

INTERNATIONAL ELECTION OBSERVATION MISSION 2001 ELECTIONS TO THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Tirana, 25 June 2001 — The International Election Observation Mission (IEOM) for the 24 June 2001 elections to the Assembly of the Republic of Albania is a joint effort of the Organization for Security and Cooperation in Europe – including the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the OSCE Parliamentary Assembly (OSCE/PA), the Parliamentary Assembly of the Council of Europe, and the European Parliament.

PRELIMINARY CONCLUSIONS

The 24 June 2001 elections to the Assembly of the Republic of Albania marked progress towards meeting the OSCE commitments for democratic elections formulated in the 1990 Copenhagen Document and Council of Europe standards as embodied in the European Convention on Human Rights and its case-law. These elections were conducted in a more peaceful and calmer atmosphere than earlier polls.

The 2001 parliamentary elections were remarkable for the following accomplishments:

- The electoral code adopted in May 2000 and amended a year later generally provides a basis for democratic elections;
- The Central Election Commission's (CEC) conduct was more professional, objective, transparent, and pragmatic than earlier elections;
- Twenty eight political parties and coalitions campaigned vigorously, fielding some 2,000 candidates;
- The two main contestants were noticeably more restrained in their rhetoric than during earlier elections, thus contributing to an overall peaceful atmosphere; and
- A broad spectrum of media offered voters a wide range of information for an informed choice, with the public broadcaster providing a fair coverage, except in the last days of the campaign.

The most contentious political issue during these elections was the controversy surrounding the "independent" candidates, marring the campaign atmosphere and creating significant uncertainty. The idea of fielding party-supported candidates, but labelling them as "independent" in an attempt to increase the party's share of compensatory mandates was at the core of the problem. The CEC was left with no other choice but to declare almost all of these candidates as party-affiliated. The controversy inevitably distracted the CEC from supervising the election administration at lower levels. The issue was indicative of the polarised political atmosphere in Albania.

Other shortcomings also became apparent during the run-up to the elections, though these were not of political nature and their impact on the electoral process was limited:

- The need for further improvements in the electoral code – e.g., the independent candidate provisions, and omissions concerning deadlines for the adjudication of appeals against CEC decisions;
- The late and contentious appointment of election commissions at lower levels, compounding the challenge of an already compressed time frame for election preparations;
- Inaccuracies in the voter register, despite a commendable effort and an information campaign conducted by the authorities for citizens to update their registry data; and
- Excessive deviations in the number of registered voters in single mandate constituencies.

Election day was largely peaceful, except for a handful of isolated violent incidents, and was assessed as relatively positive by international observers. However, despite the best effort of polling commissions in most areas, their lack of training and disorganization were evident on election day. Also, disputes among polling and zone commission members and other procedural difficulties will force reruns in one of the 100 constituencies and a limited number of polling centers in others. Nonetheless, international observers also assessed the vote count and tabulation of results as relatively positive. The voter turnout was reported around 60%.

The final conclusion on whether these elections will bring Albania closer to democratic standards will depend, in part, on the tabulation of results for the first round, and the manner in which the second round of voting is conducted on 8 July. Additionally, the process by which the 40 compensatory mandates for the national multimember constituency are allocated, and the respective roles of the CEC and the courts in this process, will be important factors for a final conclusion.

The international community is prepared to work with the authorities and civic society of Albania to address the remaining challenges.

PRELIMINARY FINDINGS

Background

Previous elections in Albania have been marked by a polarized political culture with deep antagonisms between political forces grouped around the dominant Socialist and Democratic Parties, their fortunes shifting dramatically from one election to another.

Following the 1997 crisis, the Albanian authorities undertook measures to reform State structures and improve public order. In addition, a new constitution and electoral code were adopted. These reforms made substantial progress towards meeting international standards for democratic elections. The test came during the local government elections in October 2000, which marked significant progress towards meeting the standards for democratic elections and took place in a tense but remarkably peaceful atmosphere. The 2001 parliamentary elections provided an opportunity for further democratic consolidation.

In a significant development in the run up to the elections, the governing Socialist Party (SP) broke with its smaller alliance partners to contest the election on its own. The opposition Democratic Party (DP) formed a coalition with four smaller parties to campaign as the “Union for

Victory”. Earlier in the year, some Members of Parliament from the DP broke ranks and formed a rival party called the Democrat Party, which is contesting these elections as an alternative to both the SP and the DP.

The Human Rights Union Party, participating in these elections, has declared that it represents national minorities, but not all minority communities agree. Nevertheless, a significant number of candidates from national minority communities took part in the elections, and standing as independent candidates or nominated by parties.

Legislative Framework

The 24 June elections to the Assembly were held under an electoral code adopted by the Assembly in May 2000, and amended in May 2001. Although the code provides a basis for democratic elections, challenges experienced in the run up to the 2001 elections indicate that the code could be improved. The shortcomings include the need to clarify the provisions for political parties to appoint members to election administration bodies where the party is a member of a coalition, and omissions in the code concerning deadlines for the adjudication of appeals against decisions of the CEC.

The Assembly consists of 140 Deputies elected on the basis of a mixed system – 40 mandates are allocated to political party and coalition lists in a single national constituency, and 100 mandates to party, coalition, and independent candidates in single member constituencies by a majoritarian voting system. A second round of voting is required in each single member constituency where no candidate receives an absolute majority. Each voter receives two ballots, one for the single member constituency and the second for the nation-wide multi-mandate constituency.

Parties and coalitions must receive at least 2.5% and 4% respectively of the valid national votes to participate in the allocation of the 40 mandates. Article 64 of the Constitution requires that the total number of deputies of a party or coalition shall be, to the closest extent possible, proportional to the valid national votes won by them in the first round. Article 66 of the electoral code establishes a formula for this proportional distribution of mandates.

The elections were marred by attempts to take advantage of Article 64 of the Constitution with the aim of improving a party’s position in the forthcoming presidential election. Under the Constitution, the President is elected by the Assembly with the support of at least three-fifths (60%) of its Members. The Socialist Party fielded only 81 candidates in the 100 single member zones, and endorsed 19 “independent” candidates in the remaining zones. The opposition parties considered this as a ploy to take advantage of the allocation formula used to generate additional seats from the proportional list, thus improving the Socialist Party’s margin of overcoming the 60% threshold for electing the President. In response, the “Union for Victory” registered only seven candidates under the coalition’s name and “independents” in the remaining 93 zones.

Both the Socialist Party and “Union for Victory” introduced these “independent” candidates at their election rallies. In many cases, the election posters and literature of “independent” candidates featured party logos.

Election Administration

In contrast with previous elections, the CEC demonstrated courage and increased objectivity, and pragmatism despite the polarized political environment. Also, the CEC administered the elections in general transparently and encouraged political parties to make presentations and suggestions during CEC sessions. However, the CEC took some important decisions in informal meetings without the benefit of a public session.

The controversy over the “independent” candidates and mandate allocation dominated the agenda of many CEC sessions. Throughout the campaign period, parties and coalitions other than the Socialist Party attempted to persuade the CEC that the “independent” candidates should be classified as party candidates to protect the spirit of the constitutional requirement of proportional distribution of mandates. Attempts to resolve this issue brought a significant, if temporary, realignment of political forces. Smaller parties from the former governing alliance united with the “Union for Victory” to call on the CEC to resolve the issue, but they stopped short of submitting the dispute to adjudication by the courts.

The CEC adopted an instruction that attempted to provide additional criteria for defining an independent candidate, but could not solve the controversy. Finally five days before the elections, the CEC adopted a bold decision according to which, for the purpose of the mandate allocation, “independent” candidates supported by political parties would be credited to that party. Thus, the great majority of the “independent” candidates supported by the two main parties were credited to them. The CEC decision was upheld by the Appeals Court.

Similar to the 2000 local elections, discussions concerning the appointment of lower election commissions exposed deep political divisions among the parties. These divisions, together with the lack of reliable communications infrastructure between the CEC and lower commissions, delayed the timely establishment of commissions. The delay had a negative impact on the tight election time frame.

The appointment of Zone Election Commissions (ZEC) Chairpersons was late, but respected a general political balance across constituencies. However, in some areas, inter party conflicts ran so deep that the work of ZECs was blocked and CEC decisions on appointments were not implemented. The CEC attempted to appoint the ZEC Secretaries based on professional qualifications rather than political affiliation. Regrettably, political parties in many zones nominated for these key positions party trustees regardless of professional qualifications. Often, the CEC rulings, decisions and instructions were not interpreted uniformly across the ZECs, leading to confusion.

Voter Registers

During 2000, the Albanian authorities with the help of the international community undertook to create a computerized national voter registry. While this registry was a significant step to bring the country closer to European practices in ascertaining the eligibility of voters, shortcomings remained, including: duplicate or missing records; records assigned to the wrong polling station; records with wrong birth dates; and other data entry errors.

Nonetheless, some of the deficiencies in the voter registers were partly remedied during the run up to the current elections. In addition, the requirement for indelible ink was introduced in the electoral code as a safeguard to prevent multiple voting. Moreover, on the basis of an agreement between political parties, the authorities conducted a wide scale operation to review the preliminary voter register by three member teams, including representatives of the governing party, the opposition and the local administration. This initiative was supported by an intensive voter education campaign in the media, billboards and posters. While further improvements to the voter registers are required, the authorities must be commended for this sustained effort.

In order to further ensure that voters could exercise their right to vote, the electoral code was amended in May 2001 to allow eligible citizens to update their voter registry data up to 24 hours prior to election day by appealing to the District Courts. However, three certificates were required to prove eligibility. In the end, the turnout at the courts was modest. Another factor for the lingering errors in the voter registers was the failure of large parts of the population to report in a timely manner, if at all, their changes of permanent residence, or more generally to abide by existing civil registration procedures. Additionally, imperfect technology, lack of experience and sometimes negligence, also contributed to introduce errors in the initial version of the voter registry database.

The number of verified registered voters for the 2000 local elections, used to design the zone boundaries was 2,329,639. The preliminary voter lists for the 2001 elections increased to 2,449,404, while the final list included 2,499,238 entries as of 15 June. Out of country voting was not permitted. Although some experts would argue that this figure overestimates the number of voters in Albania, including those who are abroad but have their in-country residence still registered, the IEOM continued to receive complaints that high numbers of voters were deliberately excluded from the voter registers.

The Campaign

Twenty-eight political parties were registered for the Assembly elections, fielding 1,114 candidates in the 100 single member zones. Of these, 149 were registered as independent candidates. Following the CEC decisions during the week preceding election day, 107 of these independent candidates were acknowledged to be supported by the Socialist Party or the coalition “Union for Victory”. In addition, 28 political parties and coalition with 823 candidates competed for the 40 proportional mandates.

The campaign was largely conducted in a calm atmosphere with few reports of violence or intimidation. There were a large number of regional rallies and signs of local level campaign activity in most areas. The two main contestants were noticeably restrained in their campaign rhetoric, reducing the overall tension during the campaign.

Opposition parties complained about harassment and minor obstruction such as the removal of posters. The IEOM also received reports of inappropriate use of State resources for campaign purposes, isolated allegations of police harassment, and State interference with the work of election commissions. Although regrettable, these actions did not appear to be significant enough to undermine the overall integrity of the elections.

The Media

A large spectrum of media gave voters the opportunity to make an informed choice. The tone used by journalists and candidates was moderate, far from the aggressive tone characterizing previous elections. The public broadcaster and some private media allocated time to the main election contestants with a generally fair coverage. Most private media, however, supported one of the two main competitors.

The National Council of Radio and Television (NCRT) – an agency entrusted with monitoring and supervising the media – functioned in a transparent and fair manner, trying not to interfere in the electoral campaign.

The IEOM monitored three television channels and five newspapers for four weeks prior to the election. The public broadcaster TVSH allocated to the Socialist Party 30% of time devoted to politics and elections, 17% to the Government, 24% to the “Union for Victory”, and the remaining 29% to the smaller parties. The tone of the coverage was neutral or positive for all. However, during the last days of the campaign, the coverage and tone were more biased.

One of the private TV stations, TV Shjiak, openly supported the “Union for Victory” with 74% of the time allocated to politics and elections, 90% of which was positive, and 9% to the Socialist Party, mostly negative. The other private TV station monitored, TV Klan, provided a more balanced coverage: the Socialist Party receiving 21%, the Government 20%, and the “Union for Victory” 29%. This coverage was mainly positive or neutral.

Newspapers monitored provided the “Union for Victory” 39% of the space devoted to politics and the elections, the Socialist Party 30%, and the Government 14%. The coverage showed a more evident tendency to negative polemical reports and comments than the broadcasting media, the main targets being the Socialist Party and the Government.

Almost all media violated the campaign silence period during the 24 hours before election day.

Election Disputes

The response to complaints and appeals relating to election processes fell short on two accounts. First, most complaints and appeals presented to the CEC included insufficient evidence, resulting in unnecessary delays or inappropriate decisions. Second, the legal framework includes gaps relating to deadlines, and as a result, important decisions were not enforced. The controversy around the use of the initials “DP” on the ballot is an example. The CEC issued a decision that the initials “DP” would appear on the ballot with both the Democrat Party and the “Union for Victory” coalition. On 29 May before the ballots were printed, the Tirana Court of Appeals reversed the CEC decision and granted the Democrat Party the exclusive right to the initials “DP”. The Tirana Court of Appeals decision was then appealed and is still pending. Relying on a provision in the code of civil procedures that stays the execution of a court decision on appeal, the CEC refused to change the design of the ballot, notwithstanding the decision of the Tirana Court of Appeals.

With a number of complex disputes that developed during these elections, some raising constitutional issues, only one case was filed for adjudication by the Constitutional Court.

Gender Balance in Elections

Nearly all political parties and coalitions included references to gender related concerns in their political programs and several organized election events targeted specifically at women voters. Some of these events were reported in national newspapers. The State television also organized a number of special programs targeting women voters that featured prominent women politicians.

However, women were generally underrepresented in the elections with only 78 out of 1,114 (7%) of the candidates in single member zones and 120 out of 823 (15%) in the proportional lists, with even fewer in positions high enough on the list to stand a chance to be elected. Only the Liberal Alternate Party had a woman leading its party list. Women were also underrepresented in the administrative structures for the elections. There were no women among the full members of the CEC. Women comprise just over 7% of the zone election commissions membership and 8% of polling station commissions observed on election day.

Domestic Observers

The electoral code provides domestic observers with full access to all levels of the electoral administration and relevant documents. Domestic observers are also able to submit written comments to any election commission about any irregularity that they witness.

Three domestic observation non-governmental organizations, the Society for Democratic Culture in collaboration with CeSID (Center for Free Elections and Democracy), the Albanian Helsinki Committee, and the Albanian Human Rights Group registered over 1,000 observers to monitor the elections. The groups reported no problems in receiving accreditation for their observers, or in gaining access to any aspect of the electoral process. The groups also reported improved relations with political parties.

Election Day & Vote Count

On election day, international observers gave a positive assessment for the conduct of the poll in 88% of polling stations visited. The main difficulty encountered was a small number of persons in over half the polling stations visited not finding their names on voter registers and turned away.

Indicative of the political balance in polling stations, commission Chairpersons were affiliated with the Socialist Party in 40% of polling stations observed, and the “Union for Victory” in 53%. Domestic observers were present in only 20% of polling stations observed.

In terms of safeguarding the integrity of the voting process, voter identification was checked properly in 85% of polling stations observed, voters properly signed the register in 93%, proxy voting was seen in 12%, problems with inking of voter’s thumb in 14% and checking the ink in 21%. The secrecy of the voting was violated in 5% of polling stations observed, and group voting was observed in 30%.

Unauthorized persons, mainly party supporters, were present in 10% of polling stations observed. Campaign material was seen in 14% of polling stations visited, campaign activity taking place in only 2%, tension was noted in 6%, intimidation of voters in only 2%, and violent incidents in 1%.

The vote count was assessed “poor” in 5% of polling stations observed, where the result protocols were not completed in ink (5%), polling station commission members refused to sign the protocols (8%) and submitted a written complain (7%), and polling station commission members obstructed the process (3%). Unauthorized persons, party activists or police, were present in 11% of the polling stations where the vote count was observed. Tension was noted in or around 14% of polling stations where the vote count was observed, but violent incident noted in only one case, and no case of intimidation of polling station commission members noted. The tabulation of results at the zone level was also assessed positively in general.

***This statement is also available in Albanian.
However, the English version remains the only official document.***

MISSION INFORMATION & ACKNOWLEDGEMENT

Mr. Bruce George, Vice-president of the OSCE PA and Special Coordinator for the elections in Albania designated by the OSCE Chairperson-in-Office to lead the OSCE short-term observers. Mr. Jerzy Smorawinski leads the Parliamentary Assembly of the Council of Europe delegation. Ms. Doris Pack leads the European Parliament delegation. Mr. Nikolai Vulchanov heads the OSCE/ODIHR Election Observation Mission.

The OSCE/ODIHR Election Observation Mission (EOM) was established in Tirana on 22 May and shortly thereafter started monitoring the electoral process with 28 experts and long-term observers deployed in the capital and eight regional centers. On election day, the EOM deployed some 250 short-term observers from 30 OSCE participating States, including 39 from the OSCE PA, 17 from the Council of Europe’s Parliamentary Assembly and 7 from the European Parliament, from across the political spectrum. Also, the *Organisation Internationale de la Francophonie* contributed 14 observers to the IEOM for election day. The IEOM monitored the polling and vote count in over 1,000 voting centers throughout Albania out of a total 4,578.

This statement of preliminary findings and conclusions is issued before the final certification of the results and before a complete analysis of the observation findings. The OSCE/ODIHR will issue a comprehensive report on these elections approximately one month after the completion of the process.

The IEOM wishes to thank the OSCE Presence in Albania as well as the international organizations and embassies for their support throughout the duration of the mission.

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