



Albania's Elections and the Challenge of Democratic Transition
U.S. Congressional Commission on Security and Cooperation in Europe Briefing
June 4, 2009

Statement by Robert Benjamin, Central and Eastern Europe Regional Director

Mr. Chairman, distinguished Representatives, ladies and gentlemen – it's a pleasure to speak to you about Albania's parliamentary elections.

The National Democratic Institute (NDI) has supported Albania's democratic transition since 1991 through political party development and broad-based civic involvement in grassroots advocacy and nonpartisan election monitoring. With funding from the National Endowment for Democracy, NDI is presently promoting women's participation in Albanian politics as part of an institutional initiative to foster women's political leadership worldwide. Over the years NDI has supported hundreds of Albanian political figures, civic activists, and government officials—in Tirana and throughout the country—as they create a participatory, transparent, and accountable political system. NDI's perspective on this election cycle is shaped by our longstanding presence in Albania and the relationships that we enjoy across its political spectrum, and by our institutional experience in supporting democratic elections worldwide.

These elections, and Albania's democratic transition overall, must be considered in the context of comprehensive political, social, and economic change as the country transforms itself, in the span of roughly one generation, from communist isolation to an open democracy and market economy. Once rocky, Albania's road to democracy has smoothed considerably, for which all Albanians deserve credit. Now it's time to accelerate reform to secure the rule of law, to anchor government to the public interest, and, at a fundamental level, to enable more people to enter politics—as elected officials, issue advocates, government watchdogs, and better informed citizens—so that power is more institutionalized and less personalized, properly diffused and not overly centralized.

These elections, as with those in the past, are a moment to examine the transition, both where Albania has come from and where it needs to go. This time around, Albania has the potential to produce its strongest election to-date, building on previous advancements, mitigating past problems, showcasing its democratic maturity, and providing momentum for accelerated reform. At the same time, this election cycle may produce problems that stymie these advancements. It is not for us here to pre-judge the outcome. It is to the Albanian people to determine if these elections deserve their confidence. No election is perfect, of course, as we know in this country. But democracies young and old have the obligation to improve upon them.

This election reveals a maturing political environment in which voters are increasingly experienced in exercising their franchise and demanding more from those who seek to represent them, from reducing corruption to building transport and energy infrastructure to creating jobs and improving public education and healthcare. To their credit, parties are doing a better job campaigning on constituent interests than in previous elections.

At the same time, voters might be forgiven their penchant for cynicism. This campaign, like those in the past, suffers from an unpalatable level of polarizing and personal invective, which is not to be confused with legitimate criticism of one's opponents or vigorous defense of one's own positions. The disappointingly low level of discourse in certain quarters of the campaign is amplified by media that is falling short on objective reporting, denying many voters information that allows them to make well informed choices. Parties and their candidates would do well to focus on telling voters how, after the elections, they will back up their campaign pledges with concrete policies.

Looking back at the 2005 parliamentary elections, parties must also assure the public that government resources are not misused, nor state employees unduly pressured, nor the votes of vulnerable groups purchased. The parties must comply with this most basic tenet of democratic conduct—upholding the individual right to free expression. Their commitment to do so must be expressed by their leaders and honored by all who represent parties contesting the elections.

The election system is more straightforward. The previous, two-tiered system of single-member districts and national lists enabled parties to pursue election strategies that wound up giving some parties more parliamentary seats than their actual support warranted, effectively distorting the constitutional principle of proportionality. It has been replaced with a unified system of district-based proportional representation in which all members of parliament will represent geographic constituencies. To make good on this change, we hope that parties have nominated candidates committed to constituent outreach and that parliament has the resources to fund constituent outreach activity.

The new election provisions resulted from compromise between the two largest parties—a welcome improvement from the brinksmanship that attended previous elections cycles. While the reform process was properly housed in parliament and all parties had at least formal participation, the two largest parties dominated the reform agenda, and the outcome—particularly as concerns formal oversight and administrative responsibilities—is seen to benefit them. Involving all major parties in election bodies wherein they can defend their legitimate interests is important; elections, perhaps more than any other political exercise, need to be as inclusive as possible. Further to this point, there was little if any structured consultation with civil society actors through such mechanisms as public hearings that would have made the process more transparent and the outcome more accountable to citizens. The election reform process affirms Albania's continuing need to provide entry points into the legislative process, through constituency outreach and public hearings. Albania has progressed to the point where political stability should not be seen as wholly dependent on the two largest parties but rather deepened and sustained by more democratic inclusion of other actors in and out of government.

With this in mind, we expect to see some fresh faces emerge through this election. The number of women in parliament should grow significantly from the current level of seven percent, owing to the increasing presence of women in political life and a related new provision favoring their election to parliament by mandating that women comprise 30 percent of candidate lists. I'm proud to say that a multipartisan group called the Women's Network championed this advancement with NDI support. Most parties have complied with the letter, if not the spirit of the provision by placing most women candidates toward the bottom of their lists, with some notable exceptions. Younger people are also finding their way on to candidate lists, presaging the eventual arrival of a new generation of politicians unencumbered by the past and carrying new ideas likely to challenge political orthodoxy. We hope that both women and youth are heard, particularly as the parties are campaigning on the slogan of "change". More people from diverse backgrounds coming into politics are vital to democratic development, as we have witnessed so spectacularly through our own presidential election last year.

The biggest challenge to these elections concerns voter identification. The new election law says that, to be able to vote, eligible citizens must furnish a valid passport or a new biometric identity card developed along with a new National Civil Status Register. Either document is more fraud-proof than birth certificates, which had been relied on in previous elections to great consternation.

There is an approximate voting population of 3.1 million people. Of this number, the government reports an estimated 700,000 people, or roughly 23 percent of eligible voters, who do not possess valid passports. This means that they must obtain an ID card before June 28 to be able to vote. The ID card application and distribution process began in January and was intensified when it became clear that the sizable number of eligible voters who do not hold valid passports were at risk of not being able to vote if they did not obtain their ID cards in time for the elections. The ID card procurement process was not initially established as a voter registration exercise. A citizen must go to a local government office, verify his or her name on the National Register, complete an application including biometric information, and return to pick up the card once processed and delivered. This has presented an unintentional, unfortunate, and undue burden for citizens who are not passport holders and who seek to exercise the right to vote—potentially depressing turnout and raising the specter of their disenfranchisement.

The government maintains that all eligible citizens intending to vote will be able to do so. To lessen the burden, the government says that local application offices are open every day of the week and that card production is round-the-clock. The application fee of 1,200 lek, roughly \$13, a not insignificant amount for average Albanians and prohibitively expensive for many, has been replaced with a "down payment" scheme of 200 lek, with the balance to be paid after the elections. Some in the opposition have called for free card distribution, presumably to avoid the uncomfortable, if again unintended consequence of paying to vote. As of May 31, of the 700,000 voters in question, the government reports that some 450,000 have applied to receive their ID cards, although data on who among them has actually received cards seems hard to come by—perhaps because statistics on card delivery cannot be disaggregated for non-passport holders.

Processing and delivering this many cards so close to the election present administrative burdens of a scope that provokes concern. Most Albanians in need of ID cards appear able to obtain them, although credible anecdotal evidence suggests that the process is slow in some parts of the country. There are allegations, though no apparent concrete evidence, of widespread partisan misuse of cards.

In light of the above, we offer the following considerations, having public confidence in the elections foremost in mind:

- Ø Relevant authorities should take all necessary steps to reduce the burden for citizens to obtain ID cards for the purpose of voting and to ensure that all citizens—regardless of location, presumed political affiliation, and other such factors—are accorded equal opportunity and treatment. Credible allegations of fraudulent activity concerning card distribution and/or other abuses of voter lists or voter identification should be immediately investigated by responsible authorities unencumbered by political pressure or administrative delay, with the public duly informed in a timely manner;
- Ø The Central Election Commission must ensure that voting center commissions (polling stations) are constituted and their members trained, particularly on voter registration and identification, so that citizens are properly informed of their voting status and commissions can take appropriate steps should significant numbers of would-be voters not have required identification. Political parties, particularly the two largest, should help the CEC by immediately confirming appointees to commissions.
- Ø With administrative challenges and apparent close elections in many districts, those responsible for ensuring security and operational integrity at polling and ballot counting sites must ensure order while not impeding those who wish to lodge complaints and do so peacefully and according to protocol.
- Ø Officials should ensure unfettered access by domestic nonpartisan monitors to election proceedings. In turn, civic groups monitoring the election process must ensure that those who observe in their name do so on a strictly neutral basis and that their findings properly reflect composite data and are backed by traceable information sources that do not raise concerns over undue partisan influence.
- Ø CEC and judicial authorities who rule on formal complaints meeting evidentiary and procedural criteria must do so on a timely basis and without political or partisan consideration.

As has been noted, this election is crucial for Albania's EU aspirations and generally for its continued integration into Euroatlantic structures. Albania is working hard to meet international election standards as judged by outside observers. However, from the standpoint of Albania's democratic transition, the most important judge is the Albanian citizen. As voters go to the polls on June 28, we hope that there is among them a sense that the election process is worthy of their trust, and we applaud all those inside and outside of government—and they are many—working to that end.