



Organization for Security and
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Presence in Albania

HEAD OF PRESENCE'S INTERVIEW WITH *NEWS 24 TV* ON ELECTORAL REFORM

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Q: Mr. Ambassador, finally the Albanian political class has reached a political ceasefire by coming together for the electoral reform. For this aim, a Political Council was established, which is being assisted by experts of all parliamentary and extra-parliamentary parties. They have also approved the methodology in order for electoral reform to be completed by 15 March. How do you consider the pace of their work so far? To our knowledge, the parties have not advanced in accordance to the agenda.

Ambassador Borchardt: We have publicly said that the start of the electoral reform process with the participation of all major political forces was very positive news for us. Work seems to be going in a slightly different way than initially intended, but, in general, there is good progress on many issues. They may be slightly behind schedule, but it is still feasible to get to a good result. It needs focus and it needs a continued political will to negotiate, to compromise and to move forward.

Q: One of the topics on which the ruling majority and the extra-parliamentary fail to agree is the United Opposition's request for a technical government 100 days before elections. In your opinion, as a person who knows very well the Albanian elections reality, would you suggest such a formula?

Ambassador Borchardt: This is not a recommendation which came from the OSCE/ODIHR, but a technical government before elections would be, in principle, a possible solution. You have the example in Northern Macedonia, under specific conditions in Greece, so it is possible, but the decisions lie with the Albanian politics and we do not give an opinion either pro or contra.

Q: The separation of politics from crime is another topic of discussion at the Political Council. According to you, what are the necessary legal amendments to this end?

Ambassador Borchardt: Let me give you an answer on two different levels: The first is that the best step to restore faith in candidates would be that the parties present clean candidates. The so-called Decriminalization Law allows parties to check their possible candidates through the prosecution a long time before elections.

The second aspect is that electoral crimes, of course, have to be addressed. Take the example of pressure on public administration: ODIHR strongly recommended the establishment of an independent structure to deal with allegations of pressure on the administration and of abuse of public or state resources in the electoral process. The electoral reform could establish such a structure and a procedure by which administration employees may report any political pressure or abuse of resources. These people who report it should then enjoy the status of a whistle-blower.

Q: 30 June local elections showed problems with several mayor candidates, who had hidden their problematic past from the self-declaration forms. In an event on 21 January, you supported the idea for a vetting process for all candidates. Could you give us a formula how to do this?

Ambassador Borchardt: What I said was a bit more complex. There were proposals in the Assembly in 2018, even a draft law, to create an effective mechanism for cutting the ties between crime and politics. The draft law from the DP in late 2018 was checked by the Venice Commission and considered as disproportionate. However, the Venice Commission underlined, at the same time, that it considered justified to discuss in parliament and in the electoral reform process such a structure and such a legislation. I would suggest also a thorough discussion about possible ways to limit the influence of offenders or criminals on high-level political life. During the vetting process of the judiciary, we have experienced that the justification and verification of assets has played a dominant role. This is something that could also apply for high-level politicians.

Q: Last week, you had a meeting with General Prosecutor Olsian Çela, where you also discussed changes to electoral code and the potential role that the prosecution office may take. ODIHR reports consider vote buying to be one of the major election-related problems in Albania. What do you estimate should be done more to eliminate this phenomenon?

Ambassador Borchardt: ODIHR and us have repeatedly underlined that robust efforts are needed to address the persistent issue of vote buying, both through civic awareness campaigns and also through prosecution, punishing of the offenders, in order to promote more confidence in the electoral process.

First of all, the voters should refuse to sell their vote. So many people have a mobile phone: you can easily record when someone approaches you and tries to buy your vote, and then send the tape to the prosecution as evidence.

In addition, a public refusal by politicians to accept financial support from individuals with a criminal past would help build public trust in the integrity of the elections.

Law enforcement institutions – that is my second central point – should investigate all allegations of electoral violations thoroughly. We believe that the justice reform is part of this way forward. For instance, and that was something we discussed, the setting up of a Task Force of the prosecution during the electoral period which is able to react quickly – and that quickly I underline - on credible allegations of electoral crimes, would certainly be helpful. That would create already a deterrent effect.

Q: Following the departure of the opposition from parliament a year ago, we had a new parliamentary opposition whose votes are crucial for the approval of electoral reform. But they have a condition: change of electoral system. How difficult do you consider this situation to be?

Ambassador Borchardt: Here I think that I should give you a reply on three levels.

The first is that the OSCE and ODIHR make recommendations on improvements of electoral codes, but we do not suggest electoral systems for countries.

The second is that an electoral system has a high relevance for the relation between the candidate and the voter, the electorate, and later between the member of parliament and the people who voted for him and their parties. The stronger the parties in the electoral system, the stronger their role in politics.

I personally – and that is my third point – I personally sympathize with a system that creates a strong link between the candidate and his electorate. Open lists could be such an option.

Q: Let us talk about new technologies in elections and voting of Albanians that live abroad. Do you consider it possible that these two requests of the extra-parliamentary opposition and the ruling majority be fulfilled in the next political elections?

Ambassador Borchardt: These again are two reform ideas which were not suggested by the OSCE/ODIHR. Both are, in principle, legitimate: new voting technologies are applied by some of the OSCE participating States, and out-of-country voting is applied by the broad majority of our participating States. But both systems need a lot of time to prepare. Electronic voting equipment is a multi-million Euro endeavor, and you have to do a state-of-the-art procurement process. Then these machines have to be manufactured, you don't order them with Amazon or whomever competitor. Then, you need setting up, installation, you need training of the election administrator, and you need voter education, people have to know. Also for out-of-country voting: this is a rather complex system. So, if it is decided like that by the Albanian politics, it should be decided very soon, in order that these systems – both or one of them – can be properly established.

Q: Political party financing is one of the main topics of electoral reform. What should be the amendments?

Ambassador Borchardt: Financing of electoral campaigns and parties is probably the most discussed reform topic. In November 2019, so just weeks ago, we organized together with our friends from the Council of Europe and from the National Democratic Institute a workshop on this topic. The broad majority of the experts there recommended a number of issues to focus on. First of all, limitations for campaign spending; second, transparency measures or how the money is spent; then to exclude party donors for some time from public procurement; then a massive strengthening – and I think that this is a very central point - of the audit capacity of the Central Election Commission. They need good people, who are quite expensive, to be able to properly verify what has been spent and how it is justified. Otherwise, they will not be able to investigate really in depth.

Q: The OSCE/ODIHR has recommended the depoliticization of election administration. How possible is it, given the lack of political trust in Albania?

Ambassador Borchardt: Our colleagues from ODIHR, in their reports already over the years, have underlined as a central point the need for the de-politicization of the election administration. The decision about this recommendation will also be observed by the countries which are interested in electoral reform in Albania. For us, the strengthening of institutions is of the highest importance - institutions matter, not parties! The election administration, from our point of view, does not belong into the hands of the parties for whom the election administration should guarantee a fair competition.

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