by the Assembly and this certainly goes beyond one's short comments one could be able to make on this occasion.

Mr. Ambassador you do not have any comment of your own for this issue?

Not really, not in terms of interpreting the report, because there will be an opportunity to receive such a presentation from the most authoritative person. That will be the Director of ODIHR who is coming to the country, and the visit is coming soon and one of the purposes of the visit is to present the findings and the recommendations of the report.

There have been proposals especially by the small parties to change the electoral system into a pure proportional system or a regional proportional one? Which of these choices would you be in favour of?

That is a choice which has to be done locally. This is exactly one of the fundamental questions which have to be resolved by the Albanian political actors, not by international institutions and that is why ODIHR deliberately did not make any such recommendation or did not prescribe any such choice. Because it is known that various electoral systems have both pros and cons in terms of their consequences, in terms of their impact on the political scene and life of the country. And there are practices of various countries, which adhere to various systems, and this will have to be looked at, but nobody will prescribe any particular choice in that regard.

According to the information you received out of the monitoring of the elections what went wrong was the electoral system or the infrastructure of the elections?

Well, it is perhaps a third thing which you did not mention and that's rather the performance of the political parties in terms of their undue influence on the electoral administration. That is perhaps the core of the problem there and again this is quite well described in the ODIHR report itself.

With whom of the Albanian authorities you find it easier to work with, the President or the Assembly?

That's a question which is not answerable. By definition, I am in a working contact with a number of Albanian institutions and office holders and I very much value the interaction I am able to have with both the President's Office and also the Assembly and I can not help you on this one, because this is a sort of labelling into which one does not go.

The last question. I will leave without understanding who was guilty for the serious problems in the 3 July elections...

The problem is in looking for whom to put the blame on. This probably does not lead too far, if we only look for how to put the blame on others... That in itself does not help too much. It is rather the search for solutions which has to be there. And that's my suggestion.