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THE ALBANIAN PARLIAMENTARY ELECTIONS OF 1996



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The May 1996 parliamentary elections in Albania were the third such elections in that country, which beforehand had by far the most repressive communist regime. It has also been the poorest country in Europe. In March 1991, only four months after political pluralism was tolerated in the country, the communists (Socialist Party) won a majority and maintained control, relying on a less than adequately free and fair electoral process and lingering support in the countryside. In March 1992, the opposition Democratic Party led by Sali Berisha was better able to get the message out to a still traumatized population, and took power as the Socialists conceded. Since that time, there have been incredible economic and political reforms, although since 1994 shortcomings in democratic development seem less the result of the lack of understanding of concepts like the rule of law than more the overbearing nature of the Democratic Party's core leadership, especially after splits within the party led to the departure of some of its earlier leaders. The Democrats received a significant setback in November 1994 when popular resentment led to the defeat in a referendum of a new constitution for the country. The situation is exacerbated by an only partly reformed Socialist opposition, which has been inclined more to obstruct and provoke than anything else.

THE SETTING

The elections were for 140 seats in the unicameral Assembly, 115 of them contested on the basis of majority races in electoral zones, with second-round runoffs, and 25 on the basis of a proportional division of parties achieving at least 4 percent of the vote. This gave the electorate two votes, one for a specific candidate and one for a political party. Members of several opposition parties complained that the greater preference given to the majority system favored the ruling party, or larger parties which would only include the Socialists. Democratic Party leaders argued that this is not necessarily the case, and that the majority system permits direct contact between a candidate and a constituency, thus strengthening democratic development. From the viewpoint of the election observer, either system or combination thereof is legitimate as long as it was approved through democratic means.

A recently adopted law -- called the Genocide Law -- and a commission established to implement it had an impact on the eligibility for candidacy. The law prohibited those who "collaborated" with the communist regime from holding office until 2002. Given the severity of the repression during the communist era, it is not surprising that such a prohibition would be popular, but the commission which made the decisions was under government control and did not act in a transparent matter. Indeed, some opposition members called it unconstitutional because it was acting as a court when it was not. A total of 139 people were declared ineligible to compete in the elections, 57 of whom appealed decisions, seven successfully. Only three of the 139 people prohibited came from the ruling party, although it was claimed that the Democratic Party had told people who would probably also have been prohibited not to run as a candidate in the first place.

The campaign period began in April, allowing a reasonable amount of time for political parties to get their message across. In fact, as these elections were required by the expiration of the mandate of the previously elected Assembly, the political parties were generally preparing for the elections months beforehand. The print media in Albania is almost all completely biased in favor of one party or another, allowing all points of view to be expressed but with little objective analysis available. The broadcast media is state controlled and had a definite but not overwhelming bias in its coverage of the campaign. However, the election law stipulated time frames for each political party in the campaign to present itself to the voters on

television, and this was advantageous to the party in power. Many of the political parties campaigned by holding mass rallies. Opposition parties complained that the police in some towns prevented party leaders from traveling to attend rallies, and the Socialists were denied the ability to hold a final rally on the central (Skenderbeg) square of the capital city, Tirana, because it would disrupt traffic. A Democratic Party rally, on the other hand, was permitted because it was technically scheduled as an official address by Sali Berisha as the Albanian President.

ELECTION DAY EVENTS

The election commission chair and secretary -- at the central, zonal and polling station levels -- were government appointed individuals, but those political parties competing in the elections could have representatives on the commissions as well. This was considered a very positive aspect of the election procedures, but complements turned to criticism when these individuals were not fully integrated into the work. At some polling stations, for example, they were merely assigned seats, sometimes away from the actual activity of the polling committee, and could barely even watch what was happening. During election day, some of the opposition representatives were felt to have been intimidated by those in charge, especially as a third government person (alleged to have been with the secret police) was added to committees as a vice-chair.

While this was a major criticism of what was observed on election day, as a practical matter allowing party representatives on the polling committee led these committees to become as large as 12 or 13 people, while polling stations were often in small rooms. It would have been difficult to have permitted them to all gather around the ballots and voter registration lists. Moreover, Albania's political scene generally is highly partisan, with few people caring about the integrity of the electoral system as long as the right party wins. It probably would have proven impossible to engage in a greater sharing of responsibilities.

In the end, Albania provided no less, and probably more, access to polling stations for opposition parties than in other countries in the region; the problem was the high expectations the decision to allow party representatives had created. However, it was clear that many of the key opposition parties were so far removed from the proceedings that they could not have even been able to satisfactorily observe, let alone participate, in them.

Polling stations generally provided for voter privacy with booths. Ballot boxes were sealed, although the sealing material remained soft and could therefore be removed and resealed easily. There were numerous examples of people, mostly family members, voting together, technically a problem but usually considered a typical and somewhat harmless feature of elections in Balkan countries. Voter registration lists seemed relatively accurate. In places like Shkoder, Kruje and Vlore -- all considered Democratic Party strongholds -- few problems were found.

More serious problems were reported, however, in places like Berat, Korce and Burrel. Observers reported direct observation of the same person voting more than once, of persons possessing more than one ballot and of intimidation of opposition party representatives on polling committees. Throughout the country, there was a strong police presence outside of polling stations in order to ensure security, but in these regions there were reports of police officers entering the polling committee and being involved in the election procedures through their presence. In one Socialist stronghold, two polling stations were far short of the number of ballots needed for the voters on their registration lists.

As election day progressed, it became known that President Berisha had lengthened the time for voting from 8 p.m. to 10 p.m. That and other problems were used by the Socialists and several other opposition parties to withdraw their representatives from polling stations that evening. Subsequently, the counting of the ballots was found to have been widely irregular. According to some observers, there were clear instances when ballots for the Socialist Party and its candidates were invalidated for no reason, on some occasions by one polling committee member marking the ballot. On judgement calls, what seemed to be votes for the Democratic Party and its candidates was given the benefit of the doubt, while similar calls for Socialist ballots were invalidated. There was little attempt to reconcile the number of voters as checked on the voter registration list with the number of ballots. In many cases, these irregularities took place directly in front of foreign observers. It remains unclear whether the greater number of problems in the country was the inevitable result of the opposition parties leaving the polling committee, or was an already decided means for influencing the outcome.

POST-ELECTION DEVELOPMENTS

Shortly after the polls closed, and before the results were even known at polling stations, Democratic Party supporters took to the main street and Skenderbeg Square of Tirana celebrating a predicted victory. The shouts, horns and gunshots associated with the parade sounded throughout the night and the next day, with police officers in their vehicles participating in, rather than trying to control, the activity. The revelry concluded with a victory speech by President Berisha on Skenderbeg Square the evening of the day after the elections.

The next day, the Socialists and allied opposition parties sought to have their own demonstration on the square. Official permission to hold the rally was not granted. As people crossed the square, police tried to break-up the group by persuasion and mild physical means. As that failed, however, truncheons were raised, riot police appeared, and the situation became increasingly violent until the demonstration had been entirely broken up. Several demonstrators had to be treated for injuries, and a few opposition leaders were taken into custody. This event contrasted markedly with the free reign given to the Democratic Party revelers just one day before.

The first-round results revealed a victory for the Democratic Party in 95 zones, giving them a two-thirds majority even before the allotment of the 25 proportional seats. The party had a total of 92 seats from the previous elections. The Socialists won only five seats, and the Union for Human Rights (a multiethnic party originating from the ethnic Greek community in the south) two seats. Nine zonal elections went to a second round on June 2, in which the Democratic Party picked up an additional six seats, the Republican Party two seats and the National Front Party one seat. Originally, only three zones had their elections nullified due to irregularities, but this was soon increased to four and then to seventeen in light of international criticism. The Democratic Party seemed to win all of these seats in new elections on June 16. The remaining 25 proportional seats will be allocated after the final tabulation of results.

It remains unclear, however, whether opposition parties will even participate in the new Assembly. The Socialists and some of its allies in opposing the election process have vowed not to do so and have begun hunger strikes in protest, while the Union for Human Rights and some right-wing parties have expressed their intention to participate. Even for those parties boycotting, some believe that individual winners will take their seats in the Assembly.

The unpredicted irregularities shocked many international observers, especially given the Albanian Government's great strides in reforming the country in recent years. The OSCE Parliamentary Assembly released a statement that was critical relative to other statements it has made on elections, but mild compared to a statement made by observers under the auspices of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR). While bilateral ambassadors requested that the ODIHR not release its statement in Tirana the day after the election, some of its observers from Britain and Norway made their own statement calling for the complete nullification of the election results. The International Republican Institute and the National Democratic Institute, both of which were present, delayed issuance of public statements. The OSCE Chair-in-Office (Switzerland) called upon Albania later in the week to have at least a partial rerun of the elections.

CONCLUSION

By all accounts, the Albanian elections were a major disappointment and, to most, too far below standards for free and fair elections to be considered legitimate. What went wrong seems clear; less obvious is why, especially since the prediction was that the Democratic Party would win easily anyway. Some speculate that the Democratic Party has become too powerful, and as a result, has lost touch with its original principles. Another view is that, on a regional basis, officials are still determined to get revenge on the Socialists who are collectively viewed as responsible for the decades of severe persecution that only recently ended. Others feel that the Democratic Party was not satisfied with mere winning; it had to ensure a two-thirds majority needed to make constitutional changes.

One final view is that the Democratic Party leadership had decided that Socialist Party had never reformed, and posed a threat to the country even without returning to power by its destabilizing obstructionism and provocation. Destroying the Socialists, which may be the main result of this election, may actually have been the least severe way to create a situation conducive to additional reforms. Regardless of the motivation, the actions taken on election day and thereafter cannot be condoned.

Albanian officials are arguing, however, that the foreign observers from the OSCE/ODIHR were not objective but came to Albania at the invitation of the Socialist with the already conceived goal of debunking the elections and ruining the Democratic Party's credibility. There is reason to believe this argumentation to a certain extent, given the Socialist Party's previous record of manipulation and provocation, but, in the end, it cannot change the overall conclusion that the Albanian elections of 1996 cannot be considered sufficiently free and fair.

-- Bob Hand, Staff Advisor

