



STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Tirana, 19 February 2007 – Following invitations by the Ministry of Foreign Affairs of the Republic of Albania to observe the 2007 local elections, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) in Albania and the Congress of Local and Regional Authorities of the Council of Europe deployed a delegation of European representatives of local authorities. For observation on election day, observers from OSCE/ODIHR and from the Congress joined efforts to form an International Election Observation Mission (IEOM).

The IEOM assessed compliance of the electoral process with OSCE Commitments, Council of Europe commitments and other international standards for democratic elections, and domestic legislation. This statement of preliminary findings and conclusions is delivered prior to the completion of the election process, including the vote count and the tabulation and announcement of final results, and the expiry of legal deadlines for complaints and appeals. A conclusive assessment of the elections will depend, in part, on the conduct of these remaining phases of the process. The OSCE/ODIHR will publish a comprehensive final report approximately two months after completion of the process, and the Congress will vote on a report on the elections during its Spring Session.

PRELIMINARY CONCLUSIONS

While the 18 February local elections provided for a competitive contest, they were another missed opportunity for Albania to conduct elections fully in line with OSCE Commitments, Council of Europe commitments and other international standards for democratic elections. Political parties fell short of respecting the considerable responsibilities granted to them by the law. While election day was calm overall, voting was marred by procedural shortcomings and in some places by tension.

The electoral environment was marked by uncertainty and a lack of trust between key election stakeholders, particularly in the period before the 12 January agreement that aimed to resume the stalled process. This was underscored by the decision of the opposition to initially not participate in the process. The lack of constructive engagement by political parties resulted in a deadlock. This revived previous concerns regarding the willingness of the parties to ensure that elections proceed in compliance with international standards for democratic elections.

Albania continues to lack a reliable system for civil registration, and identification, and a uniform system of addresses. This caused, once again, disputes on the compilation of voter lists and the identification of voters in polling stations. Until these systems are thoroughly implemented, elections in Albania are bound to encounter such difficulties. A determined effort by the Albanian authorities is required, encompassing broad support across party lines, ahead of the parliamentary elections anticipated in 2009. Parties should refrain from misusing this issue in their political debates.

Generally, candidates and political parties could register without impediment, and were able to freely convey their views. Overall, media provided a balanced coverage of the campaign, which was dominated by issues of national significance rather than local issues. A genuine competition was evident, and voters were able to make informed choices among an array of competing options.

However, during the week preceding the polls, the tone of the campaign degenerated due to personalized attacks against leading contenders. A few violent incidents were also noted.

Overall, positive developments include:

- The existing legal framework largely provides a basis for the conduct of democratic elections, if implemented in good faith.
- To date, the Central Election Commission (CEC) was able to manage the electoral process largely in line with the law, despite tight deadlines and an uncertain environment.
- The process of updating voter lists, although rushed in a number of local government units (LGUs), was generally satisfactory.
- Over 1,000 mayoral candidates and over 6,000 council lists were registered in the 384 LGUs, in an overall inclusive process.
- Both the CEC and the Electoral College have thus far handled complaints and appeals in a transparent and professional manner.
- The media provided voters with extensive election-related information, both before and during the official campaign period.

Shortcomings, including some resulting from the 13 January amendments, were noted:

- The 13 January amendments introduced new transitory provisions for voter identification. While these procedures were intended to enhance the integrity of the process, they also have the potential to disenfranchise eligible voters.
- Birth certificates, as a means of voter identification, remained contentious. Attempts to remedy the situation resulted in the adoption of procedures which proved cumbersome for civil status offices (CSOs), voting centre commissions (VCCs) and voters.
- Special provisions for the identification of emigrants, both in voter lists and on election day, were discriminatory, open to abuse, and may have led to the disenfranchisement of voters.
- The late and sometimes incomplete appointment of the election administration, including the two new members of the CEC, impacted negatively on the process, in particular in the absence of alternative mechanisms to fill vacancies in case parties do not exercise their right to nominate members of lower-level commissions.
- The possibility to re-rank candidates for councillors after the vote limits transparency.
- In a few instances, candidates who attempted to register as independents appeared to have encountered undue obstacles.

Election day was calm overall. However, this was overshadowed by procedural shortcomings and, at times, by tensions. It would appear that shortcomings were partly a result of aspects of the 13 January amendments, mostly the need of special registers for birth certificates. In a significant 13 per cent of Voting Centres (VCs) visited, such registers had not been provided. Late opening was frequently observed and some 75 VCs did not open. The visible ink used to mark voters raised controversy. In a high 31 per cent of VCs visited, there was group voting. In Tirana, the similar colours of the ballots for the various elections may have led to confusion. While the transfer of voting material to counting centres appeared to have proceeded accordingly, observers have noted that the vote count itself was being conducted at a slow rate. As of 12:00 hrs. on 19 February, the CEC had not published provisional results on its website.

The organizations represented in the IEOM stand ready to continue their support for the efforts of the Albanian authorities, political parties and civil society to improve the electoral process in Albania, in line with OSCE Commitments and other international standards for democratic elections.

PRELIMINARY FINDINGS

Background

The 18 February 2007 local elections were the third observed by the OSCE/ODIHR in Albania¹. They were held in the context of constitutional amendments passed on 13 January 2007, which extended the mandates of local government bodies from three to four years.

The elections were postponed by nearly a month from 20 January 2007, the date initially decreed by the President, Mr. Alfred Moisiu. The holding of elections on the initial date was delayed by the continued polarization and uncompromising attitudes of both sides of the political spectrum. The parties in opposition chose not to register for the 20 January 2007 elections or to nominate their representatives in the Local Government Election Commissions (LGECs), arguing that they refused to participate in what they termed an 'illegal process'.

As election day drew closer, it became increasingly clear that elections would not be possible without some agreement being reached between majority and opposition. This was primarily due to the bi-partisan election administration structures, which allowed for effective blocking by political forces, and to the fact that amending the Electoral Code requires a qualified majority of 3/5.

Only upon the initiative of the President to bring the two sides together at a roundtable, with strong international support and with the involvement of OSCE Chairman in Office envoy Ambassador Jose Pons, was a political agreement finally reached on 12 January. This enabled the adoption of subsequent changes to the Constitution and the Electoral Code the following day. On 14 January, President Moisiu decreed local elections for 18 February, two days before the expiration of the LGUs' constitutional mandates.

Election System and Legal Framework

Mayors and members of councils of the 384 LGUs in the Republic of Albania are elected by popular vote in a single round of voting. The seats in local councils are allocated on the basis of party lists, using a proportional-representation system. Independent candidates can also stand. Mayoral candidates are elected in a first-past-the-post contest.

The existing electoral framework can provide a sufficient basis for holding democratic elections if implemented in good faith. The recent amendments to the Electoral Code pertain, *inter alia*, to the election administration, candidate lists, identification of voters, invalidation of elections and handling of electoral disputes. While some amendments have addressed a number of OSCE/ODIHR recommendations, especially on the vote count and the complaints and appeals process, other amendments raise concern. The Venice Commission of the Council of Europe was not involved in the drafting of the 13 January amendments.

The extension to local elections of a provision allowing the re-ranking of candidates on multi-name lists after election day, according to formulas submitted during registration, limits transparency and impacts on the allocation of mandates within lists of candidates. It was already noted in the OSCE/ODIHR – Venice Commission joint recommendations of 2004, that it would be contrary to

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The OSCE/ODIHR observed the 1996, 1997, 2001, 2005 parliamentary elections, the 1998 constitutional referendum, and the 2000 and 2003 local elections. The Congress observed the 2000 and 2003 local elections.

OSCE commitments and international standards to permit a re-ranking or 'final' ranking of candidates after a voter casts his or her ballot. Such a possibility, which exists for parliamentary elections, was also criticized in the OSCE/ODIHR Final Report on the 2005 parliamentary elections.

Furthermore, new transitory provisions, introduced cumbersome procedures for voter identification, as well as discriminatory rules for citizens who have emigrated. While these procedures were introduced with the intention of enhancing the integrity of the process, they also have the potential to disenfranchise eligible voters. Of particular concern is the requirement that, in order to receive a ballot, emigrants have to show, in addition to an Albanian passport, a second document issued by the state of permanent residence of the emigrant. Such documents may not be provided by all states or there may be Albanian citizens who have not been able to register permanent residence abroad.

Election Administration

The political agreement reached in January 2007 maintained the principle of 'political balance' of the election administration while increasing its membership. A constitutional amendment adopted on 13 January increased CEC membership from seven to nine; the two new members were elected on 6 February by the Assembly. On 9 February, the CEC Chairperson was re-elected by the membership of the CEC for three and half years. The delay in nominating the two new CEC members, as required by the electoral law amendments, meant that they were only appointed two weeks prior to election day. Such late appointments, initially caused by lack of nominations from political parties, also contributed to increased political tensions.

Membership of LGECs, VCCs and Counting Teams (CTs) was increased from 7 to 13, with the six biggest parliamentary groups from the majority and minority entitled to nominate members. The two biggest parties, the DP and the SP, retain the right to nominate the chairpersons. The formation of LGECs was somewhat hindered by difficulties faced by other eligible parties in putting forward nominations for all positions they had been granted by the amendments. The right of parties to replace their LGEC members at any time also created problems, as more than one third of LGEC members were replaced, impacting on the stability of the election administration. On 11 February, the CEC Chairman publicly called on parties to cease this practice. However, replacements continued in the week before election day. The late appointment of a significant number among of some 66,000 VCC members reduced the efficiency of the administration, especially since many of them did not undergo training.

Despite an uncertain environment, a rancorous political climate and tight deadlines, the Central Election Commission (CEC), was able to manage the electoral process to date in line with the legal framework.

Voter Registration

Following the 12 January political agreement, co-operation between civil status offices (CSOs) in LGUs and the General Directorate of Civil Status (GDCS) in the Ministry of Interior (MoI) resumed to a level which allowed for the updating of voter lists and, to a certain extent, the removal of duplicate entries. Improvements in the accuracy of the fundamental residence register and the broad use of special software prepared by the MoI appear to have led to more accurate voter lists in many LGUs compared to the 2005 elections. However, the absence of a proper address system, as well as the absorption of the temporary register into the fundamental register, have kept the number of so-called '999 entries' (i.e. citizens without a complete numerical address) relatively high. In Vlora municipality, for example, 48 per cent of all voters registered in the final voter lists were still marked as '999 entries'.

The compressed legal deadlines for the compilation of voter lists were repeatedly violated by a number of LGUs, mainly with regard to providing preliminary lists to the GDCS and posting the preliminary or final voter lists for public scrutiny. Political parties actively encouraged their supporters to check the lists after they were posted. In other cases, for example in Shkodra, parties submitted requests for corrections on behalf of voters, although this is contrary to the law.

In most LGUs, the identification of emigrant voters, in line with the special provisions established by the 13 January amendments, was performed by the teams in charge of the notification of voters. There was a lack of uniformity in the implementation of these special provisions, including on the establishment of the identifications teams, their composition and working methods. The local government authorities often treated their findings arbitrarily. Such factors may have further contributed to disfranchisement of citizens.

Birth Certificates

With the continued absence of new national ID documents for the entire population, birth certificates remain a widely-used form of citizens' identification. Birth certificates with a picture, along with passports and old state IDs, are forms of identification documents envisaged by the Electoral Code.

The continued use of birth certificates as a means of voter identification has been at the centre of major disputes between the ruling majority and the opposition throughout the electoral period. The opposition claimed that there was ample space for manipulation of the issuance and administration of birth certificates, as well as a lack of safeguards due to poor record-keeping. The Government, for its part, claimed that the problem was artificially created and that sufficient safeguards were in place to prevent misuse of certificates. In November 2006, the Minister of Interior issued an instruction obliging all CSOs to keep a special register in which all certificates issued would be recorded. However, in some LGUs the special registers were not introduced until the very end of 2006. In most cases, special registers were introduced between mid-November and early December 2006.

The performance of CSOs fuelled disagreements between the MoI and the SP. On 23 January 2007, the Ministry of Interior issued a 'reminder' to all CSOs, which accused some mayors of having unlawfully hindered the work of CSOs by making the issuance of certificates contingent on payment of local taxes. The document also instructed CSOs to provide those citizens who did not have any other identity documents with birth certificates for electoral purposes free of charge. The SP accused the MoI of facilitating the illicit issuance of certificates for allegedly fraudulent purposes. The Government responded that according to the Civil Status Law, CSO employees may not issue false certificates and citizens have to provide the CSOs with genuine data about their identity; according to the MoI, the existing criminal liability should be a sufficient disincentive for any abuse of birth certificates.

The implementation of new transitory provisions of the Electoral Code providing for the establishment of teams to monitor the work of CSOs in the administrative centres of the 12 regions was also controversial. These two-person teams were established by the government-appointed regional Prefects and had to include at least one member nominated by the opposition at the local level. In Tirana, the mayors of some boroughs refused to allow the monitoring teams to carry out their duties, arguing that the Tirana boroughs do not have the status of administrative centres. Indeed, the specific administrative-territorial division of the Municipality of Tirana was not taken into account in the 12 January agreement. However, the approach taken by these Mayors appeared to undermine what was intended as a confidence building measure.

Candidate Registration

Occasionally, incumbents and other party activists who did not gain their party's nomination because of political agreements within the two major alliances registered or attempted to register as independent candidates. Independent candidates who are not incumbents or hold a seat in the council or the Assembly must submit a number of support signatures from voters registered in the provisional voter list of the respective LGU. In some cases, their registration was rejected by LGECs, who challenged the authenticity of support signatures submitted.

The absence of any instruction or guidance from the CEC on the verification of support signatures by LGECs raised controversies. Consequently, some of the rejected candidates who appealed the LGEC decisions to the CEC and the Electoral College were eventually registered.

Campaign Environment

Throughout the pre-election period, the campaign was characterized by the active involvement of political parties and independent candidates. Although the general campaign environment remained calm, campaigning was sometimes fraught with tension, and occasional violent incidents were noted.

Both sides of the political spectrum got off to a quick start in the campaign following the redecreeing of elections by President Moisiu. The parliamentary majority parties coalesced into a nineparty alliance, which included six parliamentary parties and three extra-parliamentary parties. However, the Human Rights Union Party pursued a strategy of concluding local alliances. The parliamentary opposition joined together into a five-party alliance. Each alliance fielded joint mayoral candidates, but ran separate lists for local councils. Neither side registered as a coalition.

Both sides experienced significant problems in maintaining internal party discipline, and the campaign was marked by a substantial number of 'independent' candidates breaking ranks in order to compete against their former party partners. There was also evidence that in certain cases, pressure was put upon such independent candidates to withdraw in order not to split the vote. Within the SP, this issue became a significant element of internal debate, with certain SP deputies questioning the transparency of the alliance.

Interlocutors noted few problems regarding their ability to campaign. However, some instances of destroying posters by opponents were noted, and in a few cases this resulted in violence. During one such incident in Gjirokastër, knives were drawn and a gun was waved around. In Tirana, DP activists alleged being beaten up by an SP member of the Assembly. On 15 February, there was an explosion at a Tirana restaurant shortly after the SP leader's departure; no one was injured in the blast and it is unclear whether the incident was election-related. While campaign messages did focus primarily on criticisms by each side of the other, they also included some programmatic proposals.

Widespread allegations of the misuse of state resources emerged closer to election day. In Korçë, a health care centre worker was dismissed without prior notice. The person alleged that the dismissal was due to being an SP activist in a DP administration. The appellant intended to go to court.

Participation of National Minorities and Women

In these elections, women were rarely selected as candidates. Of the 1,073 mayoral candidates, only 33 were women (3 per cent). A number of political parties established internal gender quotas (in some cases, up to 50 per cent), but it remains to be seen how these quotas will be affected by the possible re-ranking. In 16 per cent of VCs visited, the VCCs were chaired by women.

There is an absence of reliable current official data on national minorities in Albania. However, it is widely accepted that the largest minority grouping is the Greek Albanian community. In addition, Bulgarian, ethnic Macedonian, Roma, Serb, and Vlach communities live in Albania. A number of election-related issues arose within the Roma community during these elections. Specific problems were noted with their inclusion in the voter lists, since many Roma were either not properly registered in their place of residence or not registered at all. There were also allegations of vote buying by candidates in Roma settlements; one case involving a DP candidate in Pogradec was substantiated.

The Media

Albania has a pluralistic media environment, with both public and private broadcasters and a wide variety of print media. Public television and radio respected their legal obligation to offer free airtime to all political parties registered for the elections. Debates were televised regularly, both on public TV and a number of local broadcasters, providing candidates with a forum to exchange views. In general, voters were provided with extensive election-related information; yet the media mainly focused on the two largest parties, with smaller parties receiving less coverage than their legal entitlement.

The Electoral Code regulates the media coverage of the campaign. Public and private broadcasters are required to cover parties' campaigns according to their relative strength in the Parliament. Compliance is overseen by the CEC's Media Monitoring Board (MMB). Despite a delay in launching its monitoring effort, both at the national and local level, as well as problems with monitors and equipment in a number of regions, the MMB was able to fulfil its mandate. Based on the MMB's reports, the CEC ordered a number of media to "correct" imbalances in their coverage. However, the CEC rejected two requests for compensation from smaller parties (DAP and SDP), although the MMB monitoring showed that such claims appeared to have been grounded.

The OSCE/ODIHR EOM monitored the main broadcast and print media outlets², assessing the time and space allocated to candidates and parties running for the elections, as well as the tone of the coverage. During the official campaign period, TVSH allocated 28 per cent of its political and election prime-time news coverage to the DP, mostly positive or neutral in tone. The SP received 29 per cent, also mainly positive or neutral. The coverage of the two main parties by private broadcasters TV Arbëria, Top Channel, Vizion + and News24 was similar to that of TVSH. TV Klan adopted a different approach, giving the SP 28 per cent of coverage, and the DP 21 per cent. The broadcaster often presented state officials as government representatives, even when they were participating in campaign events. TV Klan allocated some 23 per cent of its political coverage to the Government, more than any other outlet monitored.

2 TV: TVSH (public), TV Klan (private, nationwide license), TVA (TV Arbëria; private, nationwide license), Top Channel (private, regional license), Vizion + (private, regional license) and News24 (private, regional license), Newspapers: *Gazeta Shqiptare, Shekulli* and *Shqip*.

Complaints and Appeals

The CEC registered and adjudicated more than 50 complaints, most of them against LGEC decisions regarding candidate registration. Seventeen CEC decisions were appealed to the Electoral College, six of which were overturned. Out of eight appeals from rejected or deregistered candidates, the Electoral College overturned the CEC decisions in four cases as lacking legal grounding and/or not based on sufficient evidence. Both the CEC and the Electoral College handled complaints in a transparent and professional manner and generally met the deadlines for taking decisions.

Domestic and International Observers

Under Article 18 of the Electoral Code, Albanian non-governmental organizations (NGOs) have the right to observe elections. In these elections, the largest civil society initiative was organized by the 'Domestic NGO Coalition', an umbrella organization that encompassed seven domestic groups and deployed some 3,000 domestic observers throughout the country to monitor the opening, voting, counting, and tabulation procedures.

Election Day

Election day was calm overall. However, it was overshadowed by procedural shortcomings and, in a number of LGUs, by tension. Certain problems observed derived from the implementation of the 12 January agreement. Overall, IEOM observers characterized the voting process as 'bad' or 'very bad' in 10 per cent of Voting Centres (VCs) visited. Formal complaints were filed in 6 per cent of VCs visited.

In a significant 13 per cent of VCs visited, copies of the special register for birth certificates had not been provided. This appeared to be mainly due to uncertainty as to who was responsible for providing them. In some VCs, this stalled the voting process. Where copies of the register were available, they were sometimes not used, as in Tirana Borough 7, Kamëz, Gjirokastër, Berat and Poliçan. In 20 per cent of VCs observed, birth certificates were not checked against the special register, and in 29 per cent, they were not retained by the VCC.

Most CSOs visited immediately prior to and on election day were open, and in 49 per cent, lines of citizens were waiting to be issued with birth certificates. IEOM observers noted a lack of uniformity regarding opening hours of CSOs on election day. Opposition parties alleged abuse of certificates in some LGUs.

In 34 per cent of VCs observed, voters were turned away because their names were not on the voter lists. However, the number of people affected was low in almost all cases. People marked as emigrants in the voter lists generally appeared not to encounter undue problems in trying to vote. The visible ink used to mark voters was at the centre of controversy, with claims that it could easily be removed. In 20 per cent of VCs visited, voters were rarely or never checked for traces of ink, and in 11 per cent, ink was rarely or never applied.

The majority of VCs where the opening was observed opened with sometimes considerable delays; this appeared to be due to late or incomplete delivery of election material or late appointment of VCC members, some of whom were not nominated until the previous evening. Some 75 VCs did not open at all. In Tirana Borough 1, the mayor changed the number of VCs after the legal deadline; as a result, VCCs received wrong voter lists and quantities of ballots.

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Observers reported tension or unrest in 7 per cent of VCs visited, as well as isolated cases of violence. Unauthorized persons were interfering in the process in 4 per cent of VCs visited. In 4 per cent, persons were influencing or attempting to influence voters. Instances of pressure on voters were reported from a limited number of LGUs; for example, Bushat and Gruemirë. In a VC in Bushat, four VCC members from majority parties left and were not replaced after supporters of the Demo-Christian Party 'requested' the right to replace them.

Group voting was observed in a high 31 per cent of VCs. Isolated cases of proxy and multiple voting were also reported. Observers also noted other isolated but serious violations. In a VC in Poshnjë, a VCC member was signing the voter list when no voters were nearby. In some VCs in Himarë, the process was characterized as problematic. In Himarë, one VCC appeared to be deliberately invalidating ballots by handing them to voters with the stub attached, by signing them, or by not stamping them properly.

In Tirana, the similar colours of some ballots led to confusion and may have resulted in considerable numbers of ballots inserted in the wrong ballot boxes and thus rendered invalid.

Party or candidate observers were present in 75 per cent of VCs visited; domestic non-partisan observers, mainly from the 'Domestic NGO Coalition', were identified in 33 per cent of VCs. Observers described many VC premises as too small and inadequate. Access to 12 per cent of VCs visited was considered difficult, which could have affected the voting of disabled citizens.

In certain LGUs, the situation deteriorated during the afternoon. In several Tirana boroughs, large numbers of voters and other people gathered outside some VCs, tension was reported, and some VCs closed with considerable delays and in chaotic circumstances, with voters waiting outside not being allowed to vote.

Elsewhere, VCs generally closed on time, and most observers reported that voters in line were able to vote. The closing procedures were largely respected. However, copies of the closing records were not always given to those entitled to receive them. Also, some observers reported the presence of unauthorized persons during the closing.

The Vote Count

Observers reported that, in general, the reception of election material at counting centers proceeded smoothly. Most problems were noted in larger LGUs with many VCs. Observers reported that the reception was slow and poorly organized in most Tirana boroughs.

In all counting centres observed, the vote count started only after the election material had been received from all VCs. In Gjirokastër, the count was blocked until 02:50 hrs. following a violent incident involving SP and DP supporters. In Bushat, the count was postponed to Monday morning following obstruction by the local MP and his supporters. In Tirana Boroughs 1, 6 and 10, the count had not started at 6:00 hrs. As of 12:00 hrs. on 19 February, the CEC had not published provisional results on its website.

The OSCE/ODIHR will issue additional commentary on the counting process in due course.

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

MISSION INFORMATION & ACKNOWLEDGEMENTS

Mr. Jørgen Grunnet (Denmark) is the Head of the OSCE/ODIHR Election Observation Mission, and Mr. Jean-Claude Frécon (France) led the delegation of the Congress of Local and Regional Authorities of the Council of Europe.

The OSCE/ODIHR Election Observation Mission opened in Tirana on 13 December with 33 experts and long-term observers deployed in Tirana and ten regional centres. On election day, the IEOM deployed some 345 short-term observers from 39 OSCE participating States, including a 17-member delegation of European elected representatives of local authorities from the Congress of Local and Regional Authorities of the Council of Europe. The IEOM observed voting throughout the Republic of Albania in 1,069 voting centres out of a total of 4,721, located in 247 of the 384 local government units. As of 10:00 hrs. on 19 February, the observation of the count was still ongoing.

The IEOM wishes to thank the Ministry of Foreign Affairs, the Central Election Commission, and other national and local authorities for their assistance and cooperation during the course of the observation. The IEOM also wishes to express appreciation to the OSCE Presence in Albania and other international organizations and embassies for their support throughout the duration of the mission.

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