



Office for Democratic Institutions and Human Rights

REPUBLIC OF ALBANIA
LOCAL ELECTIONS
2006-2007

OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT

6 - 8 November 2006



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**REPUBLIC OF ALBANIA
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I. INTRODUCTION

The Organisation for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) undertook a Needs Assessment Mission (NAM) to the Republic of Albania from 6 till 8 November 2006. The OSCE/ODIHR NAM was headed by Gerald Mitchell, Head of the OSCE/ODIHR Election Department, accompanied by Gilles Saphy, OSCE/ODIHR Election Adviser.

The purpose of the NAM was to assess the conditions and level of preparation for the forthcoming Local Elections in line with OSCE commitments, and to advise on modalities for the establishment of an Election Observation Mission (EOM).

The NAM held meetings with the Prime Minister, the Minister for Foreign Affairs, the Central Election Commission (CEC), the Deputy Minister of the Interior, as well as other Government officials, representatives of political parties, civil society and the international community in Tirana (See Annex).

The OSCE/ODIHR is grateful to the OSCE Presence in Albania for the support provided during the NAM.

II. EXECUTIVE SUMMARY

The 2005 Parliamentary elections in Albania confirmed a consistent trend towards improvement in the conduct of elections and the electoral framework, and Albania witnessed a peaceful and orderly handover of power in September 2005 between the Socialist Party (SP) and the Democratic Party (DP). Yet, the political dialogue between the ruling coalition and the opposition has since been strained by an increasingly polarised atmosphere, lack of trust, and displays of acrimony between the respective political party leadership.

This situation has impacted upon electoral reform efforts, and indeed preparations for the upcoming local elections. While there was apparent agreement among political forces to implement recommendations following the publication of the OSCE/ODIHR Final Report on the 2005 parliamentary elections, successive attempts to address election reform issues within the framework of a parliamentary Ad Hoc Committee for Electoral Reform (AHC) have produced few results. Of particular concern is the compilation of voter lists for the local elections which has been considerably delayed, and is currently interrupted due to a failure to adopt the necessary amendments to the legal framework.

An agreement between political forces, fostered by the local diplomatic community, was reached on 30 August with the intention of reviving the stalled election reform efforts. However, this agreement has not been used to its full extent, and the continuous dysfunction of the AHC, and consequent delays in the preparation of the local elections, could jeopardize recognised achievements in Albania's electoral process in recent years. It is of particular concern that Albanian politicians, on both sides of the political aisle, are perceived to be resurrecting past political practices, with the potential that partisan interests could supersede the national interest in the conduct of upcoming local elections in line with OSCE commitments.

The upcoming elections will be administered by a three-tiered election administration: the Central Election Commission (CEC), some 384 Local Government Election Commissions (LGEC) and some 4,700 Voting Centre Commissions (VCC). As of writing this report, the Local Government Election Commissions were still not nominated, although they should have been nominated by 20 August.

According to the Electoral Code, the Mayors and the members of the councils of Local Government Units (LGUs) are elected on separate ballots by popular vote in a single round of voting. The members of LGU councils are elected by proportional representation on the basis of multi-name lists and of individual candidacies. The candidate for Mayor who obtains the highest number of votes in the respective LGU is elected Mayor. As during the 2005 parliamentary elections, counting will be conducted in counting centres rather than in voting centres. The framework regulating the counting centres needs to be adapted in order to take into account the specifics of the local elections.

The date of the elections was not officially decreed by the President when writing this report, but the legal window currently available foresees the elections should take place between 22 December 2006 and 21 January 2007. While the governing coalition has expressed its commitment to respecting the given legal timeframe, most opposition parties have expressed concern about the timeframe, and the impact of winter weather conditions on the process.

All Albanian stakeholders met during the NAM, as well as the International Community in Tirana, welcomed a substantial OSCE/ODIHR election observation effort. Domestic observation is likely to be undertaken by a coalition of domestic non-governmental organisations.

The OSCE/ODIHR recommends the deployment of an Election Observation Mission (EOM) to the Republic of Albania to assess the conduct of the local elections in line with domestic legislation, OSCE commitments and other international standards for democratic elections.

Once the date of the elections is officially announced, the OSCE/ODIHR will request the OSCE participating States to kindly second 30 long-term observers to commence observation of the electoral process some six weeks before election day, and 400 short-term observers to be deployed across the Republic of Albania for the week around election day to monitor voting and counting procedures.

III. FINDINGS

A. POLITICAL CONTEXT

In November 2005, the ODIHR released a final report on the July 2005 parliamentary elections (with repeat elections taking place in late August). The report provided an overall positive assessment on the election process, viewed by many as the best electoral process conducted in Albania to date. The report emphasized the competitive character of the elections, the plurality of the media and the professionalism of the Central Election Commission, but regretted the lack of sufficient political will and responsibility demonstrated by the major parties.

On 2 September 2005, the CEC announced final results confirming the victory of the Democratic Party (DP) and its allies over the Socialist Party (SP). Dr. Sali Berisha's Government was decreed by President Moisiu on 7 September.

The positive aspects of the July 2005 electoral process and the subsequent orderly transfer of power, have enhanced the Euro-Atlantic integration prospects of Albania. In June 2006 Albania signed a Stabilization and Association Agreement with the EU.

The Albanian political system, since 1991, has been highly polarised, with two dominant political parties, the SP and the DP, competing for power at both the state and local levels. The overall political environment in Albania tends to be structured around both major political forces.¹

In the July 2005 parliamentary elections, the Democratic Party won 56 of the 140 seats and is the leading party in the governing coalition. With its allies, it is considered as being able to rely on a potential majority of a little over 80 seats. The DP was previously in power from 1992 until 1997, when the SP gained power.

The SP held power at state level between 1997 and 2005, following the 1997 election whereby the DP lost its majority after five years of dominance. It currently holds 42 seats in the Albanian Parliament out of a total of 140. Since its creation, and until 1 September 2005, the Socialist Party was led by Fatos Nano, who was the Prime Minister of Albania between 2002 and 2005. The Socialist Party is currently led by Tirana Mayor Edi Rama, who has embarked on the reform of the party structures.

Although holding a minority of parliamentary seats, the SP and its left-of-centre allies are given a strong say on a number of issues which require a qualified majority. This is particularly the case regarding electoral reform, or for the election of the President of the Republic. Both these votes need a 3/5 majority in Parliament.

The political dialogue between forces of the ruling coalition and of the opposition has been strained by an increasingly polarised atmosphere, lack of trust, and acrimony

¹ The governing coalition comprises the Democratic Party (DP), the Republican Party (RP), the New Democratic Party (NDP), the Demo-Christian Party (DCP), the Liberal Democratic Union Party (LDUP), the Human Rights Union Party (HRUP), and the Environmentalist Agrarian Party (EAP). The parties in opposition are the Socialist Party (SP), the Socialist Movement for Integration (SMI), the Social Democratic Party (SDP), the Democratic Alliance (DA), and the Social Democracy Party (SDY).

between leaders, with an often personalised character. This atmosphere has had a particular impact on electoral reform efforts and the upcoming election process.

Other factors which are contributing to the present political climate include, inter alia: the conduct and implementation of an anti-corruption policy by the Government since it came to power; a debate surrounding a parliamentary inquiry into the activities of Prosecutor General Theodhori Sollaku; internal debates within the Socialist Party revolving around its organisation and structure; the forthcoming election of the President of the Republic by the Parliament. President Alfred Moisiu was elected by the Parliament in the summer of 2002, following an agreement reached between DP and SP. His mandate is due to end in July 2007. If the Parliament fails to elect a new President with a 3/5 majority five times in a row, new parliamentary elections are to be held.

The OSCE/ODIHR observed the 1996, 1997, 2001, 2005 parliamentary elections, the 1998 constitutional referendum, and the 2000 and 2003 municipal elections. A consistent tendency towards improvement has been noted, in particular after the 2000 municipal elections, with regards to the legal framework, general campaign atmosphere, the media coverage, the performance of the police and the respect for institutions. Yet, political blockage of the bi-partisan structures created for the electoral reform and for the preparation of the local elections could jeopardise this overall positive trend.

B. LEGAL FRAMEWORK AND ELECTORAL REFORM

The Electoral Code was adopted by the Assembly in June 2003 following substantial amendments to the Electoral Code, which was adopted in May 2000, based on the work conducted consensually in a bi-partisan parliamentary committee on electoral reform, co-chaired by the SP and DP.

In 2004, the OSCE/ODIHR and the Council of Europe's Venice Commission issued Joint Recommendations on the Electoral Code and the electoral administration in Albania. The Joint Recommendations stated that the legislation could provide an adequate basis for a democratic election, but stressed several issues of concern and insisted that "the extent to which any amendments to the law can have a positive impact will ultimately be determined by the level of good faith and political will exhibited by political parties, state institutions and officials responsible for implementing and upholding the law."

The Electoral Code was further amended in October 2004, January 2005 and April 2005 and a new law on the 100 single-member zone boundaries was adopted. The amendments, some of which addressed the Joint Recommendations, brought about several changes, in particular concerning the election administration, the compilation of voter lists, the criteria for establishing electoral zones, the counting process and the handling of complaints and appeals. These changes were largely devised through a bi-partisan process comprising the SP and the DP.

1. The Electoral System

The Mayors and the members of the councils of Local Government Units (LGUs) are elected on separate ballots by popular vote in a single round of voting. The members of LGU councils are elected by proportional representation on the basis of multi-name lists submitted by political parties and coalitions, as well as on the basis of individual candidacies. The candidate for Mayor who obtains the highest number of votes in the respective LGU is elected Mayor.

The last elections of LGU bodies were held on 12 October 2003, with repeat elections on five different dates: 16 November, 7 December, 14 December, 28 December 2003 and 25 January 2004. The CEC was able to declare the final result of those elections only on 20 February 2004, which marked also the start of the three-year term of mandate of the current LGU mayors and councils.

2. Possible Date for the Local Elections

The question of the date of the local elections is central as it ultimately determines the time available for some of the preparations of the elections. The timing of the local elections has become a highly contentious issue. The parties belonging to the ruling coalition, above all the Democratic Party, indicated that conducting the elections within the current legal deadlines is paramount. Most opposition parties, above all the SP, indicated that they would favour local elections to be held in spring. They contend that the short time now available to prepare for the elections, compounded by poor weather conditions, would undermine the quality of the process.

The present mandate of the bodies of Local Government Units ends on 20 February 2007. This date is related to the late issuing of the results of the 2003-2004 local elections in a number of LGUs. The Electoral Code foresees that elections must be held "between 60 to 30 days before the end of the mandate". The Electoral Code further foresees that a presidential decree to announce the date of the elections should be issued no later than 75 days before the end of the mandate.

3. The Ad Hoc Committee on Electoral Reform

Amending the Electoral Code requires a 3/5 majority in Parliament (84 out of 140 seats), most decision-making bodies involved in regulating the elections are bi-partisan (or multi-party), and the general approach until now has been to seek consensual decisions.

As has been the case for the preparation of the 2003 local elections and of the 2005 parliamentary elections, it was decided at the end of 2005 to set up a parliamentary Ad Hoc Committee (AHC) on electoral reform with a view to conduct two simultaneous and interrelated processes:

- A wide ranging and long-term electoral reform process based on the OSCE/ODIHR recommendations expressed in the Final Report on the July 2005 parliamentary elections;
- Changes to the Electoral Code pertinent to the preparations for the upcoming local elections.

It took several months for political forces to agree on the composition and decision making process for the AHC. It held its first session on 23 May 2006² and was given a three month mandate, with a focus on the implementation of OSCE/ODIHR recommendations. The AHC was supported by a Technical Expert Group (TEG).

Overall, although the mandate of the AHC has been renewed several times – the last extension having ended on 14 November³ with no result – both the electoral reform process and the preparations for the local elections have been stalled repeatedly, and experienced delays and deadlocks on a number of central issues. These include the preparation of voter lists for local elections, the composition of the Election Commissions, the date of the forthcoming local elections, the system of counting centres, the complaints and appeals process, etc.

The complaints and appeals process has been commented upon in the OSCE/ODIHR Final Report on the 2005 parliamentary elections and remains a matter of concerns. In particular it should be used by electoral contestants as a way to obtain legal remedy, but not be misused in order to delay indefinitely the issuing of the results, as has been the case on previous occasions.

C. ELECTION ADMINISTRATION

There are a certain number of steps that are necessary in order to conduct the local elections. These steps would require participation / cooperation of the opposition. This is particularly crucial with regards to several aspects pertaining to the administration of the elections.

1. Voter Registration

Since the adoption of a package of new pieces of legislation to reform the voter registration process in January 2005, the local government authorities are vested with all responsibilities related to the compilation of the voter lists on the basis of information from the civil status books. This has been a welcome development, since the local government maintains the books with the civil status data of the population. The central authority, the General Directorate of Civil Status (GDCS) within the Ministry of the Interior, is tasked to issue instructions or orders on the methodology to be used for compiling voter lists, check the amalgamated local government data and advise LGUs on possible errors including multiple entries.

The OSCE/ODIHR Final Report on the 2005 parliamentary elections recommends adopting a system of voter lists linked to the creation of a fully functional civil registration system, whereby before each election, voter lists would be extracted from computerised updated civil registers kept in the civil status offices of local government units.

² A previous Ad Hoc Committee was established by the Assembly on 18 January 2006 for a three-month term, but it never constituted.

³ The first term of the AHC ended on 18 August. The 30 August 2006 Agreement between DP and SP stipulated the resumption of work. On 4 September, the Assembly extended the term until 15 October. Following the failure of the first extension, a second one was approved until 31 October which was extended for a third and last time until 14 November 2006.

The establishment of such a civil registration system has until now been impeded by a number of issues including the absence of a fully functional system of addresses for buildings, the lack of up-to-date identification documents, the constant and often unreported in-country migrations, and the somewhat limited capacities of the local administration.

Understanding that the establishment of such a system would take time and could not be completed between the July 2005 elections and the winter 2006-2007 local elections, the Final Report recommended a longer term approach. Indeed, while the new Government indicated as soon as it came into office readiness to start working on the question of the address system and civil registration, it was clear that the whole undertaking could not be completed for the local elections, and a longer term approach has been chosen as being more realistic.

As a result, instead of having one single joint civil registration / voter registration process, two processes have had to be developed and conducted in parallel:

- The compilation of voter lists for the local elections;
- And the longer term objective to endow Albania with a fully functional civil register, from which voter lists should be drawn starting with the 2009 parliamentary elections.

As regards the long term civil registration project, a Memorandum of Understanding was signed between the Albanian Ministry of the Interior and the OSCE/ODIHR on the provision of “expertise for the General Directorate of Civil Status”. The project enjoys the support of both the majority and the opposition.

One of the first issues on the AHC agenda was hence the preparation of the voter lists for the next local elections. In the absence of a fully functional civil register, it was agreed that the voter lists used for the 2005 elections should serve as a basis for compiling the lists to be used for the local elections.

In order to compile and update the lists for the local elections a two level process had to be conducted:

- As a first step, the civil registers, which are the sole source for the compilation of voter lists, needed some corrections to be done by the Mayors, in cooperation with the General Directorate of Civil Status (GDCS) within the Ministry of the Interior.
- The second step would be conducted at local level, when the Mayors would receive the Preliminary Voter List (based on the 2005 voter list) from the GDCS, update it for their LGUs, and reflect in the voter list the corrections done in the registers.

Corrections to the registers and cooperation between central and local level:

The GDCS, who holds the computer facility with the entire electronic voter list of July 2005, had to work together with Mayors, who bear the main responsibility for the compilation of the lists, for the resolution of three types of problems identified in the 2005 voter lists: first, the remaining cases of unidentified voters (so-called “999

cases”), secondly, the possible remaining cases of multiple entries, and finally the question of the situation of voters who had been registered from a ‘temporary register’.

Discussions between the majority and the opposition on the modalities of such updating process have stalled repeatedly, in particular on the question of voters who were registered in the lists used for the 2005 elections from a ‘temporary register’ as opposed to a ‘permanent register’.

The disagreement between the Government and the opposition on this question became particularly evident in May 2006, specifically:

- The Ministry of Interior’s option was to use the 2005 voter list as a basis and update it by using both the Fundamental Registers (FR) and the Temporary Registers (TR) kept in Civil Status Offices in Local Government Units (LGU).
- The position of the Socialist Party and its allies was that the use of temporary registers was exceptional in 2005 and should not be repeated, as, they asserted, it allowed for possible manipulation such as multiple voting, and artificial inflation of the numbers of voters.

The question was only partially resolved when, at the end of August 2006, the international community in Tirana managed to broker an agreement between the political forces, which, inter alia, specified that “all mention of the temporary register” had to be removed from the electoral code. As of writing this report, the necessary amendment to the Electoral Code had not been adopted to this effect, but the TR was close to being emptied of its content.

Yet, considerable work seemed to have been completed between the GDCS and the Mayors, resolving most, if not all, of the cases of TR voters.

Indeed, in May 2006, the Ministry of the Interior (MoI) issued three Instructions aimed at resolving the identified problems:

- Instruction No. 806 dated 3 May 2006 for cases of citizens with an incomplete numerical address (“999 cases”)
- Instruction No. 807 dated 3 May 2006, on voters from the temporary register
- Instruction No. 873 dated 15 May 2006 on duplicates.

Although the MoI has a prerogative to issue sub-legal acts (instructions and orders), Mayors play an important role in the exercise. Indeed, while the computer facility of the GDCS is used to identify and isolate cases of multiple entries, “999 cases” and voters from the TR, the resolution of these cases is to be done primarily by Mayors, along a procedure described in the Instructions. Soon after the issuing of these Instructions, some of the leaders of the Socialist Party have called upon the socialist Mayors to refuse to implement the Instructions. In effect, in some socialist led municipalities, the work only started after the 30 August agreement, in particular in Vlora, a few Tirana Boroughs, Durres, Fier and Berat.

According to the data provided by the GDCS, the following processes have been conducted:

- Corrections of duplicates

There were about 75,000 duplicates remaining in the list used for the July 2005 elections. Since the adoption of MoI Instruction No.873, the number has been reduced to some 58,000.

- Unidentified voters (“999 cases”)

There were some 470,000 entries of “999 voters” remaining in the 2005 voter list after the July 2005 elections. Since the implementation of MoI Instruction No.806, the number has been brought down to some 290,000, which includes, according to the GDCS, some 30,000 cases when the voters have been identified, but the buildings where they live still have no numerical address. Mayors would then have to allocate a numerical number to these buildings. In the end, as of writing this report it seems that some 260,000 “999 cases” remain. Some interlocutors indicated these cases would most probably correspond to citizens having emigrated from Albania.

- Voters from the Temporary Register

The temporary registers were created during a door to door verification period from November 2004 to February 2005. They were closed on 28 February 2005 – at that time they contained 138,000 entries – and were not touched until the implementation of Instruction No.807 started (between May and September 2006 depending on the commune/municipality).

Yet, during the period between 1 March 2005 and the start of the implementation of Instruction No.807, some 50,000 citizens who were registered on TR requested their registration on the FR of their commune of current residence. As no regulation existed to work on the TR until Instruction No.807 was issued, these citizens were appearing both on the TR and on the FR of their commune of current residence. The first task was hence to remove these 50,000 citizens from the TR.

The second task, which was stipulated by Government Decision No.603 of September 2006, was to resolve on a case by case basis the remaining 88,000 citizens on TR. These were met by working teams sent by LGU Civil Status Offices and were asked to choose between being registered in the FR of their LGU of current residence or remaining registered in the FR of their LGU of origin, in which case they could only be able to vote in their LGU of origin.

According to the data from the GDCS, by the time of the NAM, over 99% of the remaining 88,000 citizens had been contacted.

The following steps would be that Mayors should reflect all the above mentioned corrections in their civil registers (books), as well as in their respective share of the electronic 2005 voter list.⁴

⁴ The OSCE PiA is providing 100 computers to the GDCS to support this process at LGU level. 50 additional computers were donated by the International Foundation for Election Systems (IFES).

Preliminary Voter lists – Legal Basis

Although practical steps have been outlined above, the absence of an agreement between the political forces on amending the electoral code is preventing any further preparatory work.

The Electoral Code contains two sets of provisions on how to compile voter lists, none of which seem to offer an adequate framework unless amended:

- Art.64/2 was included as a transitory provision in the Code before the July 2005 elections and specifically for those elections. It cannot be used for the forthcoming elections;
- Art.50 to art.64/1 provide the general and permanent framework for the compilation of voter lists in the long term based on the civil registries. These provisions set a series of deadlines for the compilation of the lists, which have already been substantially broken.

One additional problem in that case is that art.50 to art.55 still refer to “fundamental and temporary registers” while the 30 August Agreement foresaw the “deletion of any reference to the temporary register in the EC”.

Should the necessary amendments be adopted, the timeframe available for the compilation of the lists would still constitute a challenge. Indeed, as pointed out by some interlocutors of the NAM, once such amendments be adopted, Mayors would need to reflect the corrections in their share of the electronic 2005 voter list. Then, preliminary voter lists (PVL) would have to be posted for public scrutiny, and also to be checked simultaneously at GDCS level for possible new duplicates. Final voter lists (FVL) would have to be posted again and some time would be needed for possible court proceedings, final corrections, inclusions or deletions from the lists.

Some interlocutors have argued that, given the work already completed in 2005 on voter lists, and in 2006 on the civil registers, some seven to eight weeks would be needed to finalise the compilation of the voter lists for the local elections.

2. The Central Election Commission

The upcoming local elections will be administered by a three-tiered election administration: the Central Election Commission (CEC), some 384 Local Government Election Commissions (LGECs) and some 4,700 Voting Centre Commissions. For the second time in Albania, counting will be done in counting centres.

The CEC is currently composed of seven members with a seven year mandate. Two are appointed by the Assembly, two by the President of the Republic, and three by the High Council of Justice. Under the current Electoral Code, political parties enjoy substantial political influence on the nominations.

Out of a membership of seven, there were three vacancies, including that of the Chairman, since April 2006. The CEC had to function without its full membership for several months due to a disagreement between political parties as to which legal proceeding should be used for the nomination of one of the three members. The

nomination of the remaining members was completed between 29 July and 1st August in an acrimonious atmosphere.

Following the appointment of the last CEC member by the President, the CEC started to function in effect on 14 August. The balance in the CEC is now established at four to three with the ruling right-of-centre coalition controlling the operational majority. The requirement for a qualified 5 votes out of 7 decision-making majority for important decisions, however, ensures a blocking minority to the SP.

The 30 August agreement foresaw that the membership of the CEC would be increased from seven to nine members, both additional members being elected by the Assembly, with the Socialist Movement for Integration (SMI) and the Demo-Christian Party (DCP) being invited to jointly propose the nominees for both vacancies. The simple majority in the CEC would then be five to four and the qualified majority six to three. The agreement also foresaw that the Deputy Chairperson of the CEC be from the opposition.

These modifications would have required constitutional amendments to be implemented. Such amendments would need to be adopted by a two thirds majority (Constitution – Art.177) by the Assembly. The Constitution also foresees that the constitutional amendments approved by the Assembly can still be put to a referendum upon a request by one fifth of the MPs. As of writing this report, a set of DP-proposed draft amendments had been adopted by the Laws Committee but had yet to be put on the Parliament's agenda for a reading in plenary.

Despite having functioned for some months without its full composition, the CEC has managed to take a number of steps and adopt decisions and election documents necessary for the conduct of the local elections.

3. Local Government Election Commissions

The 384 LGEC are composed of seven members and one secretary (art.40.1). One member is proposed by the main party of the parliamentary majority, one member is proposed by the main party of the parliamentary opposition and two members are proposed respectively by the second and the third party of the parliamentary majority and two members by the second and the third party of the parliamentary opposition.

The Electoral Code stipulates three criteria for the assignment of the seventh member between the major parties on either side of the political spectrum: a 50/50 division between majority and opposition, a random selection, an even distribution across the electoral territory. In order to determine which party holds the leadership of which LGEC, lots are drawn at the CEC by political party representatives. This procedure has not been implemented yet, due to the absence of the Socialist Party representative to the CEC. The practice of parties' representatives being responsible for drawing lots is not a requirement of the Electoral Code, but only a tradition regulated by a CEC decision. In addition to this difficulty, the NAM heard that none of the political parties had submitted to the CEC their lists of nominees for LGEC membership, although the two major parties said that they have prepared their lists.

It must be noted that by law, LGECs should have been nominated by 20 August (art.40.4). The delays in nominations raise concern as regards the possibility to train LGEC members and their ability to perform their tasks on time.

Finally, there have been requests from smaller parties that the number of LGEC members should be increased so as to accommodate them. This would require amending the Electoral Code. Still, some interlocutors expressed concerns relating to the actual capacity of political parties to nominate in total some 40,000 election commission members to man the LGECs, voting centres and counting centres.

4. Counting Centres

The Parliament decided in January 2005 to establish a procedure of centralised counting which was implemented for the first time during the July 2005 parliamentary elections. Such procedures foresee that upon closure of polls, the election material from each of the approximately 4,700 voting centres should be transported to a centralised Counting Centre (CC).

In its current share, the Electoral Code provides (art.95/2) that there should be five counting teams of seven members “per electoral unit”. This format was appropriate when the “electoral units” were the 100 zones for parliamentary elections, which had approximately the same size. In the case of local elections, it creates a problem for large municipalities, which can be several times larger than the zones for parliamentary elections, and needs to be adapted.

The CEC chairman has indicated to the NAM that if the necessary amendments to the Electoral Code were not adopted, the CEC should explore alternative channels.

5. Birth Certificates

Some interlocutors of the NAM have expressed concerns that birth certificates, which are often used in the Albanian context as a means to prove one’s identity, could be tampered with. Out of some 2,8 million registered voters, it is expected that up to 1,5 million could vote using a birth certificate for identification.

The NAM heard several different accounts of the ongoing discussion with regards to birth certificates. This issue could not be assessed within the context of a Needs Assessment Mission.

D. MEDIA

The Electoral Code regulates the media coverage of the electoral campaign. Provisions apply almost exclusively to the electronic media. The media related provisions only apply during the official campaign period. The print media is not subject to any regulations except an obligation to respect the campaign silence period immediately prior to election day.

As in the last elections, the Code requires the public broadcaster to provide each party contesting the elections with free campaign airtime. The time allocation is dependent on the size of a party’s representation in parliament with parties placed in one of three

categories: those with over 20% of parliamentary seats (hereafter large parties), those with less than 20% of seats (hereafter small parties) and non-parliamentary parties.

Additionally, both private and public media are required to cover parties' campaigns in news programs, with airtime dependant on parties' strength in parliament. The total amount of time allocated to each 'large' parliamentary party should be "double the amount of airtime" allocated to each of the 'small' parliamentary parties. The Code clearly sets out penalties applicable in the event of non-compliance with the regulations.

Broadcast media are regulated by the September 1998 "Law on public and private radio and television in the Republic of Albania". A National Council for Radio and Television (NCRT) is responsible for overlooking media conduct.

Yet, during the electoral period, the media coverage of election-related issues is monitored by a Media Monitoring Board operating under the authority of the CEC and regulated by specific provisions of the Electoral Code. The role of the NCRT in the electoral process is very limited.

A reform of the NCRT was initiated by the Government earlier in the year 2006, which prompted a strong reaction of the opposition criticising what they considered as a departure from a balanced composition and accusing the Government of attempting to establish a total control over broadcast media.

The question of the supervision of broadcast media became a major contentious issue over the next months, to the point that it started impacting on the electoral reform. The issue was discussed and a compromise was found within the framework of the 30 August Agreement, whereby the composition of both the NCRT and the Steering Council of the Albanian Radio and Television (SCART) be enlarged, and the nomination of the additional members would involve the opposition to a larger extent. In addition, the agreement foresaw a qualified majority to be required on a number of issues to be specified by the parliamentary media committee

Previous EOM reports concluded that since the 2003 local elections and the 2005 parliamentary elections, media have displayed positive trends, in particular in terms of compliance with legal provisions and balanced reporting. However, concerns were raised with regards to the ownership structure of most media outlets and its effect on their independence, as well as the weaknesses of the regulatory body.

E. PARTICIPATION OF WOMEN

Previous OSCE/ODIHR reports have noted that although very active at the grassroots level in politics, women are rarely selected as candidates and reaching leading positions in political parties. Women were also underrepresented in the election administration.

F. INTERNATIONAL AND DOMESTIC NON-PARTISAN OBSERVERS

The Electoral Code (art.18) grants the right to send observers to "*Albanian and foreign non-governmental organisations, as well as international organisations*

specialised or engaged in the area of protection of human rights, representatives of foreign countries and of the media.” In addition, political parties registered with the CEC and independent candidates in their respective zones can appoint an observer per LGEC, Polling Station and Counting Centre. The presence of observers in LGEC, Polling Station and CC is limited to two per organisation, NGO or election contestant.

All local stakeholders met have asked for a significantly high number of observers to be deployed by the OSCE, on election day and throughout the process.

As regards domestic observation, eight domestic observer groups are expected to deploy domestic observers to some 2,600 voting centres, with the support of the US National Democratic Institute for International Affairs (NDI). They expect to be able to observe the count in the counting centres of the 115 most populated LGUs.

IV. CONCLUSIONS AND RECOMMENDATIONS

The OSCE/ODIHR NAM recommends that a fully fledged EOM be established to observe the forthcoming local elections in the Republic of Albania. In addition to a core team of experts, the mission should include 30 long-term observers to be deployed throughout the Republic of Albania to follow the campaign and election preparations. In addition, the secondment by participating States of 400 short-term observers to follow election day procedures and counting is considered necessary.

ANNEX 1



Office for Democratic Institutions and Human Rights

Needs Assessment Mission to Albania

Programme (6 – 8 November 2006)

Monday, 6 November

- Briefing with Deputy Head of OSCE PiA, Mr. Alex Finnen and PiA staff
- Meeting with Minister of Foreign Affairs, Mr. Besnik Mustafaj
- Meeting with Deputy Minister of Interior, Mr. Ferdinand Poni
- Meeting with the CEC Chairman, Mr. Çlirim Gjata

Tuesday, 7 November

- Meeting with Head of OSCE PiA, Ambassador Pavel Vacek
- Working breakfast with US Ambassador Marcie B. Ries
- Meeting with Prime Minister, Dr. Sali Berisha
- Meeting with Socialist Party Chairman, Mr. Edi Rama
- Meeting with the members of the CEC
- Meeting of the Elections Working Group
- Meeting with the Democratic Party AHC Co-chairman, Mr. Bujar Nishani
- Meeting with ruling majority parliamentary parties (RP, NDP, DCP, AEP, HRUP, LDU)
- Meeting with opposition parliamentary parties (SDP, SMI, DAP, SDY)

Wednesday, 8 November

- Meeting with the Socialist Party Co-chairman of the AHC, Mr. Ben Blushi
- Meeting with EU Ambassadors

- Meeting with domestic election observation NGOs (Mr. Kristaq Kume INSIZ, Ms. Vasilika Hysi Albanian Helsinki Committee, Ms. Gerta Meta Society for Democratic Culture)
- Meeting with General Director of GDCS, Mr. Eduart Aliko
- Meeting with Legal Advisor to the President of the Republic, Mr. A. Metani
- Debriefing with Head of OSCE/PiA, Ambassador Pavel Vacek

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Document).

The ODIHR, based in Warsaw, Poland, was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 100 staff.

The ODIHR is the lead agency in Europe in the field of **election observation**. It coordinates and organizes the deployment of thousands of observers every year to assess whether elections in the OSCE area are in line with national legislation and international standards. Its unique methodology provides an in-depth insight into all elements of an electoral process. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include the following thematic areas: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The ODIHR implements a number of targeted assistance programmes annually, seeking both to facilitate and enhance State compliance with OSCE commitments and to develop democratic structures.

The ODIHR monitors participating States' compliance with OSCE human dimension commitments, and assists with improving the protection of **human rights**. It also organizes several meetings every year to review the implementation of OSCE human dimension commitments by participating States.

Within the field of **tolerance** and **non-discrimination**, the ODIHR provides support to the participating States in implementing their OSCE commitments and in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies. The Office also acts as a clearing-house for the exchange of information on Roma and Sinti issues among national and international actors.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihhr).