

## **CG/BUR (5) 61**

### **Report on observation of the early local by-elections in Albania - 21 June 1998 and (2nd round) 27 June 1998**

Rapporteurs

Owen Masters (United Kingdom), L

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Report approved by the Bureau of the Congress

*on 29 September 1998*

#### **I. INTRODUCTION**

The previous local elections in Albania took place on 20 and 27 October 1996. They were observed by the Congress and were the subject of a report, CG/BUR (3) 52 rev., and Recommendation 28 (1997).

During the serious crisis faced by Albania in spring 1997, following the collapse of the pyramid schemes, a number of mayors and presidents of municipal councils resigned or left their posts. A number of others have resigned for other reasons or have died.

The law on the election of local authority bodies (Act No. 7573) of 1992 stipulates that, in such cases, fresh elections must be held within six months. However, the situation took longer to stabilise and it was not until 22 April 1998 that the government set the date for early by-elections in nine communes and seven towns out of a national total of 309 and 65 respectively.

Local by-elections took place in different parts of the country (see full list, appended). The CLRAE was invited to observe these elections during the visit by Mr Haegi, President of the Congress (Switzerland), Mr Martini (Italy) and Mr Paour (France) to Tirana, from 6 to 8 May 1998. That invitation was confirmed by a letter from Mr Fino, Deputy Prime Minister and Minister for Local Authorities, dated 28 May 1998.

The creation of a Ministry for Local Authorities in May 1998, to replace the previous State Secretariat of Local Authorities, may be regarded as a positive sign, indicative of the Albanian Government's desire to strengthen local self-government. Furthermore, Albania signed the European Charter of Local Self-Government, in Strasbourg, on 27 May 1998, at the time of the 5th Plenary Session of the Congress, in which a delegation of Albanian local and regional elected representatives were taking part for the first time since Albania joined the Council of Europe in July 1995. All these factors formed a favourable context for the holding of these by-elections.

The Congress delegation to observe these by-elections had seven members (since Mr Corghi, Italy, was prevented from taking part at the last minute). It was accompanied by Mr Bohner and Ms L'Hyver-Yésou, of the Congress Secretariat, and Mr Müller of the Council of Europe's Bureau in Tirana (six teams in all).

Mr Guégan (France) was appointed Chair of the delegation and Mr Masters (United Kingdom) and Mr Zahn (Germany) Rapporteurs.

The OSCE and members of the embassies in the country also observed these elections. It must be emphasised that the CLRAE delegation received considerable assistance on the spot: thanks are due to the OSCE for its logistic support and to the Council of Europe's Tirana office for its effective contribution. Our thanks must also go to the Ministry for Local Authorities and the Central Electoral Commission, for their support and co-operation.

A total of 29 teams of international observers observed the first round of these elections (the second round was observed by a CLRAE team comprising Mr Masters and Mr Lloyd (United Kingdom)).

Mention should also be made of the presence of Albanian observers (from the Society for Democratic Culture) who were represented at the final debriefing and who reached conclusions perfectly in keeping with those of the CLRAE and the OSCE.

The ECMM (European Commission Monitoring Mission) also sent observers to two remote communes in the north-east of the country.

The whole observation mission took place in an excellent climate of co-operation with the OSCE representatives in the country, and in particular Ambassador Daan Everts, who also observed the elections in Vlora.

Following observation, on Monday 22 June, the observers sent by the OSCE held a debriefing session in which Mr Masters, Mr Borghi, Mr Bohner and Ms L'Hyver-Yésou took part and were able to present the conclusions of the whole of the CLRAE

delegation. A final press release was prepared jointly with the OSCE and a final joint press conference was held at the Rogner Hotel in Tirana on 23 June 1998.

## **II. MISSION PROGRAMME**

### **Friday 19 June 1998**

Arrival of the members of the delegation

4.30-6 pm Briefing at the Council of Europe's Tirana office, with OSCE representatives

6.30-7.30 pm Meeting with the Central Electoral Commission, Tirana

### **Saturday 20 June 1998**

Travel to the observation points (six Congress teams)

Meetings with the local electoral commissions

Checking of the preparation of polling stations

### **Sunday 21 June 1998**

Observation of the elections (polling stations open from 7 am to 6 pm)

### **Monday 22 June 1998**

Return to Tirana

11 am Debriefing of CLRAE observers

5 pm Debriefing of OSCE and other observers

8 pm Preparation of a joint press release with the OSCE

### **Tuesday 23 June 1998**

11 am Joint press conference with the OSCE (Rogner Hotel, Tirana)

### **Sunday 28 June 1998**

Observation of the second round of elections (only one CLRAE team)

## ***AREAS TO WHICH CLRAE TEAMS WERE SENT***

Mr Karl-Christian ZAHN (Germany) Vlora

and Mr Uwe MÜLLER (Tirana district)

Ms Luisa LAURELLI (Italy), Mr Michel GUEGAN Shijak and Kavajé

(France) and Ms Marie-Aude L'HYVER-YESOU (Kavajé district)

Mr Enrico BORGHI (Italy) Vlora

and Mr Ulrich BOHNER (Vlora district)

Mr Ioannis SOTIRIOU (Greece) Gjergjan

(Elbasan district)

MM Owen MASTERS (United Kingdom) Patos

and Mr Tomas JIRSA (Fier district)

## **2nd ROUND**

MM Owen MASTERS and Alan LLOYD Shijak and Vlora

(United Kingdom)

## **III. PREPARATION OF THE ELECTIONS**

The CLRAE had no observer present in Albania during the election campaign but information available in the media or provided by the Council of Europe office and, in particular, by the OSCE gave a good idea of the run-up to these elections.

For its part the OSCE very closely monitored the pre-election period and on several occasions acted as mediator between political forces. The opposition party at national level (but with a majority at local and regional levels), the Democratic Party, led by Mr Berisha, and the Party for the Union for Democracy, on several occasions denounced the activities of the Socialist Party and the Alliance for the State Coalition. According to the OSCE, most of these complaints were unjustified, but not all of them.

Nonetheless, the most serious complaint concerned the broadcasting of a documentary on the state television channel celebrating the Socialist Party's 7th anniversary the week before the elections, which in practice gave that party extra airtime. A compromise was agreed to, consisting in offering compensatory airtime to the Democratic Party, thus ensuring that it did not boycott the Central Electoral Commission.

The government had appointed a new Central Electoral Commission (CEC) although a permanent electoral commission for parliamentary elections had been appointed for seven years in 1997. Initially the Democratic Party had refused to recognise the new electoral commission and the OSCE had acted as mediator to defuse the situation.

In the various localities, posters for the various candidates were widely displayed. In contrast with what happened in the last parliamentary elections, the Democratic Party was apparently able to campaign this time in all localities without any major incidents or violence.

The main problem raised during the campaign was that of the drawing up of electoral rolls, particularly in Vlora, where 8,000 or so voters were missing from the rolls compared with the previous elections (held before the events of spring 1997). However, following a complaint by the Democratic Party, nearly 4,000 voters were added to the rolls by the municipal electoral commission with the support of the OSCE. In Kavajë, at least 97 voters were omitted from the rolls and were unable to vote because these had not been changed before the statutory deadline. One can however not exclude that the severe crisis in 97 could have led to temporary or permanent resettlement in the population.

The OSCE had launched a pilot project for preparing computerised central electoral rolls in seven municipalities, but unfortunately this project had not been completed in time for the by-elections.

In Albania electoral rolls are prepared separately for each election by municipal electoral commissions. They are hand-written and not drawn up in alphabetical order, but voters are classified by neighbourhood, which poses problems on polling day. The rolls are then posted to enable voters to check them (17 days before the election is held), and can be rectified up to 48 hours before the ballot. Nonetheless, we noted a number of cases of people coming to vote on polling day without having checked in advance whether they were registered. In some cases the electoral rolls had been posted in public places but had been torn down deliberately (for example, in Kavajë).

In Shijak (Tirana district), the municipal electoral commission had sent each voter a note indicating the specific polling station where he or she was registered, and one polling station had an additional list of 200 or so voters who had been added in accordance with the prescribed procedures. The situation, in other words, differed greatly from one place to another, and some seemed better organised than others for this important exercise.

There is some doubt as to whether voters are fully aware of the procedure for checking their registration and having corrections made if necessary. If voters were better informed by means of short announcements on television or newspaper articles, this problem could be resolved.

## **IV. MEETING BETWEEN THE DELEGATION AND THE CENTRAL ELECTORAL COMMISSION**

On Friday 19 June, the whole delegation met the members of the Central Electoral Commission (CEC) and, during talks lasting nearly one hour, were able to exchange information on the preparation of the elections.

The Chairman of the Commission began by expressing his wish that the presence of observers would help the elections to take place in a calm and peaceful climate and asked for the observers to be especially present in the localities most "at risk". Speaking on behalf of the Ministry for Local Authorities, he informed us that all the voting equipment had been distributed along with copies of the law on the organisation of elections.

Even so, the Chairman and Vice-Chairman were still concerned as to whether the equipment had indeed been distributed to some of the more remote localities since they had not received confirmation from all those concerned. The Vice-Chairman also raised the problem of drawing up of electoral rolls and that of registered voters who might no longer be living in Albania.

At that stage, the Commission had followed up all the complaints it had received concerning changes or additions to the rolls, but remained concerned about their reliability. The Commission also explained that it had given very clear instructions for the results to be posted in each polling station immediately after counting (this had not been done at the time of the elections in October 1996).

The Vice-Chairman also denounced a failure to comply strictly with the law in that a number of polling stations now catered for more than 1,000 voters as a result of the grouping together of small outlying polling-stations. This was contested by the Secretary of the Central Electoral Commission, who said that the Commission had received no complaints on that score.

On election day, the observers found that a number of polling stations did in fact have over 1,000 registered voters. This appeared not to pose any problems, however, since for these by-elections there was only a single ballot for the election of the mayor and the polling stations' workload did not seem excessive.

## **V. PREPARATIONS ON THE EVE OF ELECTION DAY**

In most localities, the teams of observers were satisfied with the preparation of polling stations on the eve of election day. The municipal electoral commissions had received all the equipment and forwarded it to the Chairmen, Vice-Chairmen and secretaries of each polling station, although in Vlora and Kavajë it was sometimes installed very late in the day. For example, a polling station in Kavajë was late in opening on polling day, mainly because it had not been properly prepared the day before. This was apparently an isolated case.

All the observers were struck by the lack of resources and the dilapidated state of certain public buildings where polling stations were situated - schools, hospitals, etc. Ballot boxes and polling booths were put together for each election with whatever materials were to hand. They were very rudimentary and the ballot boxes were sometimes sealed in a somewhat symbolic way. In many cases, members of the electoral commissions had to make do with rickety tables and chairs and some polling stations were located in very dark places or with missing window-panes. Furthermore, town streets were often very dirty and the roads in a very bad state of repair. These observations led several members to recommend that the Congress call upon the local and regional authorities of other European countries to help Albania by means of practical twinning and partnership activities, etc.

This also led the rapporteurs to think that increased decentralisation might help to improve the situation in that the local authorities would have more powers and, consequently, the means to rectify the situation.

By contrast with the previous local elections (October 1996) it was to be welcomed that very few polling stations were installed in private premises; where they were, the owners were not allowed to remain on the premises while voting took place.

## **VI. POLLING**

As a whole, the Congress delegation felt that polling took place satisfactorily and that a good atmosphere of co-operation existed between members of the electoral commissions, that security conditions were good (which needs to be underlined in comparison with the situation prevailing in the country a year ago) and that voters were able freely to express their choice. Except the noticeable case of Vlërë, where the election results were cancelled for one polling station, the few procedural errors repeatedly observed were more a result of lack of experience or insufficient knowledge of the law than any deliberate attempt at fraud or manipulation of the results. At nearly all polling stations the electoral commission attended in full and observers from the political parties fielding candidates were present. Polling stations opened and closed on time (except in one case) and polling took place without any serious incident.

In some cases, difficulties occurred in identifying voters, not all of whom had identification papers with them, and sometimes members of the commission disagreed as to whether or not to allow those people to vote. In principle, voters' passports are stamped to show that they have voted, but when voters without a passport present other identity documents (identity card, military papers, a certificate bearing a photograph), these are not stamped. In order to avoid fraud, it would obviously be preferable for each citizen entitled to vote to receive a voting card or, at least, have a passport, which should be systematically stamped.

In Kavajë, however, in some polling stations clear cases of fraud were observed in that, on several occasions, a single person with several passports was authorised to vote more than once without any members of the electoral commission contesting this infringement of the law. When counting took place at one polling station, on 24 occasions it was found that several ballot papers had been folded up and placed together in the ballot box. The practice of multiple voting (by one voter or a number of people voting together in a booth) was therefore not negligible in this polling station. At another Kavajë polling station unregistered voters were nonetheless authorised to vote until CEC representatives intervened to remind officials of the law.

In some cases attempts at intimidation by certain militants were noted but they were not confined to a particular political party. In accordance with the law, police officers were posted outside the polling stations and in some cases helped to calm the atmosphere whenever tension grew.

Quite often, in a large number of polling stations, more than one person entered the booths together: sometimes accompanied elderly people, sometimes couples or fathers and daughters. Even if the issue of "culture" is to be taken into account, attempts should be made gradually to change mindsets to ensure that each voter really is entitled to an individual secret vote.

Observers were also struck in a number of places by the large number of ballot papers declared invalid because voters had not used the signs authorised by law on the ballot paper, even though in most cases the voter's choice was quite clear. For example, at the polling station in Vlora nearly 20% of counted ballot papers were declared invalid. The presentation of ballot papers should be simplified and voters should be better educated to avoid this. It might also be worth revising the law on the organisation of elections in order to allow a more flexible interpretation of Section 63 in cases where the electoral commission is unanimous that the voter's choice has been clearly expressed.

All observers also noted a low turnout, especially among young people and, in certain places, a very small number of female voters. People questioned about this in the street explained that the succession of elections in Albania had wearied them, that they no longer had confidence in any party or that mayors were always absent when one wanted to see them.

This lack of interest in local elections and confidence in politics is worrying for the development of democracy in Albania. It is likely that greater decentralisation, leading to more autonomy and transparency in the management of local affairs, will help to reverse that trend.

The membership of the electoral commissions at polling stations, with a Chairman from the government party and Vice-Chairman from the main opposition party, a secretary appointed by the Prefecture and members representing the different candidates, allows for a certain balance of political forces at polling stations. It is, therefore, very encouraging to note that in nearly all the polling stations visited there was an excellent atmosphere of co-operation (with the exception of a few polling stations where the very strong personality of the Chairman or Vice-Chairman did not help to ensure a peaceful atmosphere of co-operation among commission members).

Even though these local by-elections were only taking place in a total of 16 localities, the fact that no incidents or violence were reported is a clear sign of progress in comparison with recent events in Albania.

As in the case of previous elections, the law stipulates that all ballot papers must be stamped and signed and before the polling station is opened, by the Chairman, Vice-Chairman and Secretary of the polling station. That is not possible in the time allowed for preparing polling stations, and this rule was violated everywhere. It would therefore be preferable to change the law to allow ballot papers to be validated (signed and stamped) as and when they are needed, while ensuring that their distribution is strictly controlled.

A polling station in Vlora had to be closed during election day by decision of the municipal electoral commission, for different reasons. Nonetheless, this does not call into question the result of the election as a whole in that municipality.

The result of the first round can be found in an appendix. Since there was no outright winner in Shijak and Vlora, the second round of elections in those two localities was observed by Mr Masters and Mr Lloyd (United Kingdom) and other OSCE observers. On the whole, second round voting took place in a very good atmosphere and no supplementary remark needs to be added to the observations on the first round.

## **VII. CONCLUSIONS**

The statement jointly drafted with the OSCE following observation of the first round of the elections was a summary of the observations and recommendations to be submitted to the Albanian Government, which remains perfectly valid following observation of the second round in two of the localities concerned.

Although these early by-elections only concern sixteen localities, they were nonetheless of considerable importance in that they constitute an undeniable step forward towards a normalisation of the situation in Albania following the events in spring 1997. The fact that they took place in a calm climate, without any clashes, is very positive. All observers felt that they genuinely allowed electors freely to express their choice. Nonetheless, the low turnout is not to be played down since it is an alarm signal as to the risk of a demobilisation of the population in the exercise of democracy and a lack of confidence in the ability of local politicians to have any significant influence on their living conditions. In the opinion of the rapporteurs, this makes it all the more important that the signing of the European Charter of Local Self-Government should be swiftly translated into practical action, by means of a reform of local authorities in Albania giving them real powers and the appropriate means to run a substantial proportion of local affairs.

Following this observation mission, the delegation's rapporteurs wish in particular to make the following recommendations to the Albanian Government:

- improve the preparation and presentation of electoral rolls; they earnestly hope that the OSCE pilot project will be continued and extended throughout Albania so that the referendum on the Constitution planned for the autumn can benefit from these new computerised rolls;
- improve the education of the electorate on procedures for having electoral rolls corrected if necessary;
- provide, as soon as possible, every Albanian citizen with a voter's card or an individual passport to be systematically stamped when voting;
- improve the presentation of ballot papers and citizens' education about voting procedure in order to minimise the number of invalid ballot papers;

- revise the law so as to make it more flexible in order to avoid that ballots are declared invalid despite the fact that the voters' choice is clear;

- step up training for members of electoral commissions so as to limit inaccuracies or error due to ignorance or misinterpretation of the law.

For its part, as was already announced following the visit by President Haegi in May 1998, the Congress repeats its offer to the Albanian Government to put its expertise at its disposal, through the LODE Programme and in other ways, in order:

- to revise legislation on the organisation of local authorities, their powers and financial resources and, in accordance with the European Charter of Local Self-Government, to undertake substantial decentralisation;

- to revise legislation on the organisation of local elections in order to clarify certain provisions in the light of the observation both of the local elections in 1996 (see Recommendation 28 (1997)) and of the last local by-elections; it would also be desirable to pass a general electoral law for all types of elections as already suggested in the above-mentioned recommendation.