



**OSCE/ODIHR
ELECTION OBSERVATION MISSION**

**THE REPUBLIC OF ALBANIA
LOCAL GOVERNMENT ELECTIONS**

SECOND ROUND - 15 October 2000



STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Tirana, 16 October 2000 - The Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) Election Observation Mission (EOM) for the municipal elections in the Republic of Albania issues this statement of preliminary findings and conclusions before the final certification of the election results and before a complete analysis of the observation findings.

This statement should be considered in conjunction with the statement issued by the EOM on 2 October after the first round of voting. The OSCE/ODIHR will issue a comprehensive and final report approximately one month after the completion of the electoral process.

Preliminary Conclusion

While the first round of the local government elections held in Albania on 1 October marked significant progress towards meeting the OSCE commitments for democratic elections as formulated in the 1990 OSCE Copenhagen Document, the second round was less transparent and inclusive. After the first round, indeed, the handling of complaints by the election commissions and the courts was inadequate and did not provide an effective means of redress. A number of valid complaints were dismissed without explanation. The Central Election Commission's (CEC) announcement of the final results was slow and incomplete, and the CEC did not take action to remedy some of the shortcomings observed on 1 October.

The campaign environment for the second round was peaceful and calm overall. While the Socialist Party (SP) ran a high-level campaign, the national leadership of the Democratic Party (DP) decided not to participate in the second round. The failure of the CEC to set a deadline for candidate withdrawal in between the rounds created confusion on the eve of the election, when a number of DP candidates resigned following a call to boycott from the DP national leadership. In Himara, where there is a Greek-speaking minority, the end of the campaign at local and national level was marred by nationalistic rhetoric, reported at length in the press even on election day, in an environment of increased tension with a neighboring country.

A broad spectrum of media reported on the elections, although the time given to candidates and the campaign was limited. The public television broadcaster, TVSH, gave overwhelming but neutral coverage to the SP. In the last days of the campaign, the press carried inflammatory language and nationalistic rhetoric against the Greek minority, in relation to the situation in Himara.

On election day, voting and counting procedures were overall carried out in a calm and orderly manner in most constituencies. Some DP representatives resigned from their posts on the election commissions, thus depriving the process of an essential element of transparency. In Himara, the situation was marked by some serious irregularities, in an environment of increased tension with a neighboring country.

In conclusion, the OSCE/ODIHR EOM notes that, overall, the electoral process for the Local Government Elections in Albania mark progress, but the second round in particular showed the need for further improvement in order to meet certain OSCE commitments.

Preliminary Findings

First round results

First round results for mayoral contests gave an outright victory to Socialist Party (SP) candidates in 140 constituencies and to Democratic Party (DP) candidates in 67 constituencies; the Human Rights Party candidate won in five communes and the Albanian Legality Movement in one. Run-offs took place on 15 October in 28 municipalities, 127 communes and 10 administrative units of Tirana, where no candidate received more than 50% of valid votes on 1 October. New elections were scheduled in seven communes, where voting did not take place properly, or at all, on 1 October.

Based on information provided by Local Government Election Commissions (LGECs), the Central Election Commission announced the final results of the first round on 7 October. However, this CEC decision number 40 was incomplete as it did not contain the final number of voters registered, the overall turnout, nor the detailed results from the proportional ballot for municipal or commune councils. Moreover, in Tirana, the CEC accepted incomplete protocols from the city LGEC, which did not bear the required signatures and stamps, and failed to record the number of invalid ballots.

Election complaints procedure

After the first round of elections, political parties filed a large number of complaints with the election commissions and the courts. Unfortunately, the election complaints procedure did not provide them with effective means of redress.

The provisions of the new Electoral Code on complaints are insufficient and the CEC and the High Court failed to establish comprehensive rules of procedure as foreseen in the Code. For instance the legal criteria for recounts are too stringent and were implemented selectively.

On 7 October, the CEC decided, without providing a legal rationale, to reject the vast majority of complaints related to election day. Moreover, the CEC decision was made available only on 11 October when the deadline for appealing to the High Court could be considered as expired. For no clear reason, other complaints were referred by the CEC to local courts. At local level, LGECs dismissed cases hastily and, in some cases, gave no official reply to complaints received, or simply refused to investigate evident discrepancies. District and appellate courts were also reluctant, with few exceptions, to examine the substance of the complaints addressed to them.

The inadequate appeals procedure particularly penalized the Republican Party, which complained above all that some of its duly registered candidates did not appear on the ballots on election day. Despite appealing to various instances, the party was unable to obtain redress with the commissions or the courts.

In Durres, the local DP candidate complained that, in four cases, the LGEC tabulated results did not match the figures of their official protocols. The tabulated results were not endorsed by the DP member of the LGEC and, in two cases, they also appeared out of scale compared to other voting centres. The discrepancy was large enough to require a run-off in Durres, but the LGEC and the CEC

dismissed the complaint without adequate rationale. The DP chose, however, not to seek redress in court.

Legal and administrative framework for the second round

The CEC did not take appropriate steps to remedy some of the shortcomings observed on 1 October. It did not provide lower-level election commissions with additional training and information on how to deal with inaccuracies in the voter lists, invalid ballot papers and election complaints. The CEC also failed to set a deadline for candidate withdrawal prior to the second round which created confusion on the eve of the election, when a number of DP candidates resigned. The CEC decided to ignore these withdrawals and to proceed with the elections as planned.

Election Environment and Second Round Campaign

The election campaign between the two rounds of voting was generally low key, and for the most part, campaign activities took place in a calm and peaceful atmosphere.

After the announcement of results, the SP launched a high-level campaign. While the majority of second rounds still included contests between SP and DP candidates, the focus shifted in certain constituencies to local competitions between the SP and its national junior coalition parties.

In the run up to the second round, the prospect of a DP boycott loomed over the campaign. As a protest against the alleged manipulations of the election process, the national leadership of the DP indeed threatened not to participate in the second round unless the CEC was changed, the voter lists updated and the election postponed. Both the CEC and the Government rejected these conditions. As a result the DP did not engage itself in the contest and the campaign was one-sided.

In Himara, an unexpected coalition, including the DP, supported the SP candidate and resorted to inflammatory speeches in its campaign against the candidate of the Union for Human Rights Party (UHRP), pitting the Albanian against the Greek community. As a result, the last days of the campaign at local and national level were marred by ethnic and nationalistic rhetoric against the Greek minority.

Media Coverage

As during the first round, a broad spectrum of media reported on the elections. Overall, the time given to candidates and the campaign was limited, as the media preferred to concentrate on broader political issues such as the threat of a DP boycott and the situation in Himara. For its part, the public television broadcaster, TVSH, gave overwhelming coverage to the SP, reflecting the unilateral character of the campaign; the tone of this information however, was overall balanced.

On 9 October, the National Council for Radio and Television issued a statement calling for professional media coverage of the second round. Moreover, the NCRT asked the CEC to fine a private television station, ATN1, for breaking the campaign silence on 30 September.

Election Day

On election day, voting and counting procedures were overall carried out in a calm and orderly manner in most constituencies. Some irregularities were noted including late opening of polling stations and poor respect of procedures such as the inking of voters. Family voting was observed on a

large scale, thus denying the secrecy of the vote to women in particular. The resignation of DP commissions members deprived the election of an essential safeguard and element of transparency, and, as a result, election commissions at times did not reach the legal quorum. In Himara, the situation was marked by some serious irregularities ranging from intimidation of commissions members, to one case of violence in which a ballot box was destroyed, to verified evidence of fraud in at least three voting centres.

The Albanian authorities should ensure that all irregularities are fully investigated in accordance with the rule of law.

The ODIHR will monitor the follow-up to the election and stands ready to assist the Government in addressing the concerns highlighted in this and the previous preliminary statement.

Mission Information

The EOM, with Eugenio Polizzi (Italy) as Head of Mission, was established in Tirana on 25 August 2000 and shortly thereafter started monitoring the electoral process with 18 experts and long-term observers deployed in the capital and five regional centers. For 1 October election day, and in close co-operation with the Council of Europe, the EOM deployed 251 short-term from 26 OSCE participating States monitoring the polling and vote count process in over 900 voting centers out of 4,578. For the 15 October second round, the EOM deployed 80 observers from 18 OSCE participating States monitoring the polling and counting in over 300 voting centres throughout the country.

The EOM wishes to thank the OSCE Presence in Albania for its support throughout the duration of the mission, as well as international organizations such as the European Community Monitoring Mission (ECMM) and diplomatic representations in Albania for their support on election day. Moreover, the Governments of Denmark, Germany, Italy, the Netherlands, Norway and Switzerland provided substantial voluntary contributions which enabled the EOM to extend its presence in country and monitor effectively the second round.

The EOM wishes to express appreciation to 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.

For further information, please contact Eugenio Polizzi, Head of the OSCE/ODIHR EOM, in Tirana (Tel: + 355-42-230012; Fax: +355-42-32522) or Elsa Fenet, OSCE/ODIHR Election Advisor, in Warsaw (Tel: +48-22-520-0600; Fax: +48-22-628-6967).