

The Congress of Local and Regional Authorities



Chamber of Local Authorities

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Local elections in Albania (8 May 2011)

Bureau of the Congress
Rapporteur : Volkram GEBEL, Germany (L, EPP/CD¹)

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Summary

The Congress accepted the official invitation from the Albanian Ministry of Foreign Affairs to observe the municipal elections of 8 May 2011 in Albania. The observer's delegation included 14 members (10 members of the Congress and 4 members of the Committee of the Regions of the European Union). The delegation was headed by Hana RICHTERMOCOVA (Czech Republic ILDG). Volkram GEBEL (Germany, EPP/CD) was appointed Rapporteur.

The report stresses that the elections, outside the capital city and apart from some exceptions, were transparent but that continuous tensions between the two main political coalitions were experienced. This negatively affected the electoral process and the political atmosphere.

The Albanian public authorities made considerable efforts and the election preparation improved. However, there were several shortcomings and the political parties, entitled to largely contribute to management of the elections, failed to discharge their duties.

The Congress is ready to support actions for improving the exercise of local democracy and, in particular, of local elections, to help the newly elected representatives on local democracy issues and to contribute to establishing a climate of trust and democracy between the stakeholders.

¹ L: Chamber of Local Authorities / R: Chamber of Regions
ILDG: Independent and Liberal Democrat Group of the Congress
EPP/CD: European People's Party – Christian Democrats of the Congress
SOC: Socialist Group of the Congress
NR: Members not belonging to a Political Group of the Congress



DRAFT RESOLUTION²

1. The Congress of Local and Regional Authorities of the Council of Europe thanks the Albanian authorities, the political actors, the media and the representatives of the international and diplomatic community for the fruitful cooperation established during the municipal elections held in Albania on 8 May 2011. It welcomes the renewed cooperation with the Committee of the Regions of the European Union that joined the Congress observation mission with four of its members.

2. The Congress affirms its interest in strengthening the co-operation with international organisations with a view to optimising the observation of local elections and welcomes, in particular the synergies established with the OSCE Office for Democratic Institutions and Human Rights (ODIHR).

3. Taking note of the Report on Municipal Elections in Albania [document CG/BUR(20)21], the Congress considers that the local elections of 8 May were characterised by a transparency engagement but experienced tensions between the two main coalitions: the electoral campaign, which should have been centred on municipal issues and local needs, was mainly centred on national politics and/or on personal allegations between candidates.

4. The Congress deplores the lack of political dialogue necessary for a constructive and loyal electoral competition. In this respect, in the interest of local communities, efforts should be made to accept all constructive decisions and go beyond partisan positions.

5. In the light of the points above the Congress:

a. calls on the Albanian local and regional authorities to promote the conditions aimed at establishing a better political dialogue between them, with a view to building constructive relationships – a fundamental component of good governance;

b. affirms its readiness to contribute, as a political forum, to set-up and implement a post-election action plan of the Council of Europe;

c. decides to develop and reinforce the cooperation with the OSCE Office for Democratic Institutions and Human Rights (ODIHR) in view of a complementary and harmonised action;

d. asks its Monitoring Committee to consider the results of the election observation mission in the preparation of the monitoring report on local and regional democracy in Albania, scheduled for 2012.

DRAFT RECOMMENDATION³

1. The Congress of Local and Regional Authorities of the Council of Europe refers to:

a. the principles of the European Charter of Local Self-Government ratified by Albania on 4 April 2000;

b. the Statutory Resolution relating to the Congress of Local and Regional Authorities of the Council of Europe, adopted by the Committee of Ministers of the Council of Europe on 19 January 2011 and, in particular, its Article 2 paragraph 4 on the Congress' role in the observation of local and regional elections.

² Preliminary draft resolution and preliminary draft recommendation approved by the Bureau of the Congress on 16 June 2011.

Members of the Bureau:

K. Whitmore, President of the Congress, *H. Van Staa*, President of the Chamber of Regions, *J-C. Frécon*, President of the Chamber of Local Authorities, *W. Carey*, *H. Skard*, *N. Romanova*, *G. Doganoglu*, *L. Sfirloaga*, *B. Collin-Langen*, *J. Fischerova*, *A. Knapé*, *H. Pihlajasaari*, *O. Van Veldhuizen*, *S. Orlova*, *D. Suica*, *I. Sanchez Amor*, *F. Pellegrini*.

N.B.: The names of members who took part in the vote are in italics.

Secretariat of the Bureau: *D Rios*, *L. Taesch*

³ See footnote 2

2. The Congress welcomes the good cooperation implemented with the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and looks forward to increasing the complementary and harmonised action established.

3. The Congress notes the progress made in general by the Albanian authorities in making the electoral organisation of the municipal elections of the 8 May 2011 as efficient as possible and recognises, in particular, the efforts made for ensuring transparency of the elections. The behaviour of the media, even if few of them were considered independent, was balanced. The voting day procedures were satisfactory and a good co-operative atmosphere was established between the members of the voting centre commissions.

4. Nevertheless, as did the OSCE-ODIHR and other Observers, the Congress' delegation noticed several problems and that future regulatory improvements are needed.

5. In particular, the Congress' delegation:

a. regretted that the electoral campaign, characterised by a strong polarisation of the debates, reflected the extremely tense political situation. This negatively affected the electoral process. The tensions detected during the electoral campaign were confirmed during the long and contested counting process;

b. noted uncertainties with regard to procedures that brought about postponements in opening and closing of the vote;

c. was convinced that the late appointment or last minute change of the election's officials considerably affected their training;

d. noted that disagreements between the members of the various electoral commissions were frequent and the members had to consult their respective parties before taking position on the contested cases. This very often prevented the fulfilment of the deadlines established;

e. regretted that in Tirana the atmosphere was particularly tense due to the strong political polarisation;

f. believed that the extremely long counting system was, in Tirana, a source of increased conflict. The length of the counting and the consequent failure to announce the final results, put in danger the trust that the citizens should have had in the fairness of the elections. Both partisan interpretations of the electoral code and fairness of the counting were contested.

6. The Congress deplores the lack of constructive dialogue between parties and the deterioration of the relations between political actors whereas, in the interest of local communities and of good governance, efforts should be made to accept all constructive decisions and to go beyond partisan positions.

7. Taking into account the above, the Congress asks the Committee of Ministers of the Council of Europe to:

a. transmit the present recommendation and its explanatory memorandum to the Albanian authorities, inviting them to consider the Congress' suggestions and in particular to review the electoral code if required by the international standards or by the particular difficulties encountered;

b. support the Council of Europe's post-election action plan for Albania and fully involve the Congress in it;

c. forward the present recommendation and its explanatory memorandum to the relevant bodies of the Council of Europe, the European Commission for Democracy through Law (Venice Commission) and the Commissioner for Human Rights, for possible future joint actions in favour of Albania.

8. The Congress also invites the Parliamentary Assembly of the Council of Europe to take into account this recommendation within its monitoring activities on Albania.

EXPLANATORY MEMORANDUM

1. Introduction

1.1 Organisation and meetings

1. Following an early invitation by Edmond HAXHINASTO, Minister of Foreign Affairs of the Republic of Albania⁴, the Bureau of the Congress of Local and Regional Authorities of the Council of Europe decided to appoint a delegation to observe the local elections in Albania scheduled on 8 May 2011.

2. The Delegation, headed by Hana RICHTERMOCOVA, (Czech Republic, ILDG), included ten members of the Congress and four members of the Committee of the Regions of the European Union (CoR)⁵. Volkram GEBEL (Germany, EPP/CD) was appointed Rapporteur on the local elections in Albania. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) also deployed long-term and short-term observers to observe these elections.

3. A pre-election visit to Tirana by three members of the Congress and two members of the secretariat was also carried out on 12 and 13 April 2011⁶.

4. The Congress wishes to express its thanks to Marco LEIDEKKER, Head of the Council of Europe Office in Tirana, and his colleagues, for their valuable assistance.

1.2 Pre-election mission

5. A small delegation of the Congress visited Tirana on 13 and 14 April 2011 to assess the political situation in the country prior to the elections (see appendix I). The aim of the mission was to assess the preparation of the elections, the electoral campaign and to obtain additional information in respect of political pluralism, freedom of expression and the media in Albania.

6. The delegation was composed of 3 Congress members: Hana RICHTERMOCOVA, (Czech Republic, ILDG), Michel GUEGAN, (France, NR) and Mamuka ABULADZE, (Georgia, EPP/CD). Two members of the Congress secretariat accompanied the delegation.

7. They met representatives of the Government including Sali BERISHA, Prime Minister of Albania and leader of the Democratic Party; Edmond HAXHINASTO, Minister of Foreign Affairs; Ferdinand PONI, Deputy Minister of Interior, as well as with Arben RISTANI, Chair of the Central Election Commission. The Delegation also met Edi RAMA, Mayor of Tirana and leader of the Socialist Party of Albania; other representatives of political parties; members of the Albanian delegation to the Congress as well as representatives of international organisations, NGOs and the media. The detailed programme of this mission is in Appendix I.

1.3 Election observation mission

8. The election observation mission of the Congress joined by the CoR was carried out from 5 to 10 May 2011.

9. In the days preceding the elections, the Delegation met Sali BERISHA Prime Minister of Albania and leader of the Democratic Party; Ferdinand PONI, Deputy Minister of Interior of Albania; Edi RAMA, Mayor of Tirana and leader of the Socialist Party of Albania, as well as Jozefina TOPALLI, Speaker of the Albanian Parliament. The Delegation also met members of the Albanian delegation to the Congress; representatives of the two main political coalitions as well as members of NGOs; the media and representatives of the international and diplomatic community. The programme included briefings with OSCE/ODIHR and a final exchange of views with a delegation of the European Parliament.

4 Letter addressed by Edmond HAXHINASTO Minister of Foreign Affairs of Albania, to Andreas KIEFER, Secretary General of the Congress of Local and Regional Authorities of the Council of Europe, on 3 November 2010.

5 The list of the delegation is in Appendix II.

6 The list of the delegation of the pre electoral mission is in Appendix I.

10. On 7 and 8 May, the delegation was divided in to 8 teams and deployed in different Albanian regions: Tirana, Elbasan, Durrës, Shkoder, Himare and Vlore in which the members met with candidates and OSCE/ODIHR long-term observers and visited around 100 polling stations on the election day.

11. The good co-operation with the OSCE Office for Democratic Institutions and Human Rights (ODIHR), in both the pre-election phase and during the voting process, should be highlighted. A joint press conference with OSCE/ ODIHR was held in Tirana on 10 May to present preliminary findings.

12. The Congress wishes to thank all the persons above and listed in the programmes for the useful information provided and for their readiness to answer the questions of the Delegation. The final programmes of the meetings are in Appendix I and II.

2. Background

2.1 Political and institutional background

13. Albania joined the Council of Europe on 13 July 1995 and ratified the European Charter of Local Self-Government on 4 April 2000 as part of its commitments to the Council of Europe. Since Albania ratified the Charter, the Congress has been monitoring local democracy in the country and has observed several elections⁷. In this context, the Congress has invited the Albanian authorities to address a number of issues to improve the situation of local and regional democracy⁸ in the country.

14. Since the transition in 1991, the political scene in Albania has been marked by a high polarisation between the two largest political parties: the Democratic Party of Albania (DP), led by the current Prime Minister Sali BERISHA, and the Socialist Party of Albania (SP), led by Edi RAMA, Mayor of Tirana.

15. Most of the Albanian elections have been marred by irregularities and in some cases violence. Elections were characterized by a constant weakness of election institutions, deep mistrust between parties as well as recurrent crisis.

16. The 8 May 2011 elections were the first elections since the contested parliamentary ones of June 2009. Indeed, in 2009, the election coalition led by the Democratic Party (DP) formed a government with the Socialist Movement for Integration (SMI) based on a narrow majority. The opposition, headed by the Socialist Party, considered that the elections had been rigged and challenged the legitimacy of the newly formed Government and, as a result, boycotted the Parliament. This situation led to a serious political crisis which was only partially resolved in May 2010 when the representatives of the Socialist Party returned to the Parliament and began participating in parliamentary debates.

17. However, the majority and the opposition did not come to an agreement on the setting-up of a parliamentary inquiry committee for the 2009 elections, and, since then, the opposition refuses to take part in most of the votes in plenary sessions.

18. A corruption scandal, involving the former Minister of Economy and Socialist Movement for Integration Chair, Ilir META, followed by a violent demonstration called by the opposition and ending with a fatal shooting of 4 people, occurred on 21st January. Further, harsh rhetoric and polarisation between the two main political camps increased tensions in the run up to the local elections of 8th May 2011.

2.2 Election rules and administration

19. The Albanian Constitution defines 384 Local government units (LGUs): including communes, municipalities, regions and the 11 boroughs that compose the capital Tirana. Councillors are elected under a proportional system and mayors and heads of communes under a first-past-the-post contest.

⁷ Report on the local government elections in Albania (1 and 15 October 2000), CG/CP (7) 13; Report on the observation of the local elections in Albania (12 October 2003), CG/CP (10) 16; Report on the local by-elections in Tirana, Albania (28 December 2003), CG/BUR (10) 87. Report on the local elections in Albania (observed on 18 February 2007) , [CG\(13\)44PART2](#), Recommendation 214 (2007)⁷ on the local elections in Albania (observed on 18 February 2007).

⁸ Recommendations 28 (1998) and 201 (2006) on the situation of local and regional democracy in Albania.

On 8 May, Albanian citizens were called upon to elect local councils of the local government units as well as mayors and heads of communes in direct elections.

20. The 2011 local elections were mainly regulated by the Albanian Constitution (Law no. 8417 of 21 October 1998, last amended in April 2008) and the Electoral Code (adopted in December 2008). They were the first local elections to be organised since the adoption of the new code.

21. The electoral code is the result of electoral reforms launched after the 2007 local elections and was agreed by both the Democratic Party and the Socialist Party. It addresses recommendations made by the Venice Commission of the Council of Europe and the OSCE/ODIHR. The electoral code has been assessed as “providing a thorough technical foundation for the conduct of democratic elections⁹” by the Venice Commission of the Council of Europe and the OSCE/ODIHR prior to the elections. However, the need for further reform was raised by the Venice Commission itself and the Congress delegation during the observation mission.

22. The local elections are administered by a three-tiered election administration: the Central Election Commission (CEC), 66 Commissions of Electoral Administration Zones (CEAZs), and 4882 Voting Centre Commission (VCCs). In addition, the vote count is carried out in Ballot Counting Centres (BCCs) that cover several municipalities or communes and are installed in CEAZs.

23. The CEC is a permanent body composed of 7 members elected by the Parliament for a 4 year mandate. Three members plus the Chair of the CEC were appointed by the parliament majority led by the Democratic Party (according to the electoral Code, two members and the Chairperson are nominated by the largest party of the parliamentary majority and one member by another party of the parliamentary majority). The two other members plus the deputy Chair of the CEC were appointed by the parliamentary opposition led by the Socialist Party (according to the electoral code, one member plus the Deputy Chair are appointed by the main opposition party, the other member by another opposition party). Representatives of all competing parties and coalitions were also appointed and took an active part in the meetings of the CEC, but without the right to vote.

24. This system aims at providing a balance between the majority and opposition parties. However the general political atmosphere affected the work and collegiality of the Central Election Commission. Indeed, the members of the CEC nominated by the opposition didn't participate in the sessions of the CEC from January to early April due to disagreements with the other members. In addition, for most of the controversial decisions (matters disputed by the democratic and the Socialist Party) the votes tended to be along partisan lines (4-3).

25. By law, each CEAZ comprises seven members appointed by the CEC on the basis of the same principle of representation as within the CEC itself. In half of the CEAZ the chairperson is from the largest majority party, while in the other half, he or she is from the largest opposition party. The vice-chairperson and secretary come from the political camp which does not hold the chair of the CEAZ. Voting centres are administered by VCCs, which are appointed by CEAZs according to the same structure and formula as for CEAZs. The Electoral Code grants the right to electoral subjects, individuals, political parties denied registration as electoral subjects and persons denied accreditation as observers, to appeal to the Central Election Commission for a complaint. The CEC decisions can be appealed to the Electoral College of the Court of Appeals of Tirana, whose decisions are final.

3. The elections

3.1 Election preparation and electoral campaign

26. During the pre-electoral period, the delegation made considerable efforts to ensure that the whole electoral organisation was as efficient and transparent as possible. However, several procedural uncertainties were noticed. It appeared that the electoral code, adopted in 2008, contained some gaps or unclear provisions concerning local elections.

27. During election preparation, the members and observers took note that the list of voters (which eliminated deceased persons and included new voters) was considerably improved. Latest generation ID cards were introduced all over the country. Nevertheless several problems were detected.

⁹ Joint Opinion of the OSCE/ODIHR and the Venice Commission of the Council of Europe on the Electoral Code (2009).

28. One of the main issues was the identification of the addresses of the voters (approximately 40 % of the names in the final list had no residence code). The delegation, during its meetings with the Albanian authorities, was confronted with reciprocal transfers of responsibility from local authorities to central government and vice-versa. The citizens' addresses, in fact, had to be gathered by the Civil Status Offices (which were under the responsibility of the municipalities). The municipal services were charged to provide the information to the National Civil Status Register (on which the voters lists are based) which is managed by the Ministry of Interior of the central government. The local level tended to transfer the responsibility for these gaps to the central level and the central level to the local one.

29. This situation eventually affected the vote on election day. Several observers noted that a certain number of voters had difficulties in finding their voting centre. In addition, the opposition party emphasized that the list of voters was made available to them too late.

30. During the pre-electoral mission the delegation had already stressed the need for better coordination and a more effective dialogue between central government and local authorities. The delegation underlined, for example, the need for improvements to the voters' lists concerning the citizens abroad (around 30% of the Albanian nationals work abroad). This had an undeniable impact on the risk of double voting. It was suggested to introduce a register of Albanian nationals living abroad.

31. Concerning the gender issue, the delegation regretted the fact that the participation of women in political activities was low. And if the Electoral code stipulates that in local elections one third of the candidates on each list has to belong to each gender, numerous candidates' lists for the Council elections did not meet the requirements.

32. As far as pluralism was concerned, the observers noticed that small parties were penalised in the composition of the Voting Centre Commissions (e.g. participation of minorities/Greek in the electoral commissions in the south of the Country).

33. As a whole, the fulfilment of the pre-electoral procedures was carried out following professional guidelines. The recurring contested cases (basically denials of registration of candidates) were managed correctly. The Central Electoral Commission acted transparently, in its decision-making process. Nevertheless, sharp discussions occurred between the members of the Commission who took position along partisan lines.

34. According to information gathered by the delegation, despite repeated calls for calm, the electoral campaign was characterised by violence in many areas; however, the campaign was active and all contenders were generally able to campaign throughout the country.

35. Following current trends, the campaign was based on personal allegations and negative campaigning of the candidates. The political debate was centred on national politics instead of on the specific needs of the local communities. This was, for example, especially true for Tirana, as the national leader of the main opposition party, Edi RAMA, was running to confirm his position as mayor of the city.

36. The delegation noticed that large advertising campaigns were put in place by the candidates, in particular in Tirana. The media coverage was balanced, even if the members of the delegation regretted a lack of independent media.

37. The ODIHR of the OSCE provided the delegation with a complete picture of the media monitoring that had taken place; the media gave extensive and non-stop coverage of the elections and the public TV channel provided free time to political parties. It gave extensive space to the 2 main parties leaving a reduced space to the other political parties. For the private media, the delegation noted that the respective medias took position in favour of either the Democratic Party or the Socialist Party, without officially and transparently declaring their support for them.

38. The trend, also followed by the media, was to give priority to national (sometimes urban) issues, whereas the characteristics of the Albanian economy and population are essentially rural.

39. The Media Monitoring Board, appointed by the Central electoral Commission, fulfilled its task of monitoring and reporting and correctly proposed airtime compensations.

40. Finally, the delegation suggested to ensure the transparency of the campaign financing by the publishing of the income and assets of the candidates.

3.2 Election day

41. During the election day, the delegation was deployed in: Tirana, the northern, southern and western part of the country (see appendix II). The choice was made on the forecast of the most sensitive cities and areas.

42. The general conduct of the vote can be positively assessed. The members of the delegation acknowledged the efforts made by the Voting Centre Commissions for facilitating a fair and organised vote. They noticed that, in general, a good co-operative atmosphere existed between the members of the commissions. This was in striking contrast with the very tense atmosphere noticed during the days preceding the vote.

43. Considering that the members of the Voting Centre Commissions were appointed by opposite political parties, a strong confrontation between them could have been expected. Surprisingly, during the election day the wish of all of the commissions' members to ensure a successful vote prevailed. Nevertheless, several procedural uncertainties arose and the reflex of each member was to consult their respective political referent before accepting any decision. This, in several cases, slowed down the opening, voting and closing procedures.

44. The delegation observed, in several cases, that the opening of the voting centres was delayed. The members of the Voting Centre Commissions seemed not to be totally familiar with the procedures. This was also due to lack of training (see below) and to some gaps contained in the electoral code.

45. The delegation noticed that cases of family/group voting still existed. The delegation mainly noticed cases of "assisted voting"; in particular women assisted by their husbands or old people assisted by younger people accompanying them.

46. Prior to election day, the delegation was made aware of the discovery of a certain number of false ID cards and for this reason it was suggested by the Socialist Party representatives, that technical safeguards should be introduced for checking the ID cards in the voting centres.

47. The delegation took note of some voting stations which had more than 1700 voters registered. The limit of voters for each station (set by the law between 150 and 1000 voters) was not respected in several cases. Voting stations were, in some urban centres, overcrowded.

48. The closing of the voting centres was in some cases delayed. In several centres visited by the delegation in Tirana, voters were still queuing at closing time. In one case, in particular, the voting centre commission failed to reach an agreement on the notion of voting centre area and to gather the ID cards of the voters after the closing.

49. Finally, most polling stations visited didn't have easy access for disabled people.

50. The lack of training of the members of the Voting Centres Commissions was a recurring issue during the whole observation, which was noticed by the members. The late appointment or change of members of the Commissions was unhelpful: some of them (already trained) were replaced; some others (not trained) were appointed at the very last minute.

51. Considerable efforts were made for training the members of the different electoral commissions but these efforts were jeopardised by the procedure that gives the coalitions the task of appointing and of replacing (at any time) the members. In this respect, electoral procedures generally establish a steady appointment of the members based on a separation between actors involved in the electoral race and election supervisors.

52. Finally, the system of centralised counting of the ballots implied a transfer of the boxes (containing the ballots) from the 4.882 voting centres to the 66 centralised ballot counting centres. In spite of the fears of the observers, the delegation observed a secure transfer. The boxes were duly sealed and the police forces, together with members of the Voting Centres Commissions, ensured a safe transport of the ballots to their destination.

53. In conclusion, concerning the election day itself, the delegation felt that the vote generally took place in a calm atmosphere. The transparency of the election day's tasks was mostly ensured. However, the political parties did not fulfil, in a responsible manner, the competencies they held for the management of the electoral procedures.

3.3 Counting

54. After the vote, the boxes containing the ballots were transferred to the Ballot Counting Centres. The reason supporting this choice was the need to ensure transparency of the counting: the centres were in fact equipped with cameras able to capture and broadcast the image of the ballots for a large audience, both in the centres and via the net. This system imposed a very long timeframe for analysing and counting the ballots.

55. In most regions of the country the counting proceeded slowly but in a transparent manner. The media constantly informed the public on the counting process and the population was duly informed step by step about the results. Counting outside Tirana lasted five days and ended by Friday 13 May.

56. By contrast, in Tirana, the centralisation of the counting was at the origin of important tensions.

57. The counting process was very often delayed or temporarily blocked. The members of the Elections Commissions tended to constantly consult their respective party for the contested cases. In practice the political parties, very often intervened in directing their respective members and, as a consequence, the procedure.

58. The preliminary results for the election of the Mayor of Tirana, provided by the CEC to the OSCE/ODIHR, gave Edi RAMA (candidate of the Socialist Party) a 10 vote advance on Lulzim BASHA (candidate of the Democratic Party). After that, the Democratic Party, before the official declaration of the results by the Central Electoral Commission, requested a specific recount that took in to consideration valid ballots found in wrong boxes (i.e. the ballots for the mayor's election found in the boxes of the boroughs' elections). Tensions then exploded, after the decision¹⁰ of the Central Electoral Commission to accept this request. The major issue contested concerned the re-counting method. As stated in the OSCE /ODIHR final report, the fact that the majority-proposed members of the Central Election Commission chose to count some (but not all) of the miscast ballots directly, in a non-consensual manner, after the preliminary results were known, and without taking a decision that could have been challenged in the Electoral College, created the perception that they were acting on behalf of the ruling majority. Hence the Central Election Commission action undermined confidence in its ability to function in an impartial and independent manner. Finally, after 7 weeks of disputes, the Central Electoral Commission reversed the initial results, declaring Lulzim Basha winner of the Tirana mayoral race with an advantage of 93 votes.

59. In Conclusion, the counting system, provided by the Electoral Code, showed its limits: the Code did not give clear indications on how to deal with the case mentioned above and other specific counting problems. This brought about frequent decisions of the electoral commissions, adopted by a (very narrow) majority. In Tirana, the length of the counting process made the tension increase.

3.4 Results

60. After the election day, the counting attributed to the Socialist Party coalition "Alliance for the Future" 37 municipalities (mainly bigger cities), whereas the Democratic Party coalition "Alliance for the Citizens" prevailed in 28 municipalities (mainly small and medium size towns). However the coalition headed by the Democratic Party, secured more rural communes than the Socialist coalition and also prevailed in the votes for City Councils. Both camps won some municipalities belonging to the other in the past. For Tirana, the Central Electoral Commission declared Lulzim BASHA (Democratic Party) winner of the election only on 25 June 2011.

¹⁰ On 18 May, after voting on a decision "in principle" (by a 4-3 vote), although no final decision was adopted, the CEC began to open the 60 ballot boxes identified in the requests and to count ballots found for Tirana mayor and Council elections.

61. For the elections of the mayors Alliance for the Citizen obtained 212 mayors; Alliance for the Future 141 mayors; the Human Rights Union Party 8 mayors; the National Development Movement 2 mayors and independent candidates supported by voters obtained 9 mayors.

62. The difficult and tense situation of Tirana, brought the President of the European Commission, José Manuel BARROSO, to postpone his visit to Albania, scheduled after the elections. This has been a serious signal, as the stake of these elections was considerable: Albania's wish to join the European Union is under consideration. The holding of fair and democratic elections in the country is an important element to consider for attributing Albania the status of candidate country.

63. After the elections¹¹, 108 complaints were submitted to the Central Election Commission for both the mayoral and the Council's elections (including 5 complaints on the Tirana mayoral race). For the most part they concerned alleged irregularities during the counting process (in particular the evaluation of the validity of ballots and the attribution of votes to parties). Other complaints concerned irregularities during voting.

64. Eventually, the Electoral College received 56 appeals. It ordered the re-run of the elections in the local government units of Armen, Kolsh, Finiq, Shalle and Qendar and the recount in some voting centers of Maqellare, Carburnare, Zharrez and Shushice.

4. Conclusions

65. The local elections of 8 May, outside the capital city of Tirana and apart from some exceptions, can be considered transparent. However, the observation delegation noticed continuous tension between the two main coalitions. This negatively affected the electoral process and the political atmosphere.

66. In Tirana, the centralisation of the counting, foreseen to ensure transparency, showed its limits. The system opened up the way to partisan interpretations of the rules. The long duration of the counting process perpetrated tensions and confrontations in the city. The tensions detected during the electoral campaign were confirmed during the long and contested counting process.

67. The delegation believed that the electoral campaign reflected the extremely tense political situation. The campaign was characterised by polarisation of the debates and personal allegations between candidates. The campaign - which should have been centred on municipal issues and local needs – was centred mainly on national politics and/or on personal issues.

68. The Albanian public authorities made considerable efforts and election preparation had improved. The media coverage was balanced, even if the lack of independent media was detected.

69. The voting day itself was considered to be satisfactory by the delegation. It took place relatively well in a calm atmosphere. Nevertheless, several problems were detected (delays in opening and closing of the vote, assisted voting, overcrowded voting centres, frequent uncertainties on the procedures to follow).

70. The good co-operative atmosphere established between members of the Voting Centre Commissions contrasted with the extremely tense confrontation noticed during the pre-electoral period. Such a negative climate, which was noticed by the delegation before and after election day, revealed a lack of constructive political dialogue and failed to contribute to building fair relations between political actors - necessary for good local governance.

71. The two coalitions, entitled to direct the management of the elections, failed to discharge their duties. Electoral rules and procedures should be themselves equitable and "agreed together" by both the majority and opposition parties. Unfortunately, the electoral code left too large a scope for decisions to be taken by the parties at a simple majority. One option, for the future concerning the electoral exercise, could be the gradual establishment of independence for the members of all electoral commissions.

¹¹ Complement to the report adopted by the Bureau in first reading on 16 June 2011. Information based on the OSCE/ODIHR observation final report of 15 August 2011.

72. The Congress may support actions for both improving the fundamental exercise of local elections and helping the newly elected representatives on local democracy issues. An important task is to help establish a climate of trust and healthy democracy between the stakeholders. In this respect, immediately after the elections, the Congress launched an initiative for promoting constructive dialogue between newly local elected representatives: a first seminar, bringing together elected representatives of different political parties, was organised on 28 September 2011 in Tirana.

Appendices

Appendix I – Congress pre-electoral mission in Albania – 11-14 April - Composition of the delegation and programme

Members of the Congress delegation

Mamuka ABULADZE - Georgia, EPP/CD

Hana RICHTERMOCOVA - Czech Republic, ILDG

Michel GUEGAN – France, NR

Congress Secretariat

Giampaolo CORDIALE

Pauline CADÉAC

Date /Time	Name+position	Venue
12 April 2011		
9:00 – 10:30	Meeting with CoE team on the action plan of pre-electoral assistance to Albania	Rogner Hotel
10:45 – 12:30	Meeting with Arben RISTANI, Chair of Central Election Commission	CEC premises
14:00 – 15:00	Meeting with Edmond HAXHINASTO Minister of Foreign Affairs	MFA premises
15:00 – 16:30	Members of the OSCE/ODIHR long-term observation team Raul MURESAN - Deputy Head of Mission	OSCE/ODIHR premises
16:30 – 17:30	Meeting with members of the Albanian delegation Sabri SOLLAKU – Chair of the Association of Communes Tahsim Mema – Chair of Council of Tirana Region Fatos HODAJ – Association of Municipalities	Rogner Hotel
13 April 2011		
9:00- 10:00	Meeting with Prime Minister Sali BERISHA	Prime Ministry premises
10:00 – 11:00	Meeting with Edi RAMA, Mayor of Tirana Albana DHIMITRI Deputy Mayor of Tirana	Municipality of Tirana
11:30 – 12:30	Meeting with Representatives of Democratic Party Flamur NOKA	DP premises
14:00 – 15:00	Meeting with representatives of Socialist Party Erion VELIAJ – Operation Secretary, SP Lindita NIKOLLA – Borough Mayor nr1 Armando SUBASHI – SP MP Arben AHMETAJ – SP MP	SP Premises
15:30 – 16:00	Meeting with Ferdinand PONI, Deputy Minister of Interior	Ministry of Interior
16:30 – 17:30	Meeting with media representatives Remzi LANI; Aleksander CIPA	Rogner Hotel
17:30 – 18:30	Meeting with SCO representatives Gerta META – chair, Society for democratic Culture Premto GOGO – Chair of Kriik Albania	Rogner Hotel

Appendix II – Congress observation mission 4-10 May – Composition of the delegation, programme and deployment

Members of the Congress delegation

Mamuka ABULADZE, Georgia, EPP/CD
 Michel GUEGAN, France, NR
 Mihkel JUHKAMI, Estonia, EPP/CD
 Hannu KEMPPAINEN, Finland, ILDG
 Amy KOOPMANSCHAP, The Netherlands, SOC
 Vitalii OLUYKO, Ukraine, SOC
 Petru Radu PAUN-JURA, Romania, ILDG
 Volkram GEBEL, Germany, EPP/CD
 Hana RICHTERMOCOVA, Czech Republic, ILDG - (Head of delegation)
 Gilbert ROGER, France, SOC

Members of the Committee of the Regions

Uno ALDEGREN, Sweden, PES
 Patrick MCGOWAN, Ireland, ALDE
 Uno SILBERG, Estonia, EA
 Teet KALLASVEE, Estonia, EPP

Congress Secretariat

Antonella CAGNOLATI
 Giampaolo CORDIALE
 Pauline CADÉAC

Team	Deployed Area	Congress Members
1	Tirana	Hannu KEMPPAINEN Uno SILBERG Amy KOOPMANSCHAP
2	Tirana	Antonella CAGNOLATI Michel GUEGAN
3	Elbasan	Giampaolo CORDIALE Petru Radu PAUN-JURA
4	Durrës	Pauline CADÉAC Gilbert ROGER
5	Shkoder	Volkram GEBEL Hana RICHTERMOCOVA
6	Shkoder	Uno ALDEGREN Patrick MCGOWAN
7	Himare	Mamuka ABULADZE Mihkel JUHKAMI
8	Vlore (PD)	Teet KALLASVEE Vitalii OLUIKO

Programme - Congress local elections observation mission, 4-10 May 2011

Date / Time	Name+position	Venue
5 May 2011 9:30 – 10:30	Briefing with Marco LEIDEKKER, CoE HoO in Tirana and CoE staff dealing with elections	Hotel Tirana, Onufri Conference Room
10:45 – 12:00	Meeting with representatives of ruling majority coalition Flamur NOKA – Operation Secretary at the PD Ylli MANJANI – Legal Representative at the CEC for the SMI Party Arjan MADHI – Deputy Chair of the Republican Party	Hotel Tirana, Onufri Conference Room
15:00 – 16:15	Briefing delegation before deployment	Hotel Tirana, Onufri Conference Room
16:30 – 17:30	Meeting with Ferdinand PONI, Deputy Minister of Interior	Hotel Tirana, Onufri Conference Room
6 May 2011 9:00 – 10:00	Meeting with members of local government associations Agron HAXHIMALI - Chair of the Communes Association Fatos HODAJ – Association of Municipalities Tahsim MEMA– Director of the Association of Regions	Hotel Tirana, Onufri Conference Room
10:15 – 11:30	Meeting with representatives of opposition parties Ledi SHAMKU – Member of Parliament, SP representative Erion VEIAJ – Operation Secretary for SP Nard NDOKA – Chair of the Demo – Christian Party	Hotel Tirana, Onufri Conference Room
11:45 – 13:00	Meeting with Sali BERISHA, PM of Albania	PM premises
14:30 – 15:45	Meeting with Arben RISTANI, Chair of Central Election Commission (CEC)	Hotel Tirana, Onufri Conference Room
16:00 – 17:30	Meeting with representatives of domestic observers and media Edmond STOJKU – Director, Albanian Life quality Union Premto GOGO – Chair of the CRIIK Albania Gjon NIKOLLI – Chair of the “Friendship and co-operation with Europe” NGO Aleksander ÇIPA – Chair of the Union of the Albanian Journalists	Hotel Tirana, Onufri Conference Room
7 May 2011 9:00 – 10:15	Meeting with Ambassadors	Hotel Tirana, Onufri Conference Room
10:30 – 11:30	Meeting with Jozefina TOPALLI, Speaker of Parliament	Parliament
Team 1 and 2 11:45 – 13:00	Meeting with Edi RAMA, Mayor of Tirana	Socialist Party premises
8 May 2011	Observation of Polling Stations (from 7am)	
9 May 2011 Teams 1 - 6 9:30 – 10:30	Meeting with European Parliament delegation	Grand Hotel Tirana
Delegation 11:30	Final briefing	Rogner hotel
12:00	Joint Press conference with OSCE/ODIHR	Sheraton Hotel

Deployments of the teams

Team 1 and 2 – Tirana

- 14:00** Meeting with candidates
Socialist Movement for Integration Party
 Erisa XHIXHO, Candidate for mayor of borough Nr.5 in Tirana
Democratic Party
 Glori HUSHI (Chief of Electoral Headquarter for Lulzim BASHA candidate for Mayor of Tirana)
- 16:00** Meetings with OSCE long-term observers

Team 3 – Elbasan

- 13:30** Lunch- Meeting with OSCE long-term observers
- 15:00** Meeting with candidates
Socialist Party
 Altin AGO, Chief of Electoral Headquarter for the socialist candidate for mayor
Democratic Party
 Durim HUSHI, Candidate for Mayor in Elbasan city

Team 4 – Durrës

- 14:00 – 15:00** Socialist Party
 Adi ÇELA, Chief of Electoral Headquarter of the candidate for mayor
- 15:00 – 16:00** Meeting with OSCE long-term observers
- 16:30 – 17:45** Democratic Party
 Ferdinand XHAFERRI, Candidate for Mayor in Durres City

Team 5 – 6 Shkoder

- 14:00 – 14:45** Democratic Party
 Lorenc LUKA Candidate for Mayor in Shkoder City
- 15:00 – 16:00** Socialist Party
 Keti BRAZHDARI, Chair of the socialist Party in Shkoder
- 17:00** Meeting with OSCE long-term observers

Team 7 and 8

- 14:00** Meetings with OSCE long-term observers

Team 7 - Himare

Meeting with candidates
Human Rights Union Party
 Vasil BOLLANO, incumbent Mayor
Socialist Party
 Jorgo GORO, Candidate for Mayor

Team 8 - Vlore

Meeting with candidates
Democratic Party
 Astrit KOLLOZI, Candidate for Mayor in Vlora city
Socialist Party
 Shpetim GJIKA, Candidate for Mayor

Appendix III – Press release issued on 11 April 2011



Ref. 319(2011)

Local elections in Albania: Congress carries out a pre-electoral visit in Tirana

Date: 12 - 13 April 2011
Location: Tirana (Albania)

A delegation of the Congress of Local and Regional Authorities of the Council of Europe¹², headed by Hana RICHTERMOCOVA, Czech Republic (ILDG), will carry out a pre-electoral mission to Albania, in view of the upcoming local elections which are scheduled for 8 May 2011.

The delegation will meet Edmond HAXHINASTO, Minister of Foreign Affairs, Ferdinand PONI, Deputy Minister of Interior as well as Arben RISTANI, Chair of the Central Election Commission and Albana DHIMITRI, Deputy Mayor of Tirana.

The pre-election delegation will also have encounters with representatives of political parties, members of the Albanian delegation to the Congress as well as representatives of international organisations, NGOs and media.

A larger Congress delegation – including members of the EU-Committee of the Regions – will be in the country from 4 to 10 May to observe the elections.

Members of the Congress pre-election delegation:

Hana RICHTERMOCOVA, Czech Republic (ILDG) (Head of delegation)
Mamuka ABULADZE, Georgia (EPP/CD)
Michel GUEGAN (France, NR).

Contacts:

Council of Europe Office in Tirana, Tel: + 355 42 22 84 19;
Giampaolo CORDIALE, Congress of Local and Regional Authorities, Tel.+ 33 6.50.39.29.13

¹² The Congress has two chambers, the Chamber of Local Authorities and the Chamber of Regions. It brings together 318 full and 318 substitute members representing more than 200 000 European territorial communities. President of the Congress: Keith WHITMORE (United Kingdom, ILDG), President of the Chamber of Regions: Herwig VAN STAA (Austria, EPP/CD), President of the Chamber of Local Authorities: Jean-Paul FRÉCON (France, SOC) Political Groups: Socialist Group (SOC), Group of the European People's Party – Christian Democrats (EPP/CD), Independent and Liberal Democrat Group (ILDG).

Appendix IV- Press release issued on 3 May 2011**T +33(0)390214895****www.coe.int/congress****congress.com@coe.int**

Ref. 395(2011)

Council of Europe Congress to observe local elections in Albania**Date:** 4 -10 May 2011**Location:** Tirana, Durres, Elbasan, Himare, Shkoder, Vlore

A delegation from the Congress of Local and Regional Authorities of the Council of Europe¹³ will observe the local elections in Albania on 8 May 2011.

On 5, 6 and 7 May the delegation will hold meetings in Tirana, and in different regions, with representatives of government, the opposition, electoral bodies and political parties. Meetings are requested notably with Sali BERISHA, Prime Minister of Albania, Ferdinand PONI, Deputy Minister of the Interior and Edi RAMA, Mayor of Tirana, as well as Arben RISTANI, Chair of the Central Election Commission (CEC) and Jozefina TOPALLI, Speaker of the Parliament. The delegation will also exchange views with representatives of the diplomatic community, international organisations, including OSCE-ODIHR, NGOs and the media.

On 7 May, Congress delegations will be deployed to several cities including Durres, Elbasan, Himare, Shkoder, Vlore and Tirana to meet with elected representatives, candidates and NGOs and to observe the elections on 8 May.

Hana RICHTERMOCOVA, (Czech Republic, ILDG), will head the delegation, which will also include four members of the European Union's Committee of the Regions as a part of the co-operation agreement between the two institutions. Volkram GEBEL, (Germany, EPP/CD), will be the Rapporteur of the mission and Uno ALDEGREN, (Sweden, PES), will speak on behalf of the members of the Committee of the Regions.

A pre-election mission was carried out mid-April to assess the political situation, the campaign and the preparations for the vote, prior to these elections.

The Congress delegation will present its preliminary findings at a joint press conference with the ODIHR delegation, scheduled for Tuesday 10 May, noon, Hotel Sheraton, Tirana (Sheshi Italia, Tirana).

Congress members

Mamuka ABULADZE, (Georgia, EPP/CD), Michel GUEGAN, (France, NR), Mihkel JUHKAMI, (Estonia, EPP/CD), Hannu KEMPPAINEN, (Finland, ILDG), Amy KOOPMANSCHAP, (The Netherlands, SOC), Vitalii OLUIKO, (Ukraine, SOC), Petru Radu PAUN-JURA, (Romania, ILDG), Volkram GEBEL (Germany, EPP/CD) - Rapporteur, Hana RICHTERMOCOVA, (Czech Republic, ILDG) - Head of delegation, Gilbert ROGER, (France, SOC)

Members of the Committee of the Regions

Uno ALDEGREN, (Sweden, PES), Patrick MCGOWAN, (Ireland, ALDE), Uno SILBERG, (Estonia, EA), Teet KALLASVEE, (Estonia, EPP)

Congress Secretariat

Antonella CAGNOLATI, Director of the Congress, Giampaolo CORDIALE, Administrator, Congress, Pauline CADÉAC assistant to the observation of election mission

Contact on the spot: Antonella CAGNOLATI, Director of the Congress, tel.: +33 6 63 47 87 28

¹³ See footnote 13

Appendix V- Press release issued on 7 May 2011



International election observers to present findings at press conference in Tirana on Tuesday

TIRANA, 7 May 2011 - The international observers deployed by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Council of Europe's Congress of Local and Regional Authorities will present their preliminary statement at a news conference on Tuesday.

The preliminary statement will be delivered by Jonathan Stonestreet, Head of the OSCE/ODIHR Election Observation Mission, and Hana Richtermocová, Head of the Congress of Local and Regional Authorities delegation. Volfram Gebel, Rapporteur of the Congress delegation, and Raul Mureşan, Deputy Head of the OSCE/ODIHR Election Observation Mission, will also be at the press conference.

The OSCE/ODIHR Election Observation Mission comprises 298 observers from over 30 countries, including 40 long-term and 258 short-term observers. The delegation of the Congress comprises 14 local elected representatives from 11 countries, including members of the EU Committee of the Regions.

Journalists are invited to the news conference at 12:00 on Tuesday, 10 May at the Sheraton Hotel, Illyria 2 Room.

For further information contact:

Jens-Hagen Eschenbächer, OSCE/ODIHR, mobile: +355 696227947 or +48 603 683 122, jens.eschenbaecher@odihr.pl

Antonella Cagnolati, Congress of Local and Regional Authorities of the Council of Europe, mobile: +33 6 63 47 87 28, antonella.cagnolati@coe.int

Appendix VI - Press statement issued on 10 May 2011



Ref. 415(2011)

10.05.2011

Albania's local elections were competitive and transparent, but political parties acted irresponsibly, observers say

Tirana, 10.05.2011 – Albania's local elections were competitive and transparent, but took place in an environment of high polarization and mistrust between governmental parties and the opposition, international observers from the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Council of Europe's Congress of Local and Regional Authorities¹⁴ concluded in a statement issued today.

The observers noted that, as in previous elections, the two largest political parties did not discharge their electoral duties in a responsible manner. This negatively affected the administration of the entire process.

"Several aspects of these elections lay the groundwork for future progress. But unfortunately the two largest political parties again abused their role in the administration of the elections to continue their political battle. All parties should work together after the elections to further strengthen the electoral process," said Jonathan Stonestreet, Head of the OSCE/ODIHR Election Observation Mission.

"The Congress delegation welcomes the fact that the vote generally took place in a calm atmosphere. Nevertheless, we remain concerned that the extreme polarization of political life may prevent the constructive dialogue necessary to address citizens' needs and ensure good local governance. The Congress stands ready to support Albania in setting up conditions for good co-operation between political actors," said Hana Richtermocová, Head of the Congress of Local and Regional Authorities delegation.

The Central Election Commission worked transparently, but decisions on contested issues were taken along partisan lines, and not collegially. The largest parties often did not nominate election commissioners in a timely manner and contributed to undermining confidence in the process by questioning the integrity of the election administration.

The campaign was active and all contenders were generally able to campaign throughout the country. Despite repeated calls for calm, the campaign was marred by violence in many areas. There appeared to have been significantly fewer cases of misuse of administrative resources, although there were cases of pressure on public employees.

The authorities made considerable efforts to improve the voter lists. The media offered a plurality of views, enabling voters to make an informed choice. But with most channels aligned with one of the two largest parties, there is a lack of truly independent broadcast media.

On election day, voting proceeded relatively well, albeit with procedural difficulties. Thus far, the counting has been overall transparent, but has been delayed in many areas.

For further information contact: Jens-Hagen Eschenbächer, OSCE/ODIHR, +355 696227947 or +48 603 683 122, jens.eschenbaecher@odihr.pl / Antonella Cagnolati, Congress of Local and Regional Authorities of the Council of Europe, +33 6 63 47 87 28, antonella.cagnolati@coe.int

¹⁴ See footnote 13