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PERMANENT MISSION
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Introductory remarks
on Albania's experiences with electoral reform in respect
of ODIHR's recommendations,

as delivered by Ambassador Spiro Koçi at the
2013 Human Dimension Implementation Meeting,

Working Session 13 on Democratic Elections and Election Observation
Warsaw, 1 October 2013

Thank you Madame Moderator,

I am honored to address in the capacity of introducer this Working Session of the OSCE Human Dimension Implementation Meeting dedicated to Democratic Elections and Election Observation.

I intend to share with the distinguished audience Albania's experience in working in cooperation with ODIHR in reforming its electoral code, in respect of ODIHR's recommendations.

Albania and ODIHR share a long history of close and fruitful cooperation. We do appreciate very much the commendable work ODIHR has carried out in Albania over the last 17 years in election monitoring, drafting elections recommendations and reviewing our election-related legislative framework. Its outstanding expertise has provided strong bases for our efforts to comply with the OSCE commitments for free and fair elections, and speaks of ODIHR's added value in election-related assistance.

Most recently, ODIHR joined efforts with the OSCE Parliamentary Assembly and other International Organizations to monitor the Parliamentary Elections held in Albania on 23 June 2013. We would like to thank ODIHR for yet another successful Election Observation Mission and for the Preliminary Statement of Findings and Conclusions, released jointly with the OSCE PA and PACE. The statement concluded that these elections were competitive with active citizen participation throughout the campaign and genuine respect for fundamental freedoms. We are looking forward to the final report and its recommendations; the relevant Albanian institutions will look into them with a view to further improve Albania's electoral code and practice. As you will notice in my remarks, there is still room for improvements.

I would like to provide a concise outline of our cooperation with ODIHR aimed at following up election recommendations contained in the 2009 and 2011 elections reports.

On 17 November 2011, more than a year and a half prior to the recent parliamentary elections, the Parliament of Albania set up an *ad-hoc* committee on electoral reform. This body was tasked to draft amendments to the legal framework in order to address the ODIHR recommendations. In this context, there was a precise reference to these recommendations in the Committee's terms of reference.

The Committee consisted of 10 members. The ruling majority and the opposition enjoyed equal representation. It held public hearings with smaller political parties, at the time not represented in the parliament, with representatives from the civil society, representatives of the Central Election Commission, the Ministry of Interior and other relevant state institutions. The objective was to engage into an all-inclusive process, whose final outcome should have been, as it actually was, the approval of an amended electoral code well ahead of the parliamentary elections.

From the technical perspective, the proceedings of the committee were supported by political party experts who worked out together the technical aspects of the electoral reform. Since the outset of the process, the political parties, participating in the Committee, agreed to avail themselves of ODIHR's support and expertise. As a result, ODIHR was invited to assist the proceedings of the committee. I must stress here that it was the Albanian side who requested the expertise and professional advice of ODIHR. There have been specific cases, as well, where ODIHR was seen as honest broker between the political parties.

As I mentioned earlier, the *ad-hoc* committee was tasked to amend the existing electoral code - not too old indeed - adopted in 2008 - which was already reviewed by ODIHR and the Venice Commission. In their joint opinion this Code was assessed as providing a thorough technical foundation for democratic elections. It is worth mentioning that the Code had already taken on board some of the previous major recommendations of ODIHR, namely those aimed to improve the electoral infrastructure, including voters' lists and identification.

However, after the 2009 general and 2011 local elections all parties came to realize that the Code required some improvements, as clearly highlighted in the respective ODIHR reports. Indeed, these very recommendations were considered as constituting a sound basis for kicking off the electoral reform. The political parties, and not only, found ODIHR recommendations as very pertinent and with a potential to further improve the electoral code.

Let me at this point touch upon some of the key recommendations that the *ad-hoc* committee addressed in this process.

The recommendations invited the parties involved to undertake an electoral reform well in advance of the next parliamentary elections. They have suggested as well the inclusion in the process not only of political parties, but also of the Central Election Commission, relevant state authorities, and domestic observer groups. As we saw above, these were fulfilled.

One of the most sensitive issues the Committee needed to address during its mission was the restructuring of the Central Election Commission (CEC). ODIHR's

recommendation reads that “The formula for the composition of the Central Election Commission could be reconsidered so as to increase confidence in its independence and in its impartial application of the Electoral Code.” ODIHR further recommended to the political parties to find ways to ensuring the independence and professionalism of the election administration and requested that political parties should not be allowed to arbitrarily replace members of lower-level commissions.

Both issues were addressed by the *ad-hoc* parliamentary committee as a matter of top priority, not least because they tied into the broader question of de-politicization of the election administration. The Electoral Code provides for a system of election administration based on political appointees, which is aimed to ensure trust and confidence of the political parties in the electoral process. However, experience has shown that such a system suffers a couple of main shortcomings: the first relates to the lack of proper training of those political appointees involved in this process; the second one refers to their political affiliation, which determines their performance in the interest of a particular political party instead of an honest and impartial process.

In view of the above, the amended code maintained the system of election administration based on political appointees, but, at the same time, established a new procedure for the selection of the election administration, including the Chairperson of the CEC. Appropriate measures were also stipulated to avert the possibility for political parties to arbitrarily replace members of lower-level commissions.

These amendments did not, however, prevent a pre-election political dispute over the composition of the CEC, and the adoption by the CEC of some controversial decisions in the run up of the June elections. These controversies, which were highlighted in ODIHR’s Preliminary Statement, might suggest that here there could be room for more work in the future.

For the opposition and smaller parties the recommendation suggesting measures to strengthen the independence of the public broadcaster from the influence of government and political parties in order to fully implement the goals of a public service broadcaster had a critical significance. This issue was dealt with by extending the existing legal provisions, in order to ensure full and impartial representation of the media in the electoral process. Other related recommendations reinforcing the need to clarify and complete the legal framework for the role of the public broadcasters during the election campaign, were also addressed. Despite these amendments, the independence of the public broadcaster continues to remain an issue that requires long-term solutions, and not only for elections. The new Government has declared its commitment to undertake a thorough reform of the public broadcaster. In this regard, the GoA has expressed its readiness to cooperate with the OSCE Representative on the Freedom of the Media.

As I mentioned earlier, we invited ODIHR to deploy an election observation mission also for the municipal elections of May 2011 and we benefited from the recommendations made on that occasion. The shortcomings identified in these elections suggested that the Electoral Code had not fully taken into consideration the needs of a municipal electoral process. Therefore the code was amended in order to meet the relevant ODIHR’s recommendations and overcome legal loopholes.

Further to these changes, the amended Code stipulated a revised process to compile voter lists, a simplified procedure for candidate registration and increased sanctions for election related violations. These amendments were also in compliance with ODIHR recommendations.

The negotiations leading to the amended electoral Code lasted for 9 months. In July 2013 the amended Code was adopted by the Albanian Parliament by an overwhelmingly majority. During the negotiations the ODIHR's experts played a meaningful role in helping political parties overcome their differences. They attended relevant meetings of the *ad-hoc* committee, provided comments on specific amendments, assessing them against OSCE commitments and also mediating between the political parties involved on some issues of particular importance. We can therefore conclude that ODIHR's contribution to the success of the electoral reform was substantial.

Madame Moderator,

By way of conclusion let me underline that participating States are not bound by any commitment to follow up ODIHR's elections recommendations. Their cooperation with the Office in this field rests on purely voluntary bases. However, Albania's experience testifies that the process of electoral reforms, once set in motion by the political parties and the country's national parliaments, could benefit significantly by ODIHR's technical and impartial advice.

I thank you for your attention.