

# ALBANIA'S ELECTIONS AND THE CHALLENGE OF DEMOCRATIC TRANSITION



**JUNE 4, 2009**

**Briefing of the  
Commission on Security and Cooperation in Europe**

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The Commission consists of nine members from the United States Senate, nine members from the House of Representatives, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair rotate between the Senate and House every two years, when a new Congress convenes. A professional staff assists the Commissioners in their work.

In fulfilling its mandate, the Commission gathers and disseminates relevant information to the U.S. Congress and the public by convening hearings, issuing reports that reflect the views of Members of the Commission and/or its staff, and providing details about the activities of the Helsinki process and developments in OSCE participating States.

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JUNE 4, 2009

## Commission on Security and Cooperation in Europe Washington, DC

The briefing was held at 10:30 a.m. in room 2220, Rayburn House Office Building, Washington, DC, Hon. Alcee L. Hastings, Co-Chairman, Commission on Security and Cooperation in Europe, moderating.

*Commissioners present:* Hon. Alcee L. Hastings, Co-Chairman, Commission on Security and Cooperation in Europe; and Hon. Robert B. Aderholt, Commissioner, Commission on Security and Cooperation in Europe.

*Member present:* Hon. Eliot L. Engel (D-17) a Member of Congress from the State of New York and Co-Chair, Albania Issues Caucus.

*Panelists present:* H.E. Aleksander Sallabanda, Ambassador of the Republic of Albania to the United States; Elez Biberaj, Director, Eurasia Division, Voice of America; Robert Benjamin, Regional Director for Central and Eastern Europe, National Democratic Institute; Jonas Rolett, Regional Director for South Central Europe, Open Society Institute; and Robert Hand, Policy Advisor, Commission on Security and Cooperation in Europe.

Mr. HASTINGS. If I could ask you to take your seats, it would be appreciated. As we all know, parliamentary elections are scheduled to take place in Albania on June 28th, just a little over 3 weeks from today. There is concern that these elections will not meet OSCE standards. We will hear our panelists talk about these concerns and the prospects of these elections.

The Helsinki Commission has been in contact with the Albanian Embassy, which has been informing us of efforts to address outstanding electoral issues. First among these problems seems to be the question of voter identification and the large number of voters who do not have a passport and have not yet received the new identification cards enabling them to vote. I won't go into further details regarding this election; I will leave that to our panelists.

I do, however, want to express regret over the fact that such election issues continue to exist and to mar Albania's democratic credentials. Even if a last-minute rush to correct things ultimately proves successful, it will only repeat a disturbing pattern from previous elections of not taking action quickly enough to make a real difference for the next regularly scheduled election 4 years later.

The Helsinki Commission has traditionally used upcoming elections as an opportunity to take a closer look at developments in that country as a whole. The Commission has therefore asked our panelists to look not only at the elections, but also at broader trends and developments in the country, such as the development of civil society and efforts to combat corruption. I am going to abbreviate my remarks now and go to our panelists after asking our colleague, Mr. Aderholt, if he has any comments.

Mr. ADERHOLT. Thank you, Mr. Chairman. It is an honor to be here today for this briefing. Albania is one of those countries that has progressed so much over the last several decades and it really has changed a lot. And unfortunately—unfortunately or fortunately, depending how you look at it—I was not able to visit Tirana in Albania under the dictatorship of years ago, but I know that the change that has occurred in that country is drastic from the last couple decades.

As far as the progress they are making over there, any time you have a country that goes through a transition like that, you are going to have small changes that take place and there is going to be problems that occur. But at the same time, certainly, I know that the leadership there is working toward trying to move in the right direction. And we want to help them facilitate that to try to move in the right direction as well. So I look forward to the hearing and thank you for calling this hearing today.

Mr. HASTINGS. All right. I would like to take cognizance of the fact that Ambassador Sallabanda is here. Ambassador, thank you for being here with us. And I will be working with your office. I made the decision the day before yesterday that I am going to come out with the team from the OSCE Parliamentary Assembly to the elections. That means I am going to miss a vote here in my parliament, so I need you all to say I was doing important work by being in Albania. [Laughter.]

Our panelists today are probably the best Washington has to offer regarding long-standing expertise on Albania. And first, we have my colleague and good friend and a person that has been to Albania, perhaps, as much as almost anyone in Congress, if not all of us combined, Representative Eliot Engel of New York, the Co-Chair of the Albanian Issues Caucus in the U.S. Congress and a longtime observer of the Western Balkans.

He has just returned from a visit to Albania and we look forward to his first-hand views. And if our panelists don't mind, I would ask the Congressman to go first in light of his busy schedule. You have the floor, sir.

Mr. ENGEL. Thank you very much, Congressman Hastings. And good morning, everyone. It is good to be back to the Longworth Building. I have not been here in a number of years. I had my office here for many, many years. And now my office is ably held down by Congressman Aderholt. He has made improvements, I must say. And it is good to be on this panel with so many distinguished colleagues, all of whom I know and admire and respect.

And I just want, before I start, Alcee, to just say a word about you. We served together on the Foreign Affairs Committee for many years. And you went on to bigger and better things. But you and I have always sat down and talked about many important things around the globe, particularly in Europe where you have really shined. And just yesterday, we were sitting down on the House floor and talking about it. And you certainly have carried the ball for so many of us in all these important issues. And I want to just thank you for your hard work through the years. So thank you very, very much.

I chair the Albanian Issues Caucus. In fact, I formed the Albanian Issues Caucus when I first came to Congress back in 1989, did it with Susan Molinari, who at that time was my Co-Chair. We have had many different co-chairs through the years. And now I am pleased to do it with Mark Kirk, who is my Co-Chair. I want to just tell you how I happened to get involved with Albania. I come from New York City, particularly from the borough of the Bronx in New York City. And during the 1970s, I noticed that many people were moving to the Bronx who were of Albanian extraction.

I did not quite understand it at the time because they told me they were from Yugoslavia. But they were Albanian. And I did not know how can you be from Yugoslavia, but be Albanian. And that is when I started to learn about the former Yugoslavia and Kosova and part of the Yugoslavia where many ethnic Albanians lived. And then when I came to Congress, I started to champion the cause of a free and independent Kosova. I was the first one the House floor who took to it. And, of course, it was achieved last February 2008—a nice birthday present for me because they declared independence the day before my birthday and then the United States recognized independent Kosova on my birthday.

I have been to Albania and Kosova many, many, many times. I had just gotten back from Albania about 2 weeks ago. And I can tell you unequivocally that, while the United States has many friends around the world—and some who want, unfortunately, to be our adversaries—there are no better friends of the United States than the Albanian people. The Albanian people and both Albania and Kosova and in the other parts of the countries in the Balkans, Macedonia, Montenegro are so pro-American that when Kosova declared independence, there were as many American flags in the street, huge flags, people waving them, as there were Albanian flags or Kosova flags.

It is just an amazing, amazing thing to see. So when you go to Albania, you have this outpouring of affection from everybody, both political parties, people who aren't political. They hear about America. They want to be part of America. They are absolutely delighted to be part of NATO. And they want to become part of the European Union as soon as possible. You have to remember the mindset in Albania.

Albania for many, many years during the cold war was ruled by an oppressive Communist dictator named Enver Hoxha. He was as oppressive as you could think. In fact, Nikita Khrushchev in the Soviet Bloc were too mild for him. He broke with the Soviet Bloc because they were not Communist enough, joined with the hard-line Communists in China in Beijing and eventually broke with them because they were not hard-line enough.

If you went to Albania, as I first did, I was one of the first people from the West to go there back in 1993, you saw dotting the landscape of Albania these round bunkers. They were not huge. They were actually each small—2 million of them all along the countryside, all along the coastline, everywhere, to prepare for an eventual American invasion. This was supposed to be a fortress so that the Albanians could withstand an American invasion—absolutely ludicrous. And for 49 years or 50 years, they were fed a steady dose of anti-American rhetoric. We were evil, we were terrible and on and on.

So when I first got to Albania in 1993, it was about a year after Secretary of State James Baker had arrived there. And they gave him a tumultuous welcome, an outpouring of goodwill. And when I went there, there wasn't even a hotel, a Western-type hotel in Tirana, which is the capital, that you could even stay in. So I wound up staying in Enver Hoxha's guesthouse, the former dictator's guesthouse, which, believe me, was no great place to stay. But it was better than anyplace else.

And the outpouring when I made my first speech out in the street of Tirana, the outpouring of “USA, USA” was unbelievable. And I was told at the time that they were able to get Italian television and radio during the cold war and they kept in touch many people through Italy. And so, you know, well, they fed a steady dose of anti-Americanism for 50 years. Fifty years is a long time. It is a couple of generations. Would they believe it? The beautiful thing of it is they did not believe any of it.

And so when you go there, you will be welcomed as the great friend. It is really nice to see such a pro-U.S. ally. And that is why I am delighted that they are part of NATO and hope they join the European Union soon. Now, in a few weeks you know there is an election there. And, of course, just like any democracy, there are pros and cons and pullings and tugging. I must tell you the last election was held in 2005. And I was there as a monitor with a bunch of other people. One of my sons came with me. And it was just wonderful to see democracy in action in Albania.

It was July 4th or 5th right along the July 4th holiday of 2005. And I saw long lines of people waiting to vote, people going to the polls, people showing their identification. The remark I made was I thought I was back in the United States because it was really just participatory democracy, government. Considering the background of the country, it was amazing. So now they are having the first election since I was there in 2005 in a couple of weeks.

And essentially, it boils down to two parties, the Democratic Party, whose Prime Minister is now in office, Sali Berisha. And the Socialist Party, whose candidate is Edi Rama, who is the mayor of Tirana, which is the capital of Albania. The polls are very close. And as you would see in any election, there are charges and countercharges being thrown around. The main problem or question this time around is voter identification cards. They are being issued for really the first time, I believe, in terms of an election. And you have to have one in order to be able to vote.

The problem has been that a lot of people have not applied for them. And people were very concerned that will everyone who wants a voter identification card to vote be able to get one in time for the election? Now, if you talk to the Democratic Party or the government that is already in power, they will tell you absolutely, yes. If you talk to the Socialist Party, they will tell you absolutely, no. The U.S. Embassy, of course, has been monitoring it. The problem was that the voter identification cards were deemed expensive. And now I believe with negotiation and everything else, the cost of it has been down to about \$2, which everyone thinks is fair and equitable.

And my best observation is that people who want the cards can get them. It may take a little bit of time, and I encourage both political parties to urge their supporters to request these cards. I had the great honor of addressing the Albanian Parliament a couple of weeks ago when I was there. And it was a really great honor to do it. And the message I was pushing was that every person who wants to vote should be allowed to vote. And we should facilitate—they should facilitate getting people cards. And if there was any impediment in terms of just physically being able to produce the cards, they should let people know and understand it so that perhaps others could help in terms of getting it done.

I believe that it will be done and that people who want to vote will have the cards. And I think both parties will urge their supporters to get the cards. And I think the polls show it is a very close election. In fact, some polls show the Socialist Party ahead and some polls show the Democratic Party ahead. Whoever is elected, I believe, will maintain

a strongly pro-American policy. And, you know, there are always—as it gets closer and closer to an election, there are always charges. As of May 28th, I am told 1.2 million applications for ID cards have been filed. According to the GOA, there are about 300,000 eligible voters without passports who have yet to register for a card because you can use a passport if you don't want to use the card. But 20,000 ID cards are being produced per day. And at that rate, there is no physical barrier to getting the remaining 300,000 cards if voters apply.

The State Department reports that it has no information that the cards are being distributed in areas favorable to one party or another—that it basically has been fair in terms of the distribution. And we need to keep monitoring it. I think that is very important because we don't want hundreds of thousands of people to be without ID cards on Election Day. Now, these elections will obviously impact Albania's ability to get into the E.U. someday. And I hope it is personally sooner rather than later. And the current parliamentary mandate expires in 2009. So that is why we are having the elections there now.

Now, the OSCE has appointed a Chief Election Observer. Her name is Audrey Glover. And I believe she is from Britain. And she was the ODIHR's chief during Albania's flawed 2006 election. Her report strongly criticized the election, angering Sali Berisha, who is the President. And Berisha initially objected to Glover, but later relented and said that he would accept her, which I think is a good thing. Frankly, I urged him to accept her, even though he feels that she may be somewhat biased in terms of the way she might report it. I believe that it was better to accept her than reject her. Countries cannot decide who was going to monitor them. That has to be, you know, an agency like OSCE making that decision.

One of the things that I was concerned about is before the Democratic Party and the Socialist Party reserved their dispute over the ID cards, the Socialist Party's Edi Rama was threatening a boycott of the elections. This had happened once before. And my feeling is, of course, that if a party feels they are going to lose and then they say they are going to boycott and they come up with all these reasons why they are going to boycott because they say things are unfair, that may not necessarily be the case because if you are losing, you boycott and you say it is not fair.

So I hope there is no boycott. I hope it is going to be fair. I believe it will be fair. In any election, you always have some difficulties that need to be worked out. But by and large from what I am seeing, from what the embassy has been reporting, from what the monitors are saying, this seems to be a free and fair election.

Now, there are 140 members of the unicameral assembly. And they will be elected through a new regional proportional system adopted as part of the December '09 electoral code. Some have alleged that the new system reinforces the dominance of the Democratic and Socialist blocs at the expense of smaller or alternative political parties. I can't judge that. Those are some of the charges. And others contend that the small parties just confuse the system and make it more difficult. And by doing it this way, it will help consolidate the Albanian political system into a two-party situation similar to what we have in the United States.

Let me also say that, of course, as I mentioned before, on April 1st of this year, Albania and Croatia both joined the NATO alliance. I want to also say that every time I go to Albania, there seems to be tremendous progress. When I first went there in 1993, Tirana, the capital, was just a city of—it was drab. There were hardly any restaurants.

They had no hotels. Today you go to Tirana; it is like a Western capital. There are all kinds of cafes, young people, music, hotels, like any capital city in Europe. So it is really, for me, tremendous to see.

One of the things that Sali Berisha has made one of the pinnacles of his regime is the building of a 160-kilometer road from the Albanian port city of Durrës into Kosova. I visited and helicoptered into the area to watch them. They were about to go into a mountain to break the last link in terms of that long road. That will expand links for Kosova to the sea. On May 31st, the Albanian Prime Minister Berisha and the Kosova Prime Minister Thaci inaugurated a very key 5.6-kilometer tunnel along the route. And when the road is completed next year at a cost of €1.1 billion, the drive of 6 hours to Kosova's border from the Albanian capital of Tirana will take only 2 hours.

In the past, Kosovars have driven 8 hours, often via Macedonia, to reach Albania's beaches. So I think that things are happening there that will make Albania a leader, even an economic leader in the future because a road from Durrës to Kukës, I just mentioned, will be a unifying point to all the Balkans, even the other countries that I mentioned before and even Serbia, I think, ultimately. It will bring the Balkans together and it is a good project.

There have been some criticisms, as you have here, of the way the project has been financed and done. But when I spoke to both parties, both parties told me, both political parties, that they think the road is a good idea. The Socialist Party has some questions over the way it is being financed or done, but the road itself was a good idea.

So let me say, Mr. Chairman, that I think the future for Albania is, indeed, bright. I would urge all of my colleagues and people in the audience to go and visit. You will find an outpouring of support for the United States, an outpouring of good feeling for the United States. And since I have traveled extensively—and I know you have, Mr. Chairman—it is almost unbelievable how everyone, both parties, feel toward Americans. It certainly gives me a very warm feeling. And I am very, very proud of the progress that Albania has made through the years. Thank you, Mr. Chairman.

Mr. HASTINGS. Thank you very much. Congressman Aderholt wanted to respond very briefly. And again, I am going to ask the Ambassador after Mr. Aderholt, if he would like to make very brief comments because we are holding our panel up. And I also want to tell you how our briefings work. We are going to get votes at about 11:15, and there are going to be a series of three votes. As a result of that, none of us are likely to come back. Three votes take about 45 minutes in this process, in addition to the fact that I have to preside in the Chair beginning at noon.

But staff will be here. Many of them you have worked with. I would like for you to proceed apace. And then we will have, of course, the video and briefings from them in our report. So I don't mean at all to take lightly the extraordinariness of your taking your time to be here. But that is how the process has to work. Mr. Aderholt?

Mr. ADERHOLT. Thank you, Mr. Chairman. I just want to followup with Congressman Engel and his comments about some of the progress that is going on in Albania. Like Eliot, I just returned from Albania. I was there last week. And the vibrance in the city that he mentioned is very evident when you are there in Tirana and, of course, in even other parts of the country.

But the highway that he mentioned is something really that I think that should be noted. The economic development that will spur out of that highway, I think, really

cannot be underestimated. As Congressman Engel mentioned, it is from Durrës to Kosovo. I, too, like Congressman Engel, had an opportunity to travel and see it from a birds-eye view via helicopter. They are working 24 hours a day on that project. It is one of the major highway projects in Europe, if not the world.

And, of course, the Prime Minister is very proud of it. I had a chance to meet with him. But I also met with other members of the other parties as well, Members of the Parliament. I had a chance to meet with, I think, just about all the parties and had a chance to—or at least a representative from all the parties and the Members of Parliament—and get a chance just to talk and just get a chance to get a feel for what some of their thoughts and both sides of the aisle over there. And I say both sides—all sides of the aisle because they have more political parties than we do—they made me feel very welcome. And it was really, like I said, Albania is a beautiful country.

I did discuss the voting card issue with the Prime Minister and questioned him on some of those issues. I think that his continuation of cracking down on corruption is very important. He must keep that up, as well as his education efforts. And the Prime Minister was telling me a lot about the education efforts that they are doing there in Albania to try to make sure they get computer technology to every student all across the country. And so I think that is, you know, certainly a wise move on the part of the government as well.

But again, I want to say how welcome I felt, Congressman Engel, when I was there as well. And like I said, not only from the party that is in power, but from all the parties there. And like I said, I think when we go there, it is important that we reach out to all the parties and to show them that the United States wants to work with them and encourage that new thriving democracy as it continues on. Thank you, Mr. Chairman.

Mr. HASTINGS. Thank you very much. Ambassador?

Amb. SALLABANDA. Chairman Hastings and members of the Helsinki Commission and Congress, on behalf of the Government of Albania, I would like to thank you very much for what you are doing in the interest of my country. Albania is a lucky country and very proud that in all processes of democratic developments has the assistance and support of the USA.

The Government of Albania is fully committed to all free and fair elections in line with the international standards of democratic elections. The government is also committed to guarantee a transparent election practice. To this end, the government has invited the international community, including the ODIHR and the Parliamentary Assemblies of the OSCE, the Council of Europe and NATO to monitor these elections with the largest number of observers that have ever been seen in Albania.

With a view to addressing shortcomings that occurred in the previous elections, the ruling majority and the opposition have worked together very closely in order to amend the relevant provisions of the constitution and pass a new electoral code. As a result, the Constitution of Albania has been amended by the Parliament with a large consensus in April 2008 establishing a regional proportional system with multi-names electoral zones in line with recommendations of the OSCE's ODIHR. The new electoral code entered into force in mid-January 2009. In line with international standards and recommendations, the government has undertaken several measures to address previous technological shortcomings related to voters' lists and voters' identification.

The current voter registration system is the result of a step-by-step approach that has led to the establishment of the online system of national civil registry. Once the registry was established, efforts were focused in cleaning multiple records or the so-called duplications. This process concluded with the deletion of 50,000 duplications ensuring for the first time an electronic registry of citizens free of multiple records.

In addition to that, for the first time, voters' lists were generated from national civil registry and local government unit prepared the preliminary voter list based on this data. On the other hand, the national civil registry is the only official source that can offer this kind of information to the identity document system. And the applicants' data are taken directly through a safe online connection.

The new election code limits the valid documents for voter identification to passport and identity cards. On the basis of the Minister of Interior files on passport holders and national civil registry data, the government estimates that some 700,000 citizens do not hold a valid passport, and, therefore, need an identity card in order to be able to vote. As of May 31st, the process of application and deliveries of ID is as follows. This data is in the statement in the last page that you have in your table.

The total number of operational working stations is 480, covering 100 percent of the whole country's territory. The total number of applications is 1,172,279. The number of IDs produced in the national personalized center is 1,045,910. The number of IDs distributed in the civil service offices is 1,019,956. The number of IDs collected by citizens is 652,067.

Out of approximately 700,000 citizens identifying as having no passport, 450,000 have already applied for the ID card. At least 150,000 out of 700,000 without passport do not reside in Albania anymore. During the last 2 months, the ID concessionary company has established around 500 application stations with daily capacity of 40,000 applications. However, the company is currently operating with only 35 percent of its total capacity. Translated into figures, this means that on a daily basis, only an average of 14,000 citizens come out to apply. Despite these figures, the company has not closed any application station.

The price of an ID card—you can see the ID, it is very sophisticated—is cheaper than in any country around the globe in spite of the fact Albania is not ranked among the poorest countries in the world. In Albania, as in the United States of America and in other democratic countries, there is no legal obligation to participate in the elections. Hence, the possession of an ID is not a legal requirement.

There are 3.1 million voters registered for the elections of June 28. Elections turnout figures of the last 12 years showed that only 1.4 million citizens have casted their vote in the Election Day. Therefore, the ID card problem for those who really want to vote does not exist. In closing my remarks, I would again like to emphasize that the government of Albania is fully committed to hold free and fair elections in line with international standards. Thank you.

Mr. HASTINGS. Thank you very much, Ambassador, and now to our panelists.

Dr. Elez Biberaj today directs the Eurasian division of Voice of America, but previously he led the Albanian service, which has done so much to ensure the people of Albania are aware of developments which concern them. This was particularly critical in the early days of the country's transition, a time filled with uncertainty. And Dr. Biberaj has written extensively about Albania and the Balkans over the years.

Our next panelist, John Rolett, is currently with the Washington office of the Open Society Institute, which assists civic activism in many countries around the world, including Albania. Earlier in his career, Mr. Rolett served in Albania as the representative of the National Democratic Institute.

And our final panelist is Robert Benjamin, who directs the Eastern and Central European programs at the National Democratic Institute today. His length of service at NDI and his responsibilities for so many European countries makes his assessment of Albania's progress regarding the conduct of elections a very critical one. Their curriculum vitae, I am sure, are available, and we will start with Dr. Biberaj.

Dr. BIBERAJ. Thank you very much, Mr. Chairman. Thank you very much. I am very grateful for the opportunity that you and the Commission have given me to participate today in this briefing. I would like to begin with a disclaimer. These are my private views, my personal views and not those of the Voice of America. Thank you.

On June 28th, Albania will hold its seventh multiparty parliamentary election since the demise of the Communist regime almost 20 years ago. In view of Albania's truly profound political and economic transformations and the dramatic changes in regional dynamics favoring the Albanians. And by this, I mean Albania's membership in NATO, Tirana's submission of an application for European Union membership and the growing consolidation of Kosovo's independence.

The holding of orderly elections should seemingly be an easy and normal task. However, Albania's record of flawed elections and the often divisive and the confrontational nature of Albanian politics have left some observers to question Albania's ability to conduct credible elections in full conformity with international standards.

The upcoming elections are an important test of Albania's democratic maturity. As a member of NATO and as a potential candidate member of the European Union, Albania will and must be held to significantly higher standards than in the past. Failure to conduct elections in line with international standards will have a profound impact on Albania's political stability. It is likely to roll back the significant political and economic gains achieved in recent years. It would erode international support for Albania and the Albanians in Kosovo and in Macedonia and would delay indefinitely Albania's membership in the European Union.

The United States, a staunch supporter of Albania's democratization process and the driving force behind Albania's accession to NATO, has underscored the critical important that the upcoming elections will have for Albania's progress and integration into the European Union. The issue was raised by senior officials of President Obama's administration during Prime Minister Sali Berisha's meetings here in February with Vice President Joe Biden and Secretary of State Hillary Clinton. European Union, too, has on many occasions urged Albania's political forces to cooperate and to ensure that the upcoming elections are free and fair.

Government and opposition leaders seem, in my opinion, seem to recognize that there is a lot at stake and have pledged to conduct clean elections. Following Albania's membership in NATO in April 2009, Prime Minister Sali Berisha put his own prestige on the line by publicly stating that he will guarantee, quote, unquote, "that the elections will be free and fair." And Albania's main opposition leaders, the chairman of the Socialist Party, Edi Rama, and the chairman of the Socialist Movement for Integration, Ilir Meta, have said that they will do their part to ensure a transparent electoral process.

Since the end of Communism, Albanian politics have been dominated by the country's two main political forces, the center-right Democratic Party led by Sali Berisha and the Socialist Party, the successor to the communist party of Albania. The two have alternated power and have largely governed in a partisan and non-transparent fashion. They have tended to view elections, unfortunately, in terms of a zero-sum game, often disregarding democratic norms, manipulating electoral procedures, intimidating the judiciary and the media and contesting unfavorable results.

The Democrats came to power in 1992 and instituted radical economic and political reforms. But by the mid-1990s, President Berisha, who had been considered as one of the most progressive democratic leaders in the Balkans, turned increasingly autocratic, imposing restrictions on basic political actions, introducing a restrictive media law and allowing pyramid schemes to flourish. The collapse of the pyramid schemes in '97 sparked an armed revolt leading to early elections and the Socialist Party's return to power.

During the next 8 years, Albania experienced significant economic growth, adopted a new constitution and enacted important legal reforms. However, Socialist rule was characterized by political instability, infighting within the Socialist Party, lack of cooperation between the government and the opposition and a dramatic rise in corruption and organized crime activities. The ruling party was also consumed with the personal strife between the chairman of the party, Fatos Nano, and Ilir Meta, who eventually was forced to resign as Prime Minister under pressure from Nano.

In September 2004, Meta left the Socialist Party and formed his own party, the Social Movement for Integration. The split and the rising disenchantment of the Socialist rule resulted in the Socialist Party losing the Parliamentary elections in 2005. Nano, who had led the Socialist Party since 1991, was forced to resign and he was replaced by the popular mayor of Tirana, Edi Rama.

The 2005 elections represented a remarkable comeback for Berisha who was held primarily responsible for Albania's implosion in 1997. Drawing lessons from the time that he was president, Berisha had formed a broad pre-election coalition. He welcomed back into the party former prominent officials that had left the party in the 1990s. And very significant, he invited about 40 young Western-educated experts from the civil society sector to draft the Democratic Party's electoral platform. Many of these young experts, members of a policy orientation committee, were subsequently appointed to important Cabinet positions.

Berisha laid out an aggressive agenda to deal with the economic crisis, to improve the business environment, to fight corruption and organized crime and to speed up Albania's integration into NATO and the European Union. The government has made significant progress in its efforts to create a stable political environment with functional democratic institutions. Albania experienced strong economic growth, averaging an annual real GDP growth of about 7 percent. Poverty and unemployment were reduced. Pensions and wages in the public sector were increased.

Between 2005 and 2008, poverty declined by one-third from 18.5 percent of the population to 12.4 percent. Albania also made great efforts to improve its business climate. The World Bank in 2009 ranked Albania 86th out of 191 countries. In 2008, Albania was ranked 135th. The global economic crisis, however, is having a significant impact on Albania. The crisis has led to a decline in exports and has limited Albania's access to external financing. In addition, remittances from Albania migrants abroad are likely to

decline significantly. Albania's real GDP growth for this year has been revised down and is now forecasted to be at less than 2 percent.

The government also allows a huge public infrastructure program, the most important being the highway, which we heard about, the highway project linking Albania's port city of Durrës with Kosova. This is Albania's largest and most ambitious project since the demise of Communism. It will boost the economic development of Northern Albania and will significantly increase cooperation with Kosova. While the building of the road is deeply emotional for many Albanians on both sides of the border—and Berisha, in fact, has used the road to boost his party's electoral chances—it is not clear to me what impact it will have on Election Day.

The Socialists have criticized the high cost of the highway, estimated at more than \$1.4 billion and have accused government officials of corruption and abuse of power. Prime Minister Lulzim Basha who was Minister of Transportation and Public Works when the public was launched was charged with abuse of power and breaking tender rules, however, the Supreme Court dismissed the charges on a series of technicalities.

Berisha came to power in 2005 with a promise to rule by clean hands insisting that rooting out corruption was fundamental to Albania's democratization. Throughout his 4 years as Prime Minister, he has maintained a strong anticorruption stance. Transparency International ranked Albania 85th in its 2008 corruption perception index out of 180 countries. There is no question that Berisha's campaign has advanced Albania's aspiration for Euro-Atlantic integration, but despite undeniable gains, corruption remains pervasive.

The government has also come under domestic and international criticism for failing to respect the independence of the judiciary and interfering with the investigations of a blast at an army ammunition camp in Gerdec in March 2009, which killed 26 persons. The tragedy occurred less than 2 months before Albania's membership into NATO. Defense minister and leader of the Republican Party and a close ally of Berisha, Fatmir Mediu was forced to resign. The incident devolved into partisan finger-pointing that the socialist accused in the government of arms smuggling and corruption.

Perhaps the greatest achievement of the government was Albania's membership in NATO. Berisha turned Albania's achievement of the strategic objective as the most important event since Albania declared independence in 1912. Membership in the European Union is Albania's other major foreign policy objective. In 2006, Albania signed a stabilization and association agreement with the E.U. and last April submitted the application for full membership.

However, Albania's E.U. integration prospects will depend to a great degree on the conduct of the upcoming elections and the extent to which the new government, whichever party wins the elections, will be able to accelerate the pace of fundamental political, legal, and economic reforms. In its November 2008 report, the European Commission praised Albania for the significant progress it had made but stressed that further efforts had to be undertaken to fight corruption and to strengthen the judicial system.

The elections, as we heard from Ambassador Sallabanda will be held under a new law which was adopted in agreement between the two major parties last December. The law changes the electoral system from mixed to a regional proportional system. It gives more elitists almost unchallenged authority to select candidates. The code divides the country into 12 constituencies corresponding to Albania's 12 administrative regions. It establishes a 3 percent threshold for political parties and a 5 percent for pre-election coali-

tions. Smaller parties across the political spectrum led by the socialist movement for integration fiercely object to the new electoral code arguing that regional proportional system would favor the two largest parties. And in order to increase the electoral prospects, more parties have been forced to join one of the four coalitions.

The elections will be contested by more than 30 political parties. Most of them have been grouped into four coalitions. I will not go into too many details, but the first coalition is Alliance for Change, headed by the Democratic Party. The Democratic Party's allies are in this coalition, the Republicans as well as the Liberal Democratic Union, and about a dozen of other small parties.

The Democratic Party's electoral platform highlights the government's achievement: strong economic growth, the strengthening of the rule of law, the struggle against corruption and organized crime and integration into Euro-Atlantic institutions. In his campaign speeches, Prime Minister Berisha is asking Albanians to vote for the Democratic Party not only because of what the government has achieved but because of the promises for greater achievements and accomplishments in a second mandate.

The socialists have created the Union for Change Coalition. Their traditional allies, the Social Democratic Party led by the former Speaker of the Albanian Parliament, Skender Gjinushi; the Social Democratic Party led by former Minister of Foreign Affairs, Paskal Milo; and some other smaller leftist parties. In addition, the Union for Change includes a new party, G-99 which emerged from the civil movement Majaft or Enough.

If I may, I'd like to spend a few minutes on the platform of the Socialist Party since I spoke about the achievements of the democratic government in the last few years.

Edi Rama inherited a deeply divided party played by fierce infighting and badly tainted by the leader's corruption and ineptitude in tackling the country's problems. The elections are a test of credibility for him. If the socialists lose the elections, Rama will have to resign as the party statute stipulates. He faces stiff resistance from the old guard within the party, which has made it very difficult for him to renovate the party leadership and to appoint his own people in senior positions.

I'm going to skip a few paragraphs here. Another coalition is the Socialist Alliance for Integration, which groups the socialist movement for integration in some six fringe leftist parties led by—the coalition is led by Illir Meta. Finally, the center-right Freedom Pole Coalition is made up of six rightwing parties, Aleksander Meksi, a former Prime Minister, leads the coalition, and this coalition is targeting the traditional Democratic Party electorate.

But the election will be a contest between the Democrats and the Socialists. Now, both parties claim to reflect competing strains of public opinion and to hold contrasting views of Albania's future. However, with the passage of time, their platforms have become largely indistinguishable and their approach to most issues is pragmatic and non-ideological. There has been a narrowing of the ideological gap, and there are no deep—in my opinion—no deep philosophical differences between them.

In recent years, the relationship between the two parties has evolved in significant ways, leading to unprecedented cooperation in pushing forward constitutional, electoral, and judicial reforms. Although there are no reliable polls, most observers believe the election will be very close. While it is difficult to speculate on the choices the electorate will make, Albania voters are likely to shun ideology in favor of pragmatism. The key issues are the economy, the fight against corruption, and which of the two major political parties

is more likely to strengthen democratic institutions and the rule of law and speed up the pace of reforms, and which parties is likely to best guide Albania toward eventual membership in the European Union.

Albania's political forces are now engaged in a fierce political campaign. The electoral process is face with some administrative shortcomings which need to be tackled before election day. The most contentious issue remains, the issue of new border identity cards that we heard about.

The political environment this time around in my opinion is less polarized than in the past. Militants across the political spectrum seem to have been marginalized. Thus far leading politicians have shown the remarkable civility in their campaigns, although the campaign has just started. They have avoided the fiery rhetoric that has characterized past elections. The media is playing a critical important role with this comprehensive and largely objective coverage of the campaign. Leading television stations are sponsoring almost daily debate with different candidates, and as never before, Albanian voters have a real opportunity to familiarize themselves with the electoral platforms of individual coalitions and parties.

The United States and the European Union have pursued a common strategy aimed at strengthening the rule of law, independence of the judiciary, and helping Albanians fight effectively corruption and organized crime. One of the most important external factors that has influenced the behavior of Albanian leaders has been the desire for integration into Euro-Atlantic institutions. This policy priority has forced discipline on both the government and the opposition and has served as an important stimulus for political reforms.

The United States and the European Union have a stake in Albania holding free and fair elections and should hold firm in keeping Albania—Albania politicians accountable. The United States in particular has great leverage and should not hesitate to use it to advance Albania's democratic reforms. The Albanians throughout the Balkans are on a resurgent path and this is due largely to U.S. support. It is highly unlikely that Kosova would have been able to declare independence or Albania become a NATO member without Washington's backing.

Albania's strategic partnership with the United States would undoubtedly suffer in the event of serious problems with the elections or attempts by the government or the opposition to manipulate the election. While the international community can provide valuable assistance and support in the final analysis, it is really up to Albania's leading political forces to create a climate of trust within the body of politic and the political polarization that has impeded the country's development and develop a broader political and social consensus is deepening the much needed reforms.

For Albania to achieve these objectives, the country's major political forces and leaders will have to put aside their narrow interests and take responsibility for the tackling of the daunting challenges that Albania faces. Thank you very much.

Mr. HASTINGS. All right. Well, we'll just go down the line, and I'll have Mr. Benjamin go next. You have the floor, sir.

Mr. BENJAMIN. Mr. Chairman, distinguished representatives, ladies and gentlemen, it's a pleasure to speak to you about Albania's Parliamentary elections. NDI, my organization, has supported Albania's democratic transition through 1991 through political party development and broad-based civic involvement and grassroots advocacy and nonpartisan

election. And 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 figure, civic activists, and government officials in Tirana and throughout the country as they create a participatory transparent and accountability political system. NDI's perspective in this election cycle—or rather on this election cycle is shaped by our longstanding presence in Albania, the relationships that we enjoy across its political spectrum and in its nongovernmental sector and by our institutional experience in supporting democratic elections worldwide.

These elections in 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 in market economy. Once rocky, Albania's road to democracy has smoothed considerably, which al Albanian's deserve credit. And 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 watch dogs, 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 does have the potential to produce its strongest election to date, building on previous achievements, 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 prejudge 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 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 health care. And to their credit, parties are doing a better job campaigning on constituent interests than in previous elections.

But at the same time, voters might be forgiven their penchant for cynicism. This campaign, like those in the past, suffers in certain quarters from an unpalatable level of polarizing and personal invective, which is not to be confused with legitimate criticism of one's appointments or vigorous defense of one's own positions. The disappointingly low level of discourse—again, not everywhere, but in certain quarters—is amplified by media that is comprehensive, as Elez has suggested, but often falls short on objective reporting, and that can deny 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. And looking back at the 2005 parliamentary elections, parties must also assure the public that government resources are not misuse, or state employees unduly pressured, nor the votes of vulnerable groups purchased. The parties must comply with this most basic tenet of demo-

cratic conduct, upholding their individual right to free expression. Their commitment to do so must be expressed by their leaders and honored by all of those who represent parties contesting the elections.

The election system is more straightforward. The previous two-tiered system of single-member districts and national lists enable 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. And it has been replaced with a unified system of district-based proportional representation in which all members of parliament will represent geographic constituencies. And to make good on this change, we hope that parties of nominated candidates committed to constituent outreach, and we hope that parliament has the resources going forward 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 election cycles. While the reform process was properly housed in parliament and all parties have formal participation, the two largest parties, as Elez has suggested, dominated the reform and agenda, and the outcome, particularly as concerns formal oversight and administrative responsibilities involving all major parties in the 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. And with this in mind, happily, 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 7 percent owing to the increasing presence of women in political life and a related new provision favoring their election by mandating that women comprise 30 percent of candidate lists. I'm proud to say that a multi-partisan group called the Women's Network championed this advancement with NDI support.

Most parties have complied with the letter, if not the spirit of this provision by placing most women candidates toward the bottom of their list with some notable exceptions. Younger people also are finding their way onto 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 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 the 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 28th to be able to vote.

The ID card application and distribution process began in January, and has been intensified in the past 2 months when it became clear that this sizable number of eligible voters who do not hold valid passports were at risk of not being able to vote. The ID card procurement process was not initially established as a voter registration exercise. A citizen has to go to a local government office, verify his or her place on the national register, complete an application, including biometric information, and return a second time to pick up the card once it is processed and delivered. This has presented an unintentional unfortunate and undue burden for those citizens without valid passports seeking to exercise their right to vote, potentially—and I underscore potentially depressing voter turnout and raising the specter of disenfranchisement again among those groups of voters not holding valid passports.

The government maintains that all eligible citizens intending to vote will be able to do so. And to lessen the burden, the government says that local application offices are open every day of the week and that card production is around the clock. The application fee initially set at 1200 lek, or roughly \$13, a not insignificant amount for the average Albanian and prohibitively expensive for many has been replaced with a down payment scheme of 200 lek with a 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 some citizens having in effect to pay to vote.

As of May 31st, 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 the cards seems hard to come by, and that may be 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 the cards.

In light of the above we offer the following several considerations having public confidence in the elections foremost in mind. 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, presume 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. 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 these commissions. With administrative challenges and appar-

ently close elections in many districts, those responsible for ensuring security and operational integrity of polling and ballot counting sites must ensure order while not impeding those who wish to lodge complaints do so peacefully and according to protocol.

Officials should ensure unfettered access by domestic nonpartisan monitors to election proceedings, and 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.

And finally the 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 by the other speakers, this election is crucial for Albania's E.U. aspirations and generally for its continued integration into Euro-Atlantic 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. So as voters go to the polls on June 28th, 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 there are many working to that end.

Thank you.

Mr. ADERHOLT. Thank you for your testimony. Before we go into our next panelist, Mr. Rolett, let me just say a vote has been called on in the House of Representatives and so Congressman Engel and I will have to be slipping out shortly. But I'm going to go ahead and call on Mr. Rolett, and if you could go ahead and start your testimony. And Mr. Robert Hand with the CSCE will be here and will take over. So please continue; we look forward to your testimony, Mr. Rolett.

Mr. ROLETT. Thank you. Let me ask, actually, or offer, to either shorten or not provide my statement. I'm conscious that time is of the essence, and often the question-and-answer period is the more lively and interesting. So I would be happy to have the statement placed into the record and proceed directly to the questions. Maybe you could hear a little bit of that before you have to depart.

Mr. ADERHOLT. I'll tell you what. Why don't you just go ahead and briefly make some opening remarks and then you can submit your comments for the record.

Mr. ROLETT. OK, I will do that. Well, thank you very much for the opportunity to testify this morning. I want to underscore what both Congressman Engle and Congressman Aderholt noted about Albania's relationship to the United States. I will just quote briefly from a news article covering the 2007 visit of President Bush to Albania. It says, "So eager is the country to accommodate Mr. Bush that Parliament unanimously approved a bill last month allowing American forces to engage in any kind of operation, including the use of force in order to provide security for the President." One newspaper, reporting on the effusive mood, published a headline that read, "Please occupy us." [Laughter.]

You know, what I think is interesting and relevant in this case is Albania is a small place, but it's one where U.S. influence can make a lot of difference, and therefore I'm particularly grateful that the Commission has taken time today to take a look at the upcoming election.

I'm just going to talk about three different areas, but I think I'll shorten it to two in the interest of time—a little bit about civil society and about media. The other area

I was asked to cover is corruption, but it doesn't necessarily relate directly to the elections and perhaps we can revisit in the question-and-answer period if necessary.

Civil society, narrowly defined here as civic activism has been moderately successful in Albania. Nongovernmental organizations have improved the flow of information between government and citizens. They have raised the stakes for unethical or unlawful behavior by political actors, and they have provided avenues for citizen participation in public life. Within its certainly broad limits, civil society can restrain the worst impulses of the state, it can introduce alternative ideas and voices into the public debate, and it can mobilize constituencies around specific issues.

What civil society cannot do is guarantee the integrity of the democratic process. It can't make policy, or enforce law, or ensure the rights of individual citizens. At best it's an indirect and imperfect mechanism. Its activists are a reflection of the society in which they operate, and expectations should be in line with this reality. Compared to its neighbors in the Balkans, Albania has a relatively robust civic life. Over time, NGOs have become rather professional, able to reach policy alternatives and serve as civic watchdogs.

One measure of the effectiveness of NGOs is the degree to which they are targeted by politicians who don't like what they're saying. In Albania, the government recently applied pressure on NGOs, asserting the right to tax them and to set up a state account to fund them, which of course would undermine their independence. So far neither of these measures have been implemented and the government deserves credit for bringing NGOs into a discussion on how to proceed along these issues.

More problematic is the tendency of political actors to accuse civic organizations of partisanship, and the tendency of NGO leaders to drift in and out of political parties. As to the former, politicians who don't like what the nonprofit sector is saying invariably accuse it of serving the interests of their competitors. Although this is a self-serving argument, the critique is effective. People who work on issues in the public sphere walk around on eggshells worried that their statements or activities will land them on the front page of a party-affiliated newspaper.

On the other hand, NGOs, or more precisely NGO leaders, do sometimes undertake partisan projects. As we heard from Elez Biberaj, before the 2005 elections, a number of civil society personalities joined political parties including some who wound up in the current government. And this time around, you see several prominent activists running as candidates for opposition groups.

Let me just say a quick word on the media. Albania's media is vivid, it's pluralistic, it's un-transparent, and it's chaotic. A country of just over 3 million people is served by 69 private TV stations and close to 50 private radio outlets. Newsstands are crowded with as many as 200 tabloid-style newspapers covering a range of interests and political perspectives. If there's a problem with freedom of expression, it's that the media is a little too free with its reporting. Journalistic standards are lamentably low. As a rule, private media aligns itself with one or another of the political formations. This is not in and of itself a bad thing.

The public generally knows which entities support which parties, and European media often maintains political affiliations. On a positive side of the ledger, investigative journalism, some of it of good quality is on the rise. The media has played an important role in uncovering information related to the explosion of the illegal ammunition dump in Gerdec. It has also stunned some public officials. When one television program recorded

a Minister offering a woman a job in return for sexual favors, the Minister was subsequently dismissed.

The main problem with Albanian media is its murky relationship to business and politics. In most cases, it's hard to determine who owns which media outlet. Media financing is also shrouded in mist. The presence of so many stations in such a small market is a red flag. There simply isn't enough ad revenue to sustain them all. And the other problem with media in Albania is the politicization of state television and radio. Rotechet, as it's known, is better described as a state agency than as public media. The OSCE in its interim report on the upcoming election cites, quote, "politically motivated appointments," while the State Department in its annual human rights reports notes pro-government coverage.

According to local media monitors, in March and April of this year, state television allocated almost half of its total news time to the government, and a further 20 percent of the Democratic Party and its allies. Most of the coverage was positive. The Socialist Party in the city of Tirana, controlled by the opposition, received about 21 percent of the coverage with the leader of the opposition presented in a clearly negative light.

Opposition party members have complained about government efforts to mute their access to the public. In one case, it's alleged that the government threatened television stations with the loss of their licenses for running an opposition ad that ran afoul of campaign restrictions. In another, the state bulldozed billboards carrying the message of an opposition party because it maintained they were too close to the road. Other billboards with similar position but carrying nonpolitical messages were left alone. Such acts by the state threaten opposition access to the media.

While such irregularities are common to the region, and I hasten to add, that similar problems arose when the current opposition was in power, they are toxic to the exercise of the democratic franchise. Albania's inclusion in NATO and aspirations to join the European Union should require a higher standard of electoral behavior. And I think I will probably close, just reiterating what both Elez and Rob said, that now that Albania is a NATO member and is closer as an official candidate for the European Union, we really think that the standards need to be higher this time around. Thank you.

Mr. HAND [Policy Advisor, Commission on Security and Cooperation in Europe]. OK, thank you very much, Jonas, for your statement. One of the benefits of having this event in a briefing format is that as Members of Congress need to go and vote, it can be turned over to the staff to chair, which is quite an honor for somebody in the staff to be able to do. It also offers the opportunity for questions to come not just from the dais but from the audience.

I have a couple questions I may want to ask myself, but I think what I will first do is ask whether there's anybody in the audience who would like to ask a question. If somebody would, could you please come up to the podium and introduce yourself, your affiliation and to whom you want to address your question. You can ask the entire panel or one of the individual panelists to respond. And then the short question—please, no long comments or anything like that—a short question so we can get as many of them in as possible.

So if there's somebody who would like to come up and ask a question, we'll start with you. Thank you.

QUESTIONER. Hi. I'm Nancy Donaldson. I have a general question is if the panelists could address, which what observers and the public should be watching most closely as we run up to the election and right after the election to get a sense of the true transparency and whether it's a free and fair election, knowing what you do about Albania? Thank you.

Mr. HAND. Who would like to go first?

Mr. BENJAMIN. Well, thanks. Thanks for the question. There are a number of critical areas I think that we've touched based on in our respective statements. Clearly there are administrative challenges to ensuring that people have the right to vote. You get an undue burden in terms of securing and having access to proper identification as mandated by law. I think that is the critical, critical point among several in the pre-election period. Monitoring the media during what is now the official campaign phase that media, both state and private, acquit themselves according to the law both in terms of formal quantitative airtime and space accorded to political parties, as well as the tone of their media coverage.

As Jonas was saying, I think in Albania it's understood, more or less, the political allegiances that many media outlets have, but I think it's incumbent upon them to specify what is news and what is editorial, particularly the latter in their publications and in their broadcast statements. I think that the parties and their candidates must oblige a code of conduct that is seen to be democratic, that is seen to follow the election law provisions. And I think that the ability of the polling station commissions and the ballot counting commissions, keeping in mind that those are two separate exercises and two separate locales, must be staffed with people who are political party representatives appointed by the parties and able to know, apply, interpret the law as people come to vote and as ballots are counted.

Finally in the post-election period, Albania, as with many other countries in the region, has typically faced an extended period of dispute and complaints, and arbitrating that process itself generates a lot of controversy. And so again it falls to the CEC and the relevant courts to make sure that what they do in arbitrating those disputes, particularly if there are close races, that those disputes are properly adjudicated, again, according to the law, and done so with the transparency required to make the process seem to be an understood as democratic. Transparency is critical.

Mr. HAND. Jonas or Elez, would you like to comment as well?

Mr. ROLETT. I would like to say a word about the ID cards because I think they're sort of included in the question. First of all I want to say that there are lots of countries in Europe that have ID cards. In and of themselves they are not controversial; they are used for lots of purposes, not just for voting. And if we weren't having an election coming up so soon, I don't think there would be an issue at all.

I also think that the government deserves some credit for finding ways to make them more available to people who might otherwise have had trouble getting them, issuing them free to certain categories of people, reducing the cost, at least up front to ensure that the immediate cost is not a barrier, and I think making a pretty credible effort to sign people up. It's a complicated issue. There are some people, as I understand it, who would rather not have an ID card because it will put them on the tax rolls. So it's not entirely up to the government to get people to sign up; it's a two-way street.

Having said that, because it is such a sensitive moment with the election coming up, I think it's incumbent on the government to go above and beyond the legal minimums. And here I think there's something to critique and take a look at in terms of how the government is managing the process in the run-up to the elections. There are lots and lots of numbers floating around, and it's confusing because there's the total number of people who have applied for ID cards. There's a subset of that who are people who don't have a passport and therefore need them in order to vote. There are different numbers for people who have applied versus the cards that have been processed, versus those who have been delivered to the local distribution centers, and then to those who have them in hand already.

The Open Society Foundation in Albania was interested in doing an ID card watch project, which would try to verify the numbers that were being submitted, or published, let's say, by the government. The numbers that we get from the government are aggregated; they are total numbers. And in order to check whether or not they are accurate, we have to have disaggregated information. So if we want to know if there are problems with distributing the ID cards in a rural zone in Lezhe, let's say, we can travel locally and talk to the municipal officials and find out what those numbers are, but we cannot compare those figures to what the government has because the government figures are totals instead.

I understand that the opposition has also asked for disaggregated information, although their motives are different. They're concerned that it's their supporters in certain zones who are not getting cards because of administrative barriers or for other reasons. So I think one thing that would be quite indicative of the government's willingness to go that extra mile would be for them to release this disaggregated information.

Mr. HAND. Elez?

Dr. BIBERAJ. Just briefly, what I'm concerned about on this issue is the lack of cooperation between the government and the opposition. In fact, from the opposition, it is mainly the Socialist Party which has raised this as a critical issue, but the way they're communicating is through letters, although they are all in Tirana. Perhaps the best way to tackle, or to attempt to tackle, this issue would be for senior government officials to sit down with opposition leaders and see perhaps the opposition has some ideas which the government has not thus far considered.

Mr. HAND. OK. Another question from the audience? Maybe I'll ask one question to give people some time to think of one. I was just wondering about the campaign period. I know that it's really just started, so there may not be too much to say right at this point. But how much have the incident at Gerdec and other reports of corruption and problems reverberated politically so that they are a campaign issue that the voters want to see the candidates or the political parties address? I think as some of you have said that there have been corruption problems over the years with various political parties in power, so does anybody have any real credibility in this election campaign period to run on an anticorruption campaign? And I'd address that to whoever would like to address it. Elez?

Dr. BIBERAJ. I think there's a serious deficit of credibility on all sides on the corruption issue. Gerdec is a huge issue for the opposition, but I'm not really sure how much a salient issue this is with the voters out there. Both camps are playing up the corruption issue. Rama, for example, himself, has made this a centerpiece of his platform and so has Meta, but in both cases the Democratic respond that, especially in the case of Meta when he was prime minister of Albania, corruption really got almost totally out of hand in

Albania beforehand. And Rama, although in recent years he's known as the most popular politician in Albania, has had to deal with allegations of corruption in the city hall as well.

Mr. BENJAMIN. I think it's generally accepted that the government has made important efforts to stop corrupt practices, and I think that there is a reservoir of support for the general prosecutor herself, who has a measure of independence from the government in doing so.

I am not certain but I think in this election campaign that people are not necessarily as focused on Gerdec or other major corruption issues as they are about their own livelihoods and what political parties can do and focus on in terms of concrete public policy to improve the lives of individuals or families in their communities. That's what people want to talk about. I am not certain, because there hasn't been a substantial effort of public opinion research in Albania of a kind that is made public itself so that people, parties, everyone can understand more statistically, more critically what the public thinks and what its priorities are.

I was happy in the 2005 election cycle that NDI was able to initiate what was in effect the first political public opinion research, and we had hoped to do similar work this election cycle, but were not able to attract funding to that end. I mention that because I think it's very important that when you deal with issues as politically sensitive as corruption, you try to do so from a demand-driven perspective, and you try to understand critically and statistically how people, citizens, view these issues, and we really don't have a clear picture of that.

Mr. HAND. OK. Any questions? I'm getting to ask them all. If nobody has an additional question to ask, I'll conclude the briefing. I don't know if any of you would like to make any concluding remarks, or if you feel you've covered everything? If so, I think I'd like to conclude with the comment.

Early on it was said I think by Mr. Engel in particular about how pro-American the people of Albania are. I'm going to say a few words about the reciprocity. It's almost impossible to go to Albania without feeling a deep sympathy for that country and its people and without coming back with the deep, deep desire to want to see that country succeed. The people there are wonderful, and it's always a great place to visit.

We had this briefing with exactly that in mind. Albania is a friend. It is now a NATO ally of the United States, but we want to see it to continue to move forward. We want to see reform to continue and for there to be good elections there on June 28th. We want to see the country succeed. Regardless of which political party wins, we want the voters to be able to vote and to have a sense that they have a control of their future and of their country. And hopefully by highlighting some of the issues relating to this election, we have helped forward that process, that when we come to June 28th we will see a good process and we'll see Albania move forward and succeed in its transition.

I want to thank all three of the panelists who are here for their presentations. I don't think that there is a group in Washington that knows more about Albania than the three of you, particularly Elez Biberaj who goes way back. I never say I'm an expert on Albania. I go way, way back as well, but I'm never an expert. I know how to rely on the experts, however, and I've relied on you, Elez for many, many years, but also on you, Jonas, and you, Rob, for your expertise, and not only on Albania but on many other countries as well. And I thank you for participating today.

I want also to thank the audience also for coming here and attending this briefing, and hopefully we'll see you again in a future briefing, whether it's on Albania or another issue of concern to the Helsinki Commission. Thank you. [Applause.]

[Whereupon, at 12 p.m., the briefing ended.]

# APPENDICES

## **PREPARED STATEMENT OF HON. ALCEE L. HASTINGS, CO-CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Parliamentary elections are scheduled to take place in Albania on June 28, just a little over three weeks from today.

There is concern that these elections will not meet OSCE standards. We will hear our panelists talk about these concerns and the prospects for these elections. The Helsinki Commission has been in contact with the Albanian Embassy, which has been informing us of efforts to address outstanding electoral issues. First among these problems seems to be the question of voter identification, and the large number of voters who do not have a passport and have not yet received the new identification cards enabling them to vote.

I will not go into further details regarding this election. I will leave that to our panelists. I do, however, want to express regret over the very fact that such election issues continue to exist and to mar Albania's democratic credentials. Even if a last-minute rush to correct things ultimately proves successful, it will only repeat a disturbing pattern from previous elections of not taking action quickly enough to make a real difference for the next, regularly scheduled election four years later.

Ultimately, it is neither the ruling parties nor those in the opposition that suffer the full consequences of these delays. It is the voter. A citizen who is eligible to vote for his or her representative in parliament not only has a right to do so that must be respected, but the citizen should also have a certain expectation that voting actually means something and can make a difference in their own lives. Even if everything goes smoothly on June 28, it is unlikely to do much to help the people of Albania develop confidence in the system. This is a serious weak spot in Albania's democracy.

The Helsinki Commission has also traditionally used upcoming elections in Albania as an opportunity to take a closer look at developments in that country as a whole. The Commission has, therefore, asked our panelists to look not only at the elections but also at broader trends and developments in the country, such as the development of civil society and efforts to combat corruption.

As we examine the situation in Albania today, it should go without saying that our intent is to be constructive. Going back to its first visit to Albania in 1990, the Helsinki Commission knows as well as any outside party could know the degree to which the country has recovered from an extremely repressive and brutal communist era. The Commission is also aware, and fully supports, the strong bilateral relationship between our two countries. Now, as a NATO member, we can also refer to Albania as a friend and an ally, which it has always been in spirit. This understanding and support for Albania is why we are here today, hoping to encourage progress in a country where the people so clearly deserve it.

## **PREPARED STATEMENT OF DR. ELEZ BIBERAJ, DIRECTOR, EURASIA DIVISION, VOICE OF AMERICA**

On June 28, Albania will hold its seventh, multi-party parliamentary elections since the demise of the Communist regime almost twenty years ago. In view of Albania's profound political and economic transformation and the dramatic changes in regional dynamics favoring the Albanians, such as Albania's membership in NATO, Tirana's submission of an application for European Union membership and the growing consolidation of Kosova's independence, the holding of orderly elections should seemingly be an easy and normal task. However, Albania's record of flawed elections and the often divisive and confrontational nature of Albanian politics have led some observers to question Albania's ability to conduct credible elections, in full conformity with international standards.

The upcoming elections are an important test of Albania's democratic maturity. As a member of NATO and a potential candidate for membership in the European Union, Albania will and must be held to significantly higher standards than in the past. Failure to conduct elections in line with international standards will have a profound impact on Albania's political stability, roll back the significant political and economic gains achieved in recent years, erode international support for Albania and the Albanians in Kosova and Macedonia, and delay indefinitely Albania's membership in the European Union.

The United States, a staunch supporter of Albania's democratization process and the driving force behind Albania's accession to NATO, has underscored the critical importance that the upcoming elections will have for Albania's progress and integration into the European Union. The issue was raised by senior officials of President Obama's administration during Prime Minister Sali Berisha's meeting in February with Vice President Joe Biden and Secretary of State Hillary Clinton. The European Union, too, has on several occasions urged Albania's political forces to cooperate and ensure that the upcoming elections are free and fair.

Government and opposition leaders seem to recognize that there is a lot at stake and have pledged to conduct clean elections. Following Albania's accession to NATO in April 2009, Prime Minister Sali Berisha put his own prestige on the line by publicly stating that he will "guarantee" that the elections will be free and fair. And Albania's main opposition leaders, the chairman of the Socialist Party, Edi Rama, and the chairman of the Socialist Movement for Integration, Ilir Meta, have said that they will do their part to ensure a transparent electoral process.

### **BACKGROUND**

Since the end of Communism, Albanian politics have been dominated by the country's two main political forces—the center-right Democratic Party and the Socialist Party, the successor to the Albanian Communist Party. The two have alternated power and have largely governed in a partisan and non-transparent fashion. They have tended to view elections in terms of a zero-sum game, often disregarding democratic norms, manipulating electoral procedures, intimidating the judiciary and the media, and contesting the unfavorable results.

The Democrats, led by Sali Berisha, came to power in 1992 and instituted radical economic and political reforms. But by the mid-1990s, President Berisha, who had been considered as one of the most progressive democratic leaders in the Balkans, turned

increasingly autocratic, imposing restrictions on basic political actions, introducing a restrictive media law, and allowing pyramid schemes to flourish. The collapse of pyramid firms in 1997 sparked an armed revolt, leading to early elections and the Socialist Party's return to power. During the next eight years, Albania experienced significant economic growth, adopted a new constitution, and enacted important legal reforms. However, Socialist rule was characterized by political instability, infighting within the Socialist Party, lack of cooperation between the government and the opposition, and a dramatic rise in corruption and organized crime activities. The ruling party was consumed with the personal strife between its leader Fatos Nano and Ilir Meta, who was forced to resign as Prime Minister under pressure from Nano. In September 2004, Meta left the Socialist Party and formed his own party, the Socialist Movement for Integration. The split and the rising disenchantment with Socialist rule resulted in the Socialist Party losing the parliamentary elections in 2005. Nano, who had led the Socialist Party since 1991, resigned. He was replaced by the popular mayor of Tirana, Edi Rama.

The 2005 elections represented a remarkable comeback for Berisha, who was held primarily responsible for Albania's implosion in 1997. Drawing lessons from the time he was president, Berisha had formed a broad pre-election coalition, welcomed back into the party former prominent officials that had left the Democratic Party in the 1990s, and invited some 40 young experts from the civil society to draft the party electoral platform. Many of these young experts, members of a Policy Orientation Committee, were subsequently appointed to important cabinet posts.

Berisha's government laid out an aggressive agenda to combat the economic crisis, improve the business environment, fight corruption and organized crime, and speed up Albania's integration into NATO and the European Union. The government made significant progress in its efforts to create a stable political environment with functional democratic institutions. Albania experienced strong economic growth, averaging an annual real GDP growth of 7 percent. Poverty and unemployment were reduced, and pensions and wages in the public sector increased. Between 2005 and 2008, poverty declined by one-third, from 18.5 percent of the population to 12.4 percent. Albania also made great efforts to improve its business climate. The World Bank in 2009 ranked Albania 86 out of 191 countries; in 2008, Albania was ranked 135th.

The global economic crisis, however, is having a significant impact on Albania. The crisis has led to a decline in exports and has limited Albania's access to external financing. In addition, remittances from Albanian migrants abroad are likely to decline significantly. Albania's real GDP growth in 2009 has been revised down and is now forecast at less than 2.0 percent.

The government also launched a huge public infrastructure program, the most important being the highway project linking Albania's port city of Durrës with Kosova. This is Albania's largest and most ambitious project since the demise of Communism. It will boost the economic development of northern Albania and significantly increase cooperation with Kosova. While the building of the road is deeply emotional for many Albanians on both sides of the border and Berisha has used the road to boost his party's electoral chances, it is not clear what impact it will have on election day. The Socialists have criticized the high cost of the highway, estimated at more than \$1.4 billion, and have accused government officials of corruption and abuse of power. Foreign Minister Lulzim Basha, who was Minister of Transportation and Public Works when the project was launched, was charged

with abuse of power and breaking tender rules. However, the Supreme Court dismissed the charges on a series of technicalities.

Berisha came to power in 2005 with the promise to rule “by clean hands,” insisting that rooting out corruption was “fundamental” to Albania’s democratization. Throughout his four years as Prime Minister, he has maintained a strong anti-corruption stance. Transparency International ranked Albania 85th in its 2008 Corruption Perceptions Index out of 180 countries. There is no question that Berisha’s campaign advanced Albania’s aspirations for Euro-Atlantic integration. But despite undeniable gains, corruption remains pervasive. The government has also come under domestic and international criticism for failing to respect the independence of the judiciary and interfering with the investigations of a blast at an army ammunition dump in Gerdec in March 2009, which killed 26 persons. The tragedy occurred less than two months before Albania’s membership in NATO. Defense Minister and leader of the Republican Party, Fatmir Mediu, was forced to resign. The incident devolved into partisan finger pointing, with the Socialists accusing the government with arms smuggling and corruption.

Perhaps the government’s greatest achievement was Albania’s membership in NATO. Berisha termed Albania’s achievement of this strategic objective as the most important event since independence. Membership in the European Union is Albania’s other major foreign policy objective. In 2006, Albania signed a stabilization and association agreement with the EU, and in April 2009, submitted the application for full membership. However, Albania’s EU integration prospects will depend to a great degree on the conduct of the June 28 elections and the extent to which the new government will be able to accelerate the pace of fundamental political, legal, and economic reforms. In its November 2008 report, the European Commission praised Albania for the progress it had made but stressed that further efforts had to be undertaken to fight corruption and strengthen the judicial system.

#### THE JUNE 2009 ELECTIONS

The elections will be held under a new law adopted in December 2008, which changes the electoral system from mixed to a regional proportional system. It gives party leaders almost unchallenged authority to select candidates. The code divides the country into 12 constituencies, corresponding to Albania’s 12 administrative regions and establishes a 3 percent threshold for political parties and a 5 percent for pre-election coalitions. Smaller parties across the political spectrum, led by the Socialist Movement for Integration, fiercely objected to the new electoral code, arguing that the regional proportional system would favor the two largest parties. In order to increase their electoral prospects, smaller parties have been forced to join one of the four coalitions.

The elections will be contested by more than 30 political parties, grouped into four coalitions.

Alliance for Change—Headed by the Democratic Party, the coalition includes the Republican Party, the Democratic Alliance Party, the Liberal Democratic Union, the Environmental Party, and about a dozen of other small parties. The Democratic Party’s electoral platform highlights the government’s achievements: strong economic growth, the strengthening of the rule of law, the struggle against corruption and organized crime, and integration into Euro-Atlantic institutions. In his campaign speeches, Berisha is asking Albanians to vote for the Democratic Party not only because of what his government has

achieved in the last four years, but because of the promise for greater accomplishments in a second mandate.

Union for Change—The Socialists have created a coalition with their traditional allies: the Social Democratic Party, led by former speaker of the Albanian parliament Skender Gjinushi, the Social Democracy Party, led by former Minister of Foreign Affairs Paskal Milo, and the Human Rights Union Party, which until a month ago had been part of Berisha's coalition government. In addition, the Union for Change includes the new party, G99, which emerged from the civic movement Mjaft (Enough).

Edi Rama inherited a deeply divided party, plagued by fierce infighting, and badly tainted by its leaders' corruption, and ineptitude in tackling the country's problems. The elections are a test of creditability for Rama and the Socialist Party's inevitable leader—if the Socialists lose the election, Rama will have to resign, as the party statute stipulates. He has faced stiff resistance from the old guard, which has made it difficult for him to renovate the top party leadership and appoint his own people in senior positions. The list of candidates, however, includes many new faces. This reflects Rama's desire to finally break the backbone of the old guard within the Socialist Party.

Rama has emerged as the party's only star campaigner, crisscrossing Albania, and portraying Berisha as an old guard politician and his government as having failed in every aspect. Although as mayor of Tirana he has faced allegations of corruption, Rama has promised to be a prime minister of a new kind, pledging a clean break from the country past corruptive policies. The Socialist Party is offering itself as a clear alternative to the Democratic Party, pledging to improve the economic situation, boost agricultural production, reduce poverty, and reform the health and educational systems. The Socialist Party has questioned the record of Democratic rule and has pledged a more accountable and effective government.

The Socialist Alliance for Integration coalition groups the Socialist Movement for Integration and six fringe leftist parties. In 2005, the Socialist Movement for Integration won 8 percent of the vote, and Meta now hopes to emerge as the kingmaker. For the last two years, Meta has been as critical of Rama as of Berisha, strongly denouncing the Socialist leader for cooperating with the Democrats to adopt constitutional changes and a new election law, which, according to Meta is likely to eliminate or marginalize smaller parties and thus undermine Albania's democracy. Since the beginning of the election campaign, Meta has muted his criticism of the Rama, focusing his attacks on Berisha, thus leaving open the option of entering into a coalition government with the Socialists after the election. The Socialist Movement for Integration has pledge to work to reduce unemployment and poverty, develop agriculture, and overhaul the country's health system.

Finally, the center-right Freedom Pole coalition is made up of six fringe right-wing parties, including the Movement for National Development, and the Christian Democratic Party. Members of the coalition accuse Berisha of having betrayed the interests of right-wing voters. The Freedom Pole promises to advocate the rights of former property owners and the former politically persecuted. Alexander Meksi, a founding member of the Democratic Party who served as Prime Minister between 1992 and 1997, leads the coalition. The Pole of Freedom, which includes many right-wing politicians that left the Democratic Party because they were disenchanted with Berisha's policies, is targeting the traditional Democratic electorate—the former political prisoners and property owners whose assets were confiscated by the Communist regime.

The Democratic and Socialist parties claim to reflect competing strains of public opinion and to hold contrasting views of Albania's future. However, with the passage of time, their platforms have become largely indistinguishable and their approach to most issues is pragmatic and non-ideological. There has been a narrowing of the ideological gap and there are no deep philosophical differences between them. In recent years, the relationship between the two parties has evolved in significant ways, leading to unprecedented cooperation in pushing forward constitutional, electoral, and judicial reforms. In 2008, they agreed on a package of constitutional amendments providing for significant changes in the electoral system and the way the president of the country is elected.

Although there are no reliable polls, most observers believe the elections will be very close. While it is difficult to speculate on the choices the electorate will make, Albanian voters are likely to shun ideology in favor of pragmatism. The key issues are the economy, the fight against corruption and organized crime, and which of the two major political parties is more likely to strengthen democratic institutions and the rule of law, speed up the pace of reforms and best guide Albania toward eventual membership in the European Union. Tirana currently enjoys very good relations with all its immediate neighbors, and foreign policy is not a salient issue. Albania's strong support for Kosova's independence does not seem to have adversely affected its relationship with other Balkan countries, with the exception of Serbia. There is a consensus between the Albania's most significant political forces on the country's main foreign policy orientation: all favor maintaining Albania's robust strategic relationship with the United States, moving ahead with the EU integration process, strengthening regional cooperation, and expanding economic and cultural ties with Kosova and Albanians in Macedonia and Montenegro.

## CONCLUSION

Albania's political forces are now engaged in a fierce political struggle. The electoral process is faced with some administrative shortcomings which need to be tackled before election day. The most contentious issue remains the issue of new voter identity cards. The government maintains that it is committed to ensure that all voters are provided with new identity cards, but time is running out. It would indeed be very unfortunate if thousands of voters miss the chance to cast their ballots because they lacked voter identity cards.

The political environment is less polarized than in the past. Militants across the political spectrum seem to have been marginalized. Thus far leading politicians have shown a remarkable civility in their campaigns, avoiding the fiery rhetoric that characterized past elections. The media is playing a critically important role with its comprehensive and largely objective coverage of the campaign. Leading television stations are sponsoring almost daily debates with candidates. As never before, Albanian voters have a real opportunity to familiarize themselves with the electoral platforms of individual coalitions and parties.

What seems unique about these elections is the significant rejuvenation of the list of candidates, especially in the case of the two major parties. Many prominent politicians have been excluded from the party list of candidates. In conformity with the new election law, at least 30 percent of the candidates are women. In addition, prominent, young civil society activists have been included in the lists of the major political parties. While this is a positive development, the migration of many civil society leaders into the establish-

ment is robbing many non-governmental organizations of qualified leaders and reinforcing the notion that the civil society groups are not non-partisan.

The United States and the European Union have pursued a common strategy aimed at strengthening the rule of law, the independence of the judiciary, and helping Albanians fight effectively corruption and organized crime. One of the most important external factors that has influenced the behavior of Albanian leaders has been the desire for integration into Euro-Atlantic institutions. This policy priority has forced discipline on both the government and the opposition and has served as an important stimulus for political and economic reforms.

The United States and the European Union have a stake in Albania holding free and fair elections and should hold firm in keeping Albanian politicians accountable. The United States, in particular, has great leverage and should not hesitate to use it to advance Albania's democratic reforms. The Albanians throughout the Balkans are on a resurgent path and this is due largely to U.S. support. It is highly unlikely that Kosovo would have been able to declare independence and Albania become a NATO member without Washington's backing. Albania's strategic partnership with the United States would undoubtedly suffer in the event of serious irregularities or attempts by the government or the opposition to manipulate the elections.

While the international community can provide valuable assistance and support, in the final analysis it is up to Albania's leading political forces to create a climate of trust within the body politic, end the political polarization that has impeded the country's progress, and develop a broader political and social consensus in deepening legal and judicial reforms. For Albania to achieve these objectives, the country's major political forces and leaders will have to put aside their narrow interests and take responsibility for the tackling of the daunting challenges that Albania faces.

Thank you for the opportunity to appear before you today.

## **PREPARED STATEMENT OF JONAS ROLETT, REGIONAL DIRECTOR FOR SOUTH CENTRAL EUROPE, OPEN SOCIETY INSTITUTE**

Mr. Chairman:

Thank you for the opportunity to testify before the Commission this morning. It's not often that a small country like Albania receives the attention it's getting today. And that's unfortunate because we can sometimes do the most good in the smallest places. To illustrate the enormous influence the US enjoys throughout Albanian society I quote from an article in the New York Times about President Bush's visit there in 2007:

"So eager is the country to accommodate Mr. Bush that Parliament unanimously approved a bill last month allowing 'American forces to engage in any kind of operation, including the use of force, in order to provide security for the president.' One newspaper, reporting on the effusive mood, published a headline that read, 'Please. Occupy Us!'"

Today's briefing is an important signal to all political actors—from party leaders to election administrators to voters—that Washington cares about the integrity of Albania's democratic system and is paying attention to the quality of the electoral process.

I will be focusing on three areas: civil society, media and corruption. In each case I'll sketch out a bit of background in order to provide some context for Albania's democratic development. I will then turn to the specifics of how these issues are playing out in the upcoming elections

### **CIVIL SOCIETY**

Civil society—narrowly defined here as civic activism—has been moderately successful in Albania. Non-governmental organizations have improved the flow of information between government and citizens; they have raised the stakes for unethical or unlawful behavior by political actors; and they have provided avenues for citizen participation in public life. Within certain broad limits, civil society can restrain the worst impulses of the state; introduce alternative ideas or voices into the public debate; and mobilize constituencies around specific issues.

What civil society cannot do is guarantee the integrity of the democratic process. It can't make policy or enforce the law or ensure the rights of individual citizens. At best it is an indirect and imperfect mechanism—its activists a reflection of the society in which they operate—and expectations should be in line with this reality.

Compared to its neighbors in the Balkans, Albania has a relatively robust civic life. There are NGOs in many of the fields where you'd find them in the United States: human rights, media, economic development and so forth. Over time they have become rather professional, able to research policy alternatives or serve as civic watchdogs.

One measure of the effectiveness of NGOs is the degree to which they are targeted by politicians who don't like what they're saying. In Albania the government recently applied pressure on NGOs, asserting the right to tax them and setting up a state account to fund them—which of course would undermine their independence. So far neither of these measures has been implemented; and the government deserves credit for bringing NGOs into a discussion about how to proceed on these issues.

More problematic is the tendency of political actors to accuse civic organizations of partisanship—and the tendency of NGO leaders to drift in and out of political parties.

As to the former, politicians who don't like what the non-profit sector is saying invariably accuse it of serving the interests of their competitors. Although self-serving, the critique is effective. People who work on issues in the public sphere walk around on eggshells, worried their statements or activities will land them on the front page of a party-affiliated newspaper. Even someone like me, an American citizen testifying to a congressional body almost 5,000 miles away, has to labor over his statement to make sure it can't be misconstrued as supporting one side over the other. And I will surely fail in that effort. I suspect my fellow panelists feel more or less the same.

On the other hand, NGOs—or more precisely, NGO leaders—do sometimes undertake partisan projects. Before the 2005 elections, a number of civil society personalities joined political parties, including some who wound up in Prime Minister Berisha's cabinet. This time around, several prominent activists are running as candidates for opposition groups.

In a culture like Albania, this phenomenon undercuts the reputation of civil society. It doesn't mean that NGOs are not to be trusted—given the choice between a civic activist and a candidate for elective office I would usually put my faith in the former—but it does demonstrate the difficulty of judging the political process from the outside, as we are attempting to do today.

In this election, NGOs are engaged in a number of important projects. They are monitoring the media to determine if there is bias. They are examining the parties' campaign expenditures to see if they match public declarations. On Election Day, they will be observing the vote in polling stations all over the country. Through their efforts we will get a pretty accurate picture of the quality of the electoral process. How much they can deter partisan efforts to manipulate the process is open to question.

## MEDIA

Albania's media is vivid, pluralistic, un-transparent and chaotic. A country of just over three million people is served by 69 private TV stations and close to 50 private radio outlets. Newsstands are crowded with as many as 200 tabloid-style newspapers covering a range of interests and political perspectives. If there is a problem with freedom of expression, it's that the media is a little too free with its reporting. Journalistic standards are lamentably low.

As a rule, private media aligns itself with one or another of the political formations. This is not in and of itself a bad thing. The public generally knows which entities support which parties; and European media often maintains political affiliations.

On the positive side of the ledger, investigative journalism, some of it of good quality, is on the rise. The media has played an important role in uncovering information related to the explosion at the illegal ammunition dump in Gerdec. It has also "stung" some public officials, as when one TV program recorded a minister offering a woman a job in return for sexual favors. The minister was subsequently dismissed.

The main problem with Albanian media is its murky relationship to business and politics. In most cases it's hard to determine who owns which media outlet. Media financing is also shrouded in mist. The presence of so many stations in such a small market is a red flag. There simply isn't enough ad revenue to sustain them all.

Another problem with media in Albania is the politicization of the state television and radio agency. RTSH, as it is known, is better described as a state agency than as

public media. The OSCE, in its interim report on the upcoming elections, cites “politically motivated appointments,” while the State Department, in its annual human rights report, notes “pro-government coverage.”

According to local media monitors, in March and April of this year state television allocated almost half of its total news time to the government and a further 20% to the Democratic Party and its allies. Most of the coverage was positive. The Socialist Party and the city of Tirana, controlled by the opposition, received 21% of the coverage, with the leader of the opposition presented in a clearly negative light.

Opposition party members have complained about government efforts to mute their access to the public. In one case, it’s alleged that the government threatened TV stations with the loss of their licenses for running an opposition ad that ran afoul of campaign restrictions. In another, the state bulldozed billboards carrying the message of an opposition party because it maintained they were too close to the road. Other billboards, with similar positioning but carrying non-political messages, were left alone.

While such irregularities are common to the region—and I hasten to add that similar problems arose when the current opposition was in power—they are toxic to the exercise of the democratic franchise. Albania’s inclusion in NATO and aspirations to join the EU should require a higher standard of electoral behavior.

#### CORRUPTION

Albania ranks 85th on the Transparency International index, roughly on par with the rest of the region. The effects of corruption are destructive, leading to the loss of life, property and opportunity. The Gerdec case, which resulted in the deaths of 26 people and the destruction of 4,000 homes, demonstrates how dangerous it can be.

Polling in the early 90s found Albanians to be the most optimistic people in Europe. That is hardly the case today. Corruption has fed a profound public cynicism about politics, leading many people to retreat into private life. This is a self-reinforcing cycle: corruption causes cynicism; cynicism leads to a lack of public engagement; the lack of such engagement reduces the scope for holding elected officials accountable; and diminished demand for accountability makes it easier for corruption to flourish.

I don’t want to lay the blame for this solely at the door of the political class. Politicians are also a reflection of the society from which they come. While most people deplore corruption as an inherent evil, an awful lot of those same people will try to bribe a public official or promote a family member when the occasion allows. Seemingly the attitude is: “corruption is bad when someone else does it; but when I do it it’s justified.”

At the political level there have been relatively few convictions for corruption. The General Prosecutor has pursued several high profile cases, including three involving current or former ministers of the government. Last fall the US and the EU sharply criticized the government for efforts to impede the Prosecutor’s office in the investigation of an alleged money laundering scheme. The US currently has two legal advisors working with the prosecutor’s office and has provided Albania with close to \$16 million for anti-corruption work from the Millennium Challenge Account.

## CONCLUSION

In closing, I'd like to underscore that Albania is a work in progress. On the one hand, the country has built credible systems to compete for and apportion power. On the other, it suffers from clan-based political and social structures and an informal economy in which everything can be negotiated.

While it's easy to grow impatient over what sometimes seems like an eternal transition, Albania is coming along. These days, the younger generation not only studies abroad, it also returns home, bringing with it the modern sensibilities encountered in London or Rome or New York. The citizenry is shedding old civic habits, like expecting the government to take care of citizens for life, in favor of self-reliance and the energy that requires.

No one I know expects Albania to turn into Sweden overnight. It may take another generation before democratic norms are strong enough to counter the pressures society exerts on them. There is still a lot of work to do. American attention to the country's democratic development remains critical. No other country can do as much to ensure that the local political establishment respects the rules of the road.

## **WRITTEN MATERIAL SUBMITTED FOR THE RECORD BY THE EMBASSY OF THE REPUBLIC OF ALBANIA**

### **THE ELECTORAL REFORM IN ALBANIA**

The government of Albania is fully committed to hold free and fair elections, in line with the international standards of democratic elections. The government is also committed to guarantee a transparent election process. To this end, it has invited the international community, including the ODIHR and the Parliamentary Assemblies of the OSCE, the Council of Europe and NATO, to monitor these elections with the largest number of observers that have ever been sent to Albania.

With a view to address shortcomings occurred in the previous elections the ruling majority and the opposition have worked together very closely, in order to amend the relevant provisions of the Constitution and pass a new electoral code. To this end they agreed to create an Ad-Hoc Parliamentary Committee (AHC) co-chaired by representatives of the democratic and the socialist party.

The Constitution of Albania was amended by the National Assembly on 21 April 2008. Some of the amendments repealed the complicated election system that used a combination of proportional representation and single member electoral zones. This system allocated 100 mandates in a plurality election in each electoral zone and an additional 40 mandates based on an electoral subject's share of the national votes. The prior election system had an element of proportionality that attempted to allocate mandates in proportion to a political party's or coalition's national share of the valid votes. However, political parties were able to circumvent the constitutional goal of proportionality by applying various strategies in Assembly elections. In the elections of 2001 and 2005 the allocation of mandates was controversial and subject to legitimate criticism. The April 2008 constitutional amendments address this issue and are in line with the recommendations of the OSCE's ODIHR.

Article 64 of the Constitution now provides that 140 members of the Assembly are elected "on a regional pro-portional system with multi-names electoral zones". Article also provides that these zones correspond to the administrative divisions "of one of the levels of the administrative-territorial organisation". The rules for implementation of the electoral system, including the level of administrative-territorial organisation that is to be used for electoral zones and number of mandates to be elected in each electoral zone, are determined by the Electoral Code.

Article 2(25) of the Electoral Code provides that the "Electoral zone is the administrative territorial division of the region for the elections for the Assembly and the municipality the commune in the case of local government elections". There are currently twelve administrative regions in Albania. Thus, there will be an election in each region (electoral zone), based on proportional representation, for National Assembly elections.

Following the amendment of the Constitution, the AHC finalized the new Electoral Code and it was approved in December 2008. It entered into force in mid January 2009. According to the Joint Opinion of the ODIHR and the CoE's Venice Commission the Electoral Code overall is in compliance with the recommendations of the OSCE's ODIHR.

The new Electoral Code establishes the rules for the new electoral system and the composition of Electoral commissions of all levels. It defines the electoral zones and the method of distribution of mandates.

According to the Code the upcoming parliamentary elections will be administered, by a three-tiered election administration: the Central Election Commission (CEC), 66 Commissions of Electoral Administration Zones (CEAZs)—one per Electoral Administration Zone and some 4 700 Voting Centre Commissions (VCCs). As in the 2005 parliamentary and 2007 local elections, counting will be conducted centrally in 66 Ballot Counting Centres (BCCs).

The electoral reform reduced the number of CEC members from 9 to 7. CEC members are now to be nominated by parliamentary parties and confirmed by votes in the Assembly. The parliamentary majority party and the largest parliamentary opposition party each propose two members, and the fifth and sixth CEC members are proposed by the other parties of the parliamentary majority parties and the other parties of the parliamentary opposition respectively. The seventh member, at the same time the CEC Chairperson, is elected based on proposals from the parliamentary majority party. The formation of the CEC on the basis of the new election code was completed on 5 February 2009.

The CEAZs should be established by the CEC no later than 90 days before election day, so in this case by 30 March 2009. Currently the CEAZs are established and fully functional.

The CEAZs comprise 7 members and a secretary, and are appointed by the CEC. The parliamentary majority party and the largest party of the opposition propose two members each, while the second party of the majority and the second party of the opposition propose one member each. The seventh member is proposed by the largest majority party and the largest opposition party in half of the CEAZs each. The chairperson and deputy chairperson are appointed by the CEC upon a proposal by the CEAZ, with the chairperson representing the parliamentary majority or opposition depending on which party representative is the seventh CEAZ member. The deputy chairperson will always be of the opposite political affiliation to that of the chairperson. The secretary is proposed by the party that proposes the deputy chairperson of the CEAZ.

VCCs are comprised of 7 members and a secretary, and are established according to the same mechanism as CEAZs. VCCs are appointed by CEAZs no later than 20 days before election day upon the proposals of the parties.

For the counting of ballots, Counting Teams (CTs) will be established two days prior to election day by the respective CEAZs, and are composed of four members. The members are again appointed according to a mechanism ensuring representation for the parliamentary majority and opposition: one member each representing the same party as the CEAZ chairperson and deputy chairperson, and one member each representing the parties of the parliamentary majority and opposition based on a random selection by lots. Each CT is responsible for the count of at least five Voting Centres, but not more than 10 Voting Centres, before being replaced by another CT.

In line with the provisions of the code the President of the Republic decreed the date of the elections. They are to be held on 28 June 2009.

The next step was the composition of the Electoral College of the Court of Appeal, on 16 January 2009. In February the parliament appointed the members and the Chairman of the Central Election Commission (CEC).

The CEC is currently working to accomplish its obligations under the new Code. It has adopted an Action Plan for the General Election 2009 and a number of other decisions related to setting up regional offices for the elections enhancing its administrative capacities implementing the strategy for training different structures involved in the management conduct of the election process etc. At the same time a new PR strategy has been adopted, targeting all voters, with special emphasis on vulnerable groups, the youth, those residing in remote areas or overseas, minorities etc.

#### ELECTION INFRASTRUCTURE

In line with the international standards and the recommendations of the OSCE's ODIHR the government of Albania has undertaken several measures to address previous technical shortcomings related to voters' lists and voters' identification.

The current voter registration system is the result of a step by step reform process consisting in three phases.

#### PROJECT "MODERNIZATION OF CIVIL REGISTRY SERVICE"

The First phase of this project consisted transferring the data from the "fundamental registers" stored in Civil Status Offices, to an electronic register. This process started on 5 November 2007 and concluded by the end of July 2008 with the digitalization of approximately 20 000 basic registers. Following this phase, Statistics Norway assisted in introducing computer applications, updating of the database with changes reported to the Civil Registry Service, as well as the electronic printing of certificates, until the final installation of the online system (Austrian model).

Second phase consisted in building the Central and Local Network System and Infrastructure of the national Civil Registry. To this end, preparations started in July and finished in October 2008, concluding with a communication network of 354 established Civil Registry Offices.

Third phase featured the establishment of the online system of National Civil Registry. Preparations started in July 2008 and the system was delivered in December 2008, as follow up of the agreement signed with the Austrian Ministry of Interior for the installation of this system. The system is entirely based on the Austrian system of civil registration and offers a comprehensive, functional and operational online Civil Registry.

Experts provided by the Austrian Ministry of Interior adapted the system to create the Albanian System of Civil Registry. The system guarantees operations that satisfy the Albanian and European Community legislation related to personal data, on-line networking of civil registry offices and offers the possibility to provide State institutions or private bodies, with data from this registry, in line with the legislation in force.

Once the National Civil Registry was established, efforts were concentrated in cleaning multiple records or the so-called duplications. This process concluded with deletion of approximately 50 000 duplications, thus ensuring for the first time an Electronic Registry of Citizens free of multiple records. Corrections were reflected in the sole official

source of data for citizens namely the National Civil Registry (NCR) and, any by-product, such as voters' lists, is automatically empty of duplications.

In addition to that, for the first time voters' lists were generated from the NCR, and any local government unit prepares the Preliminary Voters' Lists based on these data. Any modification to the voters' data is done in the NCR and is automatically reflected in the Voters Lists given that the latter are a by-product of the NCR.

On the other hand, the NCR is the only official source of information that can offer this information to third parties. The first successful example in this direction was the interface established between the NCR and the Identity Documents System. The ID System is connected online to the NCR and the applicant's data are taken directly from the NCR through a safe online connection.

The new election code limits the valid documents for voter identification to passports and identity cards, hence bringing an end to the long standing practice of voters using birth certificates with pictures attached for identification.

#### THE APPLICATION, PRODUCTION AND DISTRIBUTION PROCESS OF IDS AND BIOMETRIC PASSPORTS

The concession agreement for the production and distribution of identity documents and the electronic passports was signed with "Sagem Securite" and the "Albanian-American Enterprise Fund" on 18 August 2008, ratified by the Albanian Parliament in July 2008.

The Authority (Ministry of Interior) is monitoring the execution of the contract, providing the concession company with the necessary assistance and support, ensuring that tender documents and the contract signed meets the deadlines and the standards required.

The concession contract stipulates that the Albanian government must put off circulation as from January 2011 all existing travel documents used for traveling abroad and have them replaced by the new biometric passport. The biometric passports shall be fully in line with the ICAO standards in all the parameters: in form content, production, personalization, testing and distribution. On 25 of March 2009, the process of application for biometric passports started in Tirana and 10 other big cities. To date the number of applications for these passports over 5000, out of which 3000 have been produced and can be collected as of 1st of May 2009.

#### THE APPLICATION PROCESS FOR IDS

On the basis of a comparison between MoI files on passport holders and of the NCSR data, the Government estimates that some 700,000 citizens do not hold a valid passport and therefore need an identity card in order to be able to vote.

The identity card distribution takes several steps: citizens must buy a voucher at the post office for a price of ALL 1,200 (approx. EUR 9). They must then go to the Civil Status Office where their data is kept in the civil register. After the data is checked, the citizens must fill in an application form and have their biometrics recorded. The ID card is then printed centrally and sent back to a distribution centre for the citizens to collect it.

The process was initiated by a Council of Ministers Decision of 7 January 2009 that set the starting date for citizens' application for ID cards for 12 January, obliging Local Authorities to notify voters who do not have a passport, and establishing sanctions for some categories of voters if they fail to apply by a certain date. A Government public awareness TV spot was broadcast on 12 January.

Being absolutely committed to provide all citizens without passport with an ID card before the general election process takes place, the government of Albania passed a decision on the procedures of issuing ID cards to citizens without passports who do not benefit compensation from the decision of the Council of Ministers no 366 date 15.04. 2009 "On compensation of income for ID cards to needy persons". The latter foresees a number of social categories, including the Roma minority and Egyptian community, prisoners, etc, who benefit from a financial scheme which either reimburses a certain amount of payment or gives the ID cards for free.

The latest decision completes the by-laws' framework which set facilitating measures and, materializes the necessary political consensus aiming at guaranteeing the process of issuing ID cards to citizens who do not possess passports. The purpose of this decision is to assist citizens without passports in getting their ID cards upon a preliminary payment of 200 lek, if they apply before the election date.

These citizens will have to pay the difference of 1000 lek no later than 6 months after the date of application for ID cards.

Together with the concession company it has been agreed that starting from 18th of April all application offices will be open every Saturday and Sunday. This will facilitate application for those who are busy during the week.

As of 1st June, the working stations will accept only the applications of citizens without a valid travel passport. Until June the 15th the concessionary company has the capacity to accept more than 400,000 new applications.

As of 31st of May, the process of application and delivery of IDs is as follows:

- The total number of operational working stations is 480, covering 100% of the whole country territory;
- The total number of applications is 1,172,279;
- The number of ID produced in the National Personalization Centre is 1,045,910;
- The number of ID-s distributed in the Civil Service Offices is 1,019,956;
- The number of ID-s collected by citizens is 652,067;
- Out of approximately 700,000 citizens identified as having no passport 450,000 have already applied for the ID card (at least 150,000 out of 700,000 without passports do not reside in Albania anymore);











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