



**Republic of Albania**  
**Local Government Elections**  
**12 October 2003**



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**INTERNATIONAL ELECTION OBSERVATION MISSION**

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**Statement of Preliminary Findings and Conclusions**

**Tirana, 14 October 2003** – The International Election Observation Mission (IEOM) for the 12 October 2003 local government elections in the Republic of Albania is a joint effort of the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the Council of Europe's Congress of Local and Regional Authorities of Europe (CLRAE).

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**PRELIMINARY CONCLUSIONS**

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The 12 October local government elections in the Republic of Albania marked further progress towards compliance with OSCE, Council of Europe and other international commitments and standards for democratic elections. However, shortcomings in a number of areas remain to be addressed ahead of the next parliamentary elections, particularly in relation to voter lists, which continue to be problematic.

The elections were held in an improved political environment following consensus between government and opposition in addressing the recommendations of the OSCE/ODIHR Final Report on the 2001 parliamentary elections.

Features contributing to this positive evaluation include:

- The elections were conducted under a new Electoral Code which addressed a number of concerns arising from the 2001 parliamentary elections, especially in relation to complaints and appeals procedures;
- The President, government and political party leaders contributed towards an improved political environment;
- The election campaign took place in a calm atmosphere, with political parties treating each other as legitimate opponents and without the heated rhetoric that marred past campaigns;
- The major broadcasters, including TVSH, complied with the legal provisions for balanced reporting, contributing to a significant improvement in coverage of the campaign;
- The Central Election Commission (CEC) administered the elections in a generally professional, transparent and even-handed manner, despite strong controversy over alleged lack of political balance;
- Instructions to the police to remain away from polling stations on election day were mostly adhered to and improved the atmosphere surrounding the elections;
- Domestic observation was more comprehensive than at previous elections; and
- The Electoral College adjudicated complaints and appeals in an expeditious and efficient manner.

Some shortcomings were apparent in the process, including:

- The legislative framework contains problematic provisions relating to the formation and functioning of election commissions and lacks clarity on a number of other issues;

- A lack of effective CEC rules of procedure contributed to the delayed adoption of key decisions and instructions, the late distribution of election materials and postponed training for lower level commission members;
- Members of Local Government Election Commissions (LGECs) and Voting Centre Commissions (VCCs) were generally poorly acquainted with the new Electoral Code and key CEC instructions;
- A delay in releasing public funds for political campaigns provided advantage to incumbents and candidates with private means;
- The inconsistent revision of final voter lists by LGECs and District Courts, compounded by amendments by the CEC which took place until the eve of elections, led to uncertainty and confusion on election day;
- Ballot boxes proved too small for the size of the ballots, requiring additional boxes to be deployed and an extension in voting by an hour in Tirana;
- Political parties and candidates were reluctant to use the improved mechanisms for complaints and appeals in the new Electoral Code; and
- The trend of decreasing representation of women as candidates for office continued, women were poorly represented as members of election commissions and family voting was observed in over 30% of voting centers visited by observers.

Election day was generally calm and with a turnout of some 52% of registered voters. Voting was mostly carried out according to established procedures but irregularities were noted, especially in relation to a failure to consistently apply ink to prevent double voting. There were many reports of problems with voter lists and voters being turned away from voting centres. Violent incidents took place in Himara. The counting of votes was negatively assessed in a high number of voting centres.

The final assessment of these elections will depend, in part, on the completion of counting and tabulation, the announcement of preliminary and final results by the CEC, and the complaints and appeals process.

The achievements of the 2003 local government elections resulted from political will on both sides of the political spectrum to address concerns arising from previous elections. The OSCE and the Council of Europe stand ready to assist the authorities and civil society of the Republic of Albania in continuing to improve its electoral process. In this regard, it is important that work begins swiftly to address the shortcomings identified in these elections and remaining areas of the Electoral Code that require further improvement in time for the next parliamentary elections.

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## **PRELIMINARY FINDINGS**

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### **Background**

The 2003 local government elections were the fourth local government elections to be held in Albania since the introduction of pluralism in 1991. Elections were held for councils and mayors in 65 municipalities, 308 communes and 11 municipal sub-units of Tirana.

The elections were held in a political environment considerably improved since the last local government elections in 2000 and parliamentary elections in 2001. A six-month period of consensus between the governing Socialist Party (SP) and opposition Democratic Party (DP) during

the second half of 2002 contributed a positive dynamic to Albanian politics and opened communication at a variety of levels across party structures. Significantly, the period saw the consensual election of a new President of the Republic. A bi-partisan parliamentary committee, established to address concerns arising from the 2001 parliamentary elections, met for a year and by April 2003 had successfully addressed most of the recommendations contained in the OSCE/ODIHR Final Report on the 2001 elections.

Recent elections saw progress in the conduct of the campaign, media and election administration, but remained problematic, particularly in regard to the lack of effective legal redress. It was therefore widely understood by all political parties that significant improvement in the conduct of these elections would have a major impact on the European Union Stabilization and Association process, which began on 31 January 2003.

### **Legislative Framework**

The elections were held under a new Electoral Code adopted by the Assembly on 19 June 2003 on the basis of amendments agreed consensually by the bi-partisan committee and two protocol agreements between the SP and DP. The bi-partisan committee was assisted by the OSCE Presence in Albania, the OSCE/ODIHR and the Council of Europe. Both the SP and DP have publicly supported the new Code, ending a seven-year period of contest over election legislation.

Overall, the new Electoral Code significantly improved the legislative framework for elections and addressed most of the recommendations from the OSCE/ODIHR Final Report on the 2001 parliamentary elections. A key improvement relates to simplified and more transparent procedures for complaints and appeals against decisions of election commissions.

Nevertheless, the Code contains a number of inconsistencies, unrealistic deadlines and insufficient detail on a number of issues, such as disclosure of political party and candidate finances, as noted in the second SP-DP protocol. A main area of concern is the composition of and decision making in the various election commissions. This led to political parties being able to effectively block the decision making in election commissions at all levels.

On 1 October a normative act issued by the Council of Ministers amended the law on the State Police, widening the group of Police forces to be used over the election day period. The DP strongly objected to the unilateral nature of the government's action. The CEC later issued an Instruction outlining that police would only be allowed in or around voting centres upon the explicit written request of the VCC Chairman and Deputy Chairman. This decision was taken by unanimous vote.

### **Election Administration**

The elections were administered by a three-tiered election administration: the CEC; 384 LGECs, in each municipality and commune; and 4,688 VCCs, in each polling station.

The CEC administered the elections in a generally professional, transparent and even-handed manner. The composition of the CEC was a contentious issue throughout the election campaign, as the opposition charged that it lacked political balance, but this did not hamper the members in the execution of their duties. The CEC members were supported by an independent and generally

competent Secretariat, although there was a lack of timely planning of key stages in the election administration, especially in the distribution of materials.

Numerous interventions by non-voting representatives of political parties at CEC sessions negatively affected the process and caused serious delay in the adoption of important instructions. Many deadlines were postponed on a number of important issues, which needed the approval of the CEC, including the registration of candidates, the revision of preliminary voter lists, the location of polling stations and the procedures for counting. The CEC also failed to adopt amendments to rules of procedure that would have expedited its work by enabling the Chair to limit debate.

Despite initial difficulties in appointing secretaries, LGECs generally functioned in a collegial and effective manner. However, as election day approached several LGECs ceased functioning because of disputes among members. The CEC did not intervene in these disputes, leaving it to the political parties to address the problems. Generally, LGECs acted in a passive manner and failed to meet deadlines required by the Electoral Code in relation to the revision of preliminary voter lists and location of polling stations. VCC members were mostly appointed late by political parties. LGECs often avoided taking decisions on complaints addressed to them, passing them on instead to the CEC without making a formal decision.

Many LGEC members displayed limited knowledge of the new Electoral Code, despite the training they had received. The late appointment and training of many VCC members as well as late dissemination of instructions from the CEC caused a widespread lack of knowledge of election day procedures. This was compounded by the replacement of many VCC members on the eve of elections. Although postponed due to the late printing of materials, training for VCC members, provided by the CEC in co-operation with the International Foundation for Election Systems (IFES), was generally good, although attendance in some areas was poor.

Complaints about the voter list revision process were widespread. In order to meet demands of political parties, the CEC postponed deadlines for the revision process and instructed the LGECs to make additional efforts to check voters' names even when supporting evidence was not submitted to the LGECs. Although political parties complained to the OSCE/ODIHR and the CEC about LGEC decisions on the preliminary voters lists, few took such complaints to the District Courts as the Electoral Code provides. As a result, publication of the final voter lists was delayed. Even after their release and upon the request of political parties, the CEC made additional inquiries and amendments to the final voter lists, contributing to a delay in their distribution and general confusion about their accuracy. In total 2,703,608 voters were included in the final voter lists.

### **Election Campaign**

Around 1,750 candidates were registered to participate in the mayoral contests and almost 4,000 separate lists were submitted by parties and independent candidates for the election of councillors.

The campaign was conducted in a calm and orderly atmosphere with a reduction in the heated rhetoric which marred past campaigns and with only few isolated reports of attempted intimidation through pressure on employment. Debate was more substantive than in previous elections. While the race for the mayor of Tirana captured most attention, the focus of the campaign was often on national party platforms. Campaign events and materials featured party leaders and candidates often had to concede the media spotlight until the last week of the campaign when individual

candidates received more attention. At the local level, challengers alleged public corruption against incumbents.

As a result of a delay by the government, public funds for campaigns were released to political parties only during the third week of the campaign, and many local branches claim to have received no funds at all. Thus, incumbent parties and candidates with private funds had a significant advantage over other candidates. Smaller opposition political parties claimed that the delay was deliberate and restricted their opportunity to campaign. Several candidates, many of whom are businessmen, funded their own campaigns.

Numerous complaints were received that incumbent candidates used public office to benefit their campaigns. In addition, opposition parties alleged that the SP took full advantage of its control of central government to promote the campaigns of its local candidates. OSCE/ODIHR observers reported several incidents where incumbents appeared to benefit from the advantages of public offices.

## **Media**

A large spectrum of electronic and print media provided voters with extensive information about the campaigns of political parties and candidates and activities of the election administration. Coverage focused primarily on the activities of the SP and DP.

In a welcome development, television coverage was significantly improved in comparison to previous elections. Almost all broadcasters monitored by the OSCE/ODIHR complied with their legal obligation to provide balanced and correct coverage of the main parties and candidates. Generally the tone of coverage by the electronic media was neither aggressive nor partisan. All television stations monitored by the OSCE/ODIHR covered political parties and candidates in positive or neutral tones. Both national and regional broadcasters organized debates between parties and candidates. However, the OSCE/ODIHR verified complaints from smaller parties that at times debates on national television only involved representatives from the SP and DP.

In compliance with its obligations as a public service broadcaster, TVSH allocated 24% of its main news and information programmes to the DP, 22% to the SP, 20% to the government and the remaining 34% to other political parties. Free airtime was also allotted according to the rules outlined in the Electoral Code. The SP and DP received one hour each, while other parliamentary parties with less than 20% of seats in parliament received 30 minutes each. The two private television stations monitored by the OSCE/ODIHR, *TV Klan* and *TV Arberia*, also allocated generally balanced coverage.

Election coverage in the print media was more aggressive and negative in comparison to the electronic media. However, the coverage was more moderate in comparison to previous elections and wider access was provided to different opinions and views. Coverage often leaned towards polemics and sensationalism. Of the newspapers monitored by the OSCE/ODIHR, the SP received 34% of space devoted to the elections, the DP 31% and the government 18%.

A number of media outlets violated the 48 hour electoral silence period prescribed by the Electoral Code, primarily by covering press conferences called by political parties and candidates to denounce irregularities in the voting process, which often included campaign propaganda.

In line with additional responsibilities in the new Electoral Code, the CEC established a Media Monitoring Board (MMB) to regulate media output. While the performance of the MMB was initially hampered by a delay in the appointment of its members, overly partisan membership and a lack of resources, it produced regular reports and generally succeeded in inducing broadcasters to respect the rules. The establishment of local media monitoring units in LGECs was not achieved due to the delay in organization of the MMB and a lack of human and financial resources. However, the MMB managed to conduct some random media monitoring at the local level.

### **Pre-election Complaints and Appeals**

The system of complaints and appeals outlined in the new Electoral Code generally worked well when used. However the concept of filing formal complaints is not yet widely accepted among political parties, candidates or election administrators at lower levels. In the pre-election period, political parties thus showed a tendency to bypass the system for complaints and appeals as set forth in the Electoral Code. As a result, the CEC had to deal with issues that under the Electoral Code are not its primary responsibility. For example, political parties submitted lists of names of voters allegedly missing from the voter lists, often without proper documentation evidencing the claims, to the CEC instead of to the LGECs and the District Courts. The relatively few appeals that were made to District Courts were often addressed just before election day, outside the timeframe outlined in the Electoral Code.

The CEC did not handle complaints and appeals in an expedient manner. As a result, on various occasions the CEC did not meet the deadline for deciding complaints and appeals outlined in the Electoral Code

Prior to election day, the Electoral College adjudicated around 20 appeals against decisions of the CEC in an expeditious and efficient manner, while maintaining principles of due process.

### **Participation of Women in the Electoral Process**

While the legal framework for elections provides equal rights for the participation of women, only seventy (3.5%) of the 1,948 candidates for mayor or chair of commune councils were women.

In meetings with women political activists, the OSCE/ODIHR was informed that many political party leaders are actively hostile to their involvement in political life. A number of women candidates reportedly withdrew their candidacies because of pressure from party headquarters.

Women were also poorly represented in the election administration. While 40% of the CEC Secretariat are women, of the seven members of the CEC and MMB, only one member of the CEC and two members of the MMB are women. On election day, international observers reported that 23% of VCC members were women.

Women were better represented in civil society organizations involved in the election. A number of organizations campaigned for increased access of women in decision making and greater involvement in political life and a women's association participated in domestic observation of election day.

In a positive development, almost all candidates and parties made reference to women's issues in their political programmes and several election events were targeted specifically at women. However, women candidates reported that the media would not cover their campaigns.

### **Participation of National Minorities in the Electoral Process**

Minority groups in Albania are officially recognized by two classifications, national and cultural. National minorities are Greeks, Macedonians and Montenegrins. Groups classified as cultural are Roma and Arumenians/Vlachs.

No direct reports were received of discrimination against the recognized minorities during the electoral process. However, due to ongoing discrimination in society, Roma encounter barriers to their participation in elections. Many Roma lack proper identification documents and are therefore under-represented on the voter lists. There was little evidence that the political parties addressed issues of concern to the Roma community.

### **Domestic Observers**

The new Electoral Code broadened the rights of domestic observers who are provided with access to all aspects of the electoral process. In a positive development, a group of 18 civil society organizations, supported by the OSCE Presence, organized a more comprehensive observation than at previous elections deploying some 2,200 observers on election day in 40% of polling stations visited. Many were reportedly denied access to polling stations or copies of result protocols in violation of the law.

### **Election Day**

While there was a generally calm atmosphere on election day, IEOM observers reported tension in 9% and intimidation in 6% of voting centres visited. A series of violent incidents took place at voting centres in Himara. Deadlock between members of two LGECs prevented voting from taking place in Vau I Dejës and Lure.

There was a positive assessment of voting in 88% of voting centres visited, with reports of procedures mostly being followed, except for failure to apply ink to prevent double voting (16%) or to require identification documents (14%). A continuing problem is that of group voting (36%). Compared to previous elections, there was a reduction in the presence of unauthorized persons in voting centres (6%) while the police mostly adhered to new instructions to deploy away from voting centers, with the result that there were many fewer allegations of police interference in the electoral process. Party or candidate observers were present in 85% of voting centres visited. A quarter of voting centres had obstacles that limit or prevent the access of disabled voters.

International observers reported a high number of cases where voters were turned away from voting centres (71%) because their names were not included in voter lists. Although the number of persons affected appeared to be relatively small, many complaints were made to IEOM observers that such exclusions were intentional. Voting was disrupted in a number of voting centres because the ballot boxes provided were too small in size to accommodate all ballot papers. The problem was addressed through the immediate distribution of additional ballot boxes.

More serious problems were observed after the close of polls, with 37% of voting centres having a negative assessment of the counting process, and 42% significant procedural errors and omissions. There were disputes over the validity of ballot papers in 45% of voting centres, resulting in a relatively high proportion of invalid ballots. However, counting was undertaken in a mostly transparent manner (96%) and there were only four observed cases where a VCC member refused to sign the official results protocol.

There were delays in the tabulation of results by the LGECs, many of which had not commenced by the publication of this Statement. The IEOM will continue to observe this process, which may continue for some time. The failure of the CEC to agree on the release of preliminary results left the field open to political parties to make their own claims the day after the election.

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

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#### **MISSION INFORMATION & ACKNOWLEDGMENTS**

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Ambassador Robert L. Barry (US) heads the OSCE/ODIHR Election Observation Mission (EOM). Ms. Helene Lund (Denmark) leads the CoE/CLRAE short-term observation delegation.

The IEOM issues this statement before the final publication of the election results and before a complete analysis of observation findings. The OSCE/ODIHR and the CoE/CLRAE will issue comprehensive reports around one month after the completion of the electoral process.

This statement is based on the observations of eleven election experts of the OSCE/ODIHR EOM stationed in Tirana and 18 long-term observers deployed in Shkodra, Kukes, Peshkopi, Tirana, Elbasan, Durres, Korca, Vlora and Gjirokaster for four weeks prior to election day. The statement also incorporates the election day findings of 230 short-term observers, including ten from the CoE/CLRAE, reporting from over 1,000 polling stations out of a total of 4,688 throughout the country.

This preliminary statement and preliminary results of the OSCE/ODIHR media monitoring of the election campaign are available on the OSCE/ODIHR website.

The IEOM wishes to express appreciation to the Ministry of Foreign Affairs, the Central Election Commission, and other authorities of the Republic of Albania for their cooperation and assistance during the course of the observation.

For further information, please contact:

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