

# LOCAL ELECTIONS AND POLITICAL INSTABILITY IN ALBANIA



**JUNE 1, 2011**

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

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The Commission also contributes to the formulation and execution of U.S. policy regarding the OSCE, including through Member and staff participation on U.S. Delegations to OSCE meetings. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from participating States. The website of the Commission is: <[www.csce.gov](http://www.csce.gov)>.

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# LOCAL ELECTIONS AND POLITICAL INSTABILITY IN ALBANIA

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June 1, 2011

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

The briefing was held at 10 a.m. in room 201, Capitol Visitors Center, Washington, DC, Mark Milosch, Chief of Staff, Commission on Security and Cooperation in Europe, moderating.

*Panalists present:* Jonathan Stonestreet, Head of the Election Observation Mission to Albania, Organization for Security and Cooperation in Europe, Office for Democratic Institutions and Human Rights; Robert Benjamin, Regional Director for Central and Eastern Europe, National Democratic Institute for International Affairs; and Januzs Bugajski, Director, New European Democracies and Lavrentis Lavrentaiadis Chair in Southeast European Studies, Center for Strategic and International Studies.

Mr. MILOSCH. Good morning and welcome to everyone joining us today. As Chairman Smith's Staff Director at the Helsinki Commission, I'll make a brief statement. And then Bob Hand, our Staff Advisor at the Commission, will introduce our witnesses. Our briefing today will be on the May 8th local elections in Albania, on their conduct, results, and consequences for that country and the Western Balkans.

The Helsinki Commission has monitored and advocated for human rights and democracy in Albania for over two decades. Chairman Smith has chaired two hearings on democratic development, human rights, and the rule of law in that country, most recently in 2004, and over the years has met with Albania officials to discuss these and related topics such as trafficking in persons.

In many areas, Albania has made significant progress, as in democratic development, and certainly the lives of Albanians have improved tremendously in the last 20 years, yet elections remain, for Albania, a source of tension and instability. The country is politically polarized, extraordinarily so, and it seems that many on both sides of the divide have little real respect for the electoral system.

The operative criteria for judging an election or an electoral system appears to be whether it allows them to win. Otherwise, many seem to believe it must be illegitimate. Sadly, since the 2009 Parliamentary elections, the country has been at a political impasse. In January of this year, political protests became violent. We hoped, and we still hope, that the May 8 local elections will put Albania on the right path, focusing on the needs of the citizens.

While our panelists can elaborate, the general sense seems to be that the balloting went reasonably well. It is the counting of ballots where problems have come up, as has often been the case in post-Communist Albania, especially in the very close race for the mayor of the capital city, Tirana.

Now I'll turn the briefing over to Bob Hand, who has, for over 20 years, monitored and advocated for human rights in the Western Balkans, and he will moderate our briefing.

Mr. HAND. Thank you very much, Mark. And I would like to welcome everybody here in the audience to this briefing this morning.

A particular welcome to those who are with the South Central Europe class at the Foreign Service Institute that Janusz Bugajski teaches. We will give you a sense of what we do here on the Hill. And I'll probably be reciprocating at some point, coming out to your embassies and having you as control officers for my visit, to see what you're doing out there.

We have three panelists this morning to discuss the situation in Albania today. Our first panelist is Jonathan Stonestreet, who has been the head of the OSCE Election Observation Mission for the May 8th local elections in Albania.

He led a sizable deployment of both long-term observers and short-term observers, and I think the size of the deployment was actually indicative of how serious the international community was in wanting to have these elections turn out well. They were able to put people out there to help encourage that. Mr. Stonestreet will elaborate on the OSCE's findings and continuing concerns as the process of appeals lingers on.

He joins us electronically via telephone from Paris. We had actually tried to get him here physically but were unable to make that happen. And we had some very strong efforts by our embassy in Paris, where Jonathan is now. We tried to get him here on a video link so that we could see him as well as hear him, but that unfortunately didn't work out. But as our final backup we have him on the telephone. And he will make a presentation. And it's his words that count more than anything.

But I want to thank you in particular, Jonathan, for your patience as we've gone through this whole process. I think it shows how important you think these elections were that you've agreed to participate no matter which way we were able to get your presentation here in Washington.

Our second panelist is Robert Benjamin of the National Democratic Institute for International Affairs, or NDI. NDI has had a very long presence in Albania, and I'll let Rob speak in a little bit more detail about that. But Rob himself has focused on the countries of Central and Eastern Europe for quite a long period of time, participated in numerous previous commission briefings, and is a real expert on each one of the countries that NDI follows.

And so I am very glad that he is here this morning. He will talk about what he has heard about the May 8th local elections as well, but then maybe go a little bit more broadly and discuss the overall trends of democratic development in Albania.

Our final panelist is Janusz Bugajski from the Center for Strategic and International Studies, CSIS, who is another very long-term follower of events in Albania. I think it was about 20 years ago where we bumped into each other on the streets of Tirana, observing their first multiparty elections. And I know that you've been back there many times since, Janusz.

Albania is a NATO ally. It's aspiring to join the European Union. And it's also located in the Western Balkans, where recovery from the conflicts of 10 to 20 years ago has been steady, but it's been by no means complete. There are still some problems in the region.

And with regional stability not yet consolidated, it is important to look at Albania and its place in the region, its aspirations for European integration, and to see the direction in which it's going in an even broader context.

So we will have Janusz as our final panelist.

Let me start with you, Jonathan. I hope you can hear us OK.

Mr. STONESTREET. Yeah, that's fine. I hope you can hear me.

Mr. HAND. Yes. I think it sounds perfect. You're very clear. If you can't hear anything, just intervene and ask us to please repeat that, especially when we come to the question period.

It's OK with you if we have the presentation from all three panelists and then go to questions?

Mr. STONESTREET. Sure. That's fine. And if I get cutoff at some point, just give me a call back.

Mr. HAND. OK, that sounds good. Go ahead. The floor is yours.

Mr. STONESTREET. OK, well, thank you very much, and thanks to the U.S. Helsinki Commission for the opportunity to participate in this briefing and to offer the perspectives of the OSCE/ODIHR election observation mission.

To provide some context for our mission, the ODIHR received an early invitation from the Foreign Ministry of Albania shortly after the elections were called last year, and then there was a needs assessment mission, and then following that the ODIHR decided to send a full election observation mission.

We started at the end of March. We had 16 members in our core team and 24 long-term observers deployed throughout the country. And then we were joined just before election day by some 250 short-term observers, as well as by a delegation from the Congress of Local and Regional Authorities of the Council of Europe, with whom we enjoyed excellent cooperation.

The decision to deploy a full observation mission for local elections is something that the ODIHR is not often able to do. And, as Bob said, it reflects both the importance of Albania's democratization process for the OSCE and the participating states, as well as the critical moment in that process in which Albania found itself at the time, and in which it still finds itself.

And of course the focus right now is on the election for the mayor of Tirana, and that's normal, given the political significance of that race and the extraordinary closeness of the margin. But it is an anomalous situation. A few hundred votes difference either way and the discussion we would be having now regarding elections in Albania would be very different, I think.

And so that we don't lose the opportunity today to discuss the broader conduct of the local elections, I would like to step back and consider where we were just under 3 weeks ago, about May 13th, just before the finalization of counting in all of the ballot counting centers.

And at that moment, counting had already finished for most municipalities and communes. There were 384 of those. And it had not gone perfectly. In some places the

counting was painfully slow or it was delayed for unexplained reasons, and there were procedural problems in other places, yet the process was going. Parties and observers were closely following the counting. Results were being reached. The protocols were being signed. And some of the losing candidates were graciously congratulating their opponents.

So, in other words, in spite of the bitter and real political divisions in Albania, heightened since the 2009 elections and reaching a crisis point on 21 January of this year, at that moment the local elections, for all their flaws, would have been seen as bridging some of these divisions and allowing the country to move forward.

And the focus would probably, in that case, now be not on the validity of ballots but on Albania's European integration process and on how to resolve remaining challenges in advance of future elections.

The ODIHR election observation mission issued a preliminary statement of findings and conclusions 2 days after election day in which we identified the issues that—both the challenges and the positive aspects that lay the groundwork for future progress. And I don't think it's necessary to cover all of those issues here, but I would like to mention some of the main points.

On the positive side, the elections were competitive, and the large number of registered parties and candidates gave voters a wide choice. Parties were generally able to campaign freely, and abuse of administrative resources appeared to be significantly reduced from previous elections. The media offered a plurality of views and allowed voters to make an informed choice, although broadcast media are not truly independent of political parties. Nevertheless, the information was out there for people who wanted to find it.

The Central Election Commission completed the technical preparations for the elections in an overall transparent manner, despite some problems, that I'll come back to in a minute. Efforts were undertaken since 2009 to improve the voter's lists, for example by reducing the number of duplicate entries in the lists. And the Electoral College acted in a professional and unbiased manner in the pre-election date period and provided a corrective for some of the decisions of the Central Election Commission.

Our preliminary statement also identified a number of issues that will need to be addressed in the future in order for elections in Albania to be assessed as meeting OSCE commitments for democratic elections. And some of these issues persist from previous elections and some derive directly from the existing high polarization that Bob mentioned and the mistrust between parties in government and opposition.

And the first of these elements I would like to comment on are that the two main political parties, the Democratic Party and the Socialist Party, did not discharge their electoral duties in a responsible manner, and this negatively affected the administration of the process and undermined public confidence in elections.

And this was apparent in the use of the Central Election Commission as a political battleground between the parties, also in the late nomination of lower-level election commission members, and irresponsible public accusations which questioned the integrity of election commissioners at all levels.

And I think here I should emphasize that I'm speaking about both of the two main parties, both the Democratic Party and the Socialist Party, because each of those parties, when I met with them, tended to say that such assessments were directed at their opponent and not at themselves.



The work of the election administration was also hampered in the initial phases of the process by the boycott of the opposition-nominated CEC members and by the late nomination of lower-level election commission members by the Socialist Party.

After the CEC began meeting in its full composition about 1 month prior to election day, its discussions were often acrimonious and political. Decisions on issues disputed by the two main parties were taken on partisan lines rather than collegially.

So that means that when there was no disagreement between the two main parties, they acted as a collegial body, but the moment that the parties had different views, there was a clear division inside the Central Election Commission. And this perception of partisanship did not build trust in the Central Election Commission as an institution.

I think it's also important to add as a side note here that this high polarization of the election process did not necessarily extend to lower-level commissions. Our long-term observers reported that for the most part these worked collegially.

The campaign—I noted the positive aspects previously, but it was also marred by at last three dozen violent incidents directly related to the elections. These ranged from brawls among supporters of different parties to much more serious crimes, such as shootings and the use of explosive devices.

In addition, there were a number of cases of pressure on public employees and others in the campaign period, particularly to support the Democratic Party. The electoral code, despite being an overall adequate basis for the conduct of elections, contains some gaps and ambiguities, particularly in relation to local elections.

And then the final comment on that, sort of on the negative side, I would say would be that although election day went relatively well, there were a number of problems in adhering to procedures that were designed to provide safeguards in the voting process, for example the application and checking of ink on voters' fingers. In addition, family or proxy voting was observed in over 25 percent of the polling stations where we observed.

So those are some of the issues which should be addressed by the authorities and the political parties in the future, and for which the recommendations in the ODIHR final report will attempt to provide some potential solutions.

And this brings us back to what's happened since 14 May, which was the end of the counting of ballots for the Tirana mayoral race in the ballot counting centers when the preliminary results showed a 10-vote difference between the two main candidates out of some 250,000 ballots cast.

An election result that close can put the strongest of election administration structures to the test. And I think that what we've seen in Albania is that we don't have the strongest election administration in place, so that that kind of pressure is even greater. Our mission issued a post-election interim report in which the mission factually reported on accounting process, on the dispute regarding ballots cast in the wrong ballot boxes in Tirana, and on the Central Election Commission's controversial counting of miscast ballots.

Our mission exercised a maximum amount of discretion in characterizing the Central Election Commission's actions, especially given that there are appeals lodged with the Electoral College which are still pending. However, we could not fail to note that the Central Election Commission took actions which had far-reaching implications on a non-collegial basis without taking a decision that would authorize or explain those actions until after they had concluded.

So I don't want to comment further at this point because these questions, as I said, are for the Electoral College to resolve. But certainly the Central Election Commission's actions and the appeals process are issues that the ODIHR mission continues to examine and will reach conclusions about in its final report.

Finally, I would like to highlight one more positive aspect of these elections, that of the role of nonpartisan domestic observers, who played a very active role in monitoring the elections. And I very much hope that their conclusions and their recommendations will also be taken into account in discussions of potential improvement.

So, I would conclude there, and then after the other presentations I'll be open to any questions. But I thank you once again for the opportunity to speak today.

Mr. HAND. OK, thank you very much, Jonathan.

We'll now go to Rob Benjamin from NDI. Rob?

[Cross talk.]

Mr. BENJAMIN. OK, I think the microphone is on now.

Thank you, Bob, and good morning, everyone. My name is Robert Benjamin with the National Democratic Institute, and I'm very pleased to join you this morning to discuss Albania's local elections.

As Bob suggested at the outset, the National Democratic Institute, NDI, has supported Albania's democratic transition now for a quite a few years, since 1991 actually, through political party development, citizen participation in local politics and community advocacy, and, I'm happy to say, nonpartisan election monitoring dating back to the 1990s.

With funding at present from the National Endowment for Democracy, the NED, NDI is presently supporting women's political participation, following on the many years of institute support to really what amounts to hundreds of political figures and civic activists and government officials in Tirana and throughout the country as they are building a participatory accountable and participatory—and transparent, excuse me, political system.

NDI's perspective on this election cycle therefore is shaped by our long-standing presence in Albania, as Bob had mentioned, and the relationships that we enjoy across its political spectrum, our engagement in recent months with a variety of political and civic leaders in Tirana and around the country, and by our institutional experience in supporting democratic elections worldwide.

These elections, and Albania's democratic transition overall, must be considered in the context of comprehensive political, social and economic change as the country transforms itself in roughly the span of one generation from Communist isolation to an open democracy and a market economy. And ultimately it is up to the citizens of Albania to determine if this election process merits their confidence as a democratic exercise in the broader context of the country's transition.

Albania entered this election cycle in a highly polarized environment, as has been said, stemming from controversy from the last election cycle, the parliamentary elections in 2009, grounded in deep-seated and highly personalized conflict between Albania's political parties, and punctuated by the political violence this past January that tragically led to several deaths and many injuries.

This particular event unambiguously called upon political leaders in Albania to step back from their partisan brinksmanship to prevent an escalation of conflict in advance of the local elections. And by and large, these calls have been heeded.

Albania proceeded to the May 8th local elections in a relatively calm environment. And while attempts at multi-partisan election reform coming out of the 2009 cycle failed, a concerted if not always consensus-based effort to make electoral procedures more transparent was launched, with the vocal encouragement of representatives of the international community.

And the NDI reports in the pre-election period noted shortcomings in election administration and campaign conduct of the kind that Jonathan relayed, including sporadic and localized episodes of violence; shortcomings, I'll add, that are consistent with deficiencies in election cycles observed in neighboring countries.

Election day itself came and went, and particular advancements were evident, as Jonathan said, in the increased profile of nonpartisan citizen observers, public dialogue around concrete policy reform issues, the use of social media to expand voter outreach, and the growing if uneven presence of women standing for local office, including an unexpected victory for a female candidate for the mayor of the city of Burrel.

On the whole, the peaceful conduct of the elections was testament to Albania's desire to move away from the recent volatile past and closer to its destined rendezvous with the rest of Europe and the broader trans-Atlantic community as a fully democratic country.

Indeed, were it not for the contentious situation over the outcome of the key race for mayor of Tirana, in which either main candidate has led by an extremely thin margin of double-digit votes amidst decisions by electoral authorities that raise questions of legal and procedural and possibly political natures—were it not for this case, this gathering would, as Jonathan suggested, emphasize these elections as an unfettered opportunity to reinvigorate democratic reform through political moderation and through cross-party dialogue.

The opportunity to set the country back on a democratic path is indeed there, and the need to seize it is imperative. But to get to it, Albania's governing bodies and its political establishment need to resolve the outcome of the Tirana mayoral race in a way that engenders public confidence in their shared readiness to work together to advance the country's interests.

This is arguably more important for Albania than who comes to occupy the mayor's office in Tirana. After all, the overall election results and the Tirana mayor's race, to an exquisite degree, show the electorate to support both major political options on basically equal footing. Both sides received a mandate in these elections. Neither should, therefore, resort to one-sided triumphalism or prolonged protest.

Much has been said of the procedural legal and political factors that have brought about the extraordinary, if not unprecedented, situation in Tirana. And as Albania's Electoral College deliberates on these complexities—and as Jonathan noted, it would be inappropriate to review here the basis of the appeals before it, but it is fitting and perhaps timely to note prior instances in which election results were too close to produce a clear victor and/or the outcome was highly contested, such as the U.S. Presidential election in 2000, Germany's Federal elections in 2005, and Mexico's Presidential elections in 2006.

Each of these instances is singular and strict comparisons among them are ill-advised. Still, on a general level, they offer a basic principle: The degree to which government officials charged with applying the law to determine an outcome amidst a disputed process acquit their legal powers neutrally and transparently, and the degree to which

political leaders show maturity and restraint in their comportment, those two factors ultimately determine how a country moves on—moves on from an election that in many respects is democratic, but which, by dint of voter intent and, at least in the U.S. case, procedural imprecision, produces a contestable outcome whose ultimate arbitration many find hard to accept.

So, in light of the above, and with a view to seizing the opportunity to restore democratic reform and progress in the wake of these elections, Albania's main political parties have the obligation to end the political stalemate that they have locked the country into for the last couple of years. Failure to do so will hold Albania back from European integration and retard its democracy. Ending the political stalemate following the local elections encompasses many actions. The following are essential but by no means exhaustive.

First, a multi-partisan commitment to commence election reform in parliament, to close procedural gaps, and to continue the process of improving election standards prior to the 2012 parliamentary elections. That's imperative. This process must be made public and include voices outside of the main parties to ensure that reforms agreed to incorporate the interests of a broad section of Albanian society.

Second, parties should take every step to insure the public that they are not unduly influencing legal or procedural actions of bodies overseeing elections, from local polling commissions to the Central Election Commission. Parties should leave the representatives whom they have appointed to do what's right by these bodies and the Albanian public. Political opportunism has no place in a democratic election, particularly in this current environment, an environment in which extraordinary steps are needed to demonstrate and reinforce impartiality.

Third, the mayor of Tirana, once invested in city hall, should take demonstrative steps to govern inclusively, to reflect that both major political options are part of the city's governing structure.

And finally, on a very fundamental level, sustained and substantive inter-party dialogue in parliament and city councils around the country must replace partisan invective and recrimination in the media and on the street. To do so, new voices need to participate, both from within the parties to showcase diverse viewpoints, and even viewpoints that diverge from the positions of the respective party leaders, and also views from outside of the parties, among the thousands of Albanians who, as individual citizens or in organized civic groups such as the domestic monitors, want to have a say in how the country overall, and their communities in particular, are governed. Albania's political system, to be democratic, cannot be the reserve of few, but must be the domain of all.

It is up to Albania's governing bodies, with the help of international groups as might be sought, to resolve the issue of the election of the mayor of Tirana, and to do so in a manner that is transparent, impartial and as resolute as the law under which they are working allows. It's up to Albania's political parties and elected representatives to remedy the shortcomings observed in this election cycle, and to do so in a way that meaningfully incorporates other voices in the process.

And, correspondingly, the Albanian public cannot defer to the political establishment by giving in to the apathy and resentment that so many have expressed to my NDI colleagues in Tirana. Instead, citizens need to be organized so as to monitor, advocate and otherwise insert themselves into public affairs, for it is they, not the political leadership, who are the ultimate guarantors of Albania's democracy.

No election, no matter how democratic, is perfect. And at the same time, no election, given its imperfections, can be considered democratic if citizens do not have confidence in the process. And sometimes, and perhaps now, public confidence is tested by close and disputed outcomes, as is the case in Tirana.

Indeed, presumably not everyone will be assuaged by the process that ultimately produces Tirana's next mayor. That's what any Albania's political leaders have the obligation to demonstrate political moderation, dialogue, inclusion, compromise and diversity, so that no matter the outcome of this race, Albania can move forward, as it must. Thank you.

Mr. HAND. Thank you very much, Rob.

Are you still with us, Jonathan? You can hear us OK?

Mr. STONESTREET. Yeah, I'm still here. Thanks.

Mr. HAND. OK, good.

We will now turn to Janusz Bugajski from CSIS. Janusz?

Mr. BUGAJSKI. OK, thank you, Bob. Is this—OK.

All right, thanks very much for inviting me. It has been 20 years since we met in Tirana. I hope we're not still sitting here in 20 years' time debating Albania's progress and encouraging it. Hopefully this will be one of the last times, but I tend to doubt it.

Anyway, I'm going to try and be brief and to the point, and I apologize if I repeat anything that's already been said, but the points that have been made that I do emphasize are clearly worth underscoring.

Let me begin by saying this, that I think Albania suffers from at least six inter-related disorders that obstruct its political, economic and international development, and can precipitate a spiral of destabilizing national conflict. Let me begin with point one, political bipolarism, or the bipolar disorder.

Albania has developed—it's not the only country in the region, but one where it's clearly having a major negative impact—Albania has developed a bifurcated two-party system despite numerous attempts by individuals within both the Socialist and Democratic Parties over the past two decades to try and break the deadlock and to form electorally viable and durable new third parties.

Political life is highly personalized and has been directed by strong leaders where top-down management places limits on intra-party political competition and the input of citizens in decisionmaking. I think the latest round of conflict is actually symptomatic of this fundamental reality.

Second—and again related to this limited political competition—these attempts to form durable and electable third parties have proven difficult, especially when there are splinters from the two major formations whose leaders seek to discourage fractionalization. Although several do exist and some have persisted through several election cycles, the Democratic and Socialist Parties together always control the majority—overwhelming majority of parliamentary seats.

And it suits the two mega parties to have a larger number of smaller formations in parliament rather than a single third force, which could become the king-maker and draw them into electoral coalitions, after each round of parliamentary elections, some smaller parties have been brought into coalitions, but this does not threaten the major two-party monopoly and does not contribute sufficiently to developing novel political programs and fostering political competition.

Third point, related: non-ideological conflict. Albania's underlying political disputes are not based on party ideologies or programs, as the two major formations largely share the same goals. Left, center and right are programmatically almost meaningless, I would say, in Albania—not just in Albania, in much of the region. Instead, party divisions have become grounded in group loyalties and leadership support, concretized into two mutually exclusive political camps.

Four, political clientelism. This has developed over the past 20 years, similarly to other Balkan countries, and involves an extensive patronage network, a system of official appointments, favoritism shown to supporters of the governing party, and various levels of state party corruption.

Clientelism is now deeply engrained in the political structure, and of course not only in Albania, as we see amongst Albania's neighbors. It undermines, as I've already mentioned, political competition based on program and merit. It also means that political office is lucrative, and losing office is financially painful and is therefore resisted.

Fifth point, zero sum political culture. Each election is supposed to create clear winners and losers, and when the result is extremely close, as we see in the recent mayoral elections in Tirana, even where the election process is clearly improved, by all accounts, there is little traditional or willingness to engage in dialogue and compromise. Instead, there is always a danger that disputes will escalate into open conflict. This is not just the question of hanging chads but of differing interpretations and uses of the electoral law.

Six, political revenge factor. Politics in Albania also contains the principle that, you contested my election victory so I will contest yours even more vigorously. And such contests are not simply conducted through legal means. As a result, we have witnessed regular parliamentary boycotts, constant complaints to international institutions, persistent public protests against election results, and even instances of vandalism and violence often intended to provoke a government overreaction.

The disputed Tirana mayoral elections and the ongoing battle of the ballots has compounded the existing grievances from the 2009 Parliamentary elections and threatens to transform political polarization and legislative gridlock into outright civil conflict. I'm not saying it's going to happen but there is that danger.

The only solution, however difficult in an overheated political environment, is the legal ruling that the final election result, whether for the Democrat or Socialist candidate, meets constitutional and international standards. And this may require high-level international involvement of E.U. and U.S. representatives to diffuse the crisis before rather than after the conflict escalates.

As a result of the facts, as I've outlined, the ongoing standoff over the 2009 general elections, as well as the recent mayoral elections, have become dangerous opportunities for confrontation and escalation. Meanwhile, necessary reforms to meet E.U. accession criteria have stalled and the passage of legislation is often blocked. Long-term paralysis will simply increase social frustration, raise the risk of economic decline and further erode Albania's qualifications for the European Union.

It is often said that once a country accedes to NATO or the European Union, the allies have very few policy instruments available to positively influence this behavior. This is not fully accurate, I believe, in the case of Albania and U.S. relations because of the high esteem in which the U.S. is held in Albania by all political formations. Washington

possesses both direct and indirect instruments to help Tirana make the right decisions in its own national interests.

It needs to assist Albania in constructing a more competitive political system and developing a more politically active younger generation, and continuing to improve the conduct of elections in reforming key institutions such as the judiciary, and encouraging greater media nonpartisanship, and in various other ways qualifying politically for inclusion in the EU, and thereby becoming a more effective partner for the United States.

And this is my last point because Bob asked me to talk about the regional significance.

The United States can also promote Albania's strategic interests by helping to resolve the pan-national question, so that Tirana is not drawn into potentially damaging disputes with its neighbors and remains a constructive political player in the Balkans, which it has been for the past 20 years.

A potentially negative scenario may unfold in a region if the confluence of factors coalesce in the coming years. And these are more likely to embroil an unstable Albania with limited European prospects than a politically stable Albania en route to the European Union.

Such factors may include growing social unrest in Kosovo as a consequence of international isolation and economic distress that encourages certain populist elements to mushroom in Pristina, the potential division of Kosovo through attempts at unilateral partitions supported by Belgrade, a de facto fracturing of Bosnia-Herzegovina and its drift toward conflict that encourages other regional secessions, and political conflicts in the Republic of Macedonia that begins to assume ethnic dimensions with Albanian parties calling for Federalization or even separation instead of a share of the political office as progress toward the E.U. is also stalled.

Now, this is the complex puzzle that cannot be resolved, obviously, by the United States or the European Union acting alone. It will require a much more determined drive by the E.U., with U.S. political assistance, to incorporate the West Balkan states, beginning as soon as possible with Croatia, which has closed 30, I believe, of 35 chapters of the European Union requirements and is due for membership by 2012—although we're not sure, particularly with the mood in the E.U. at the moment on further enlargement, exactly whether that's going to be ratified by all parliaments and how quickly—Croatia's membership as soon as possible, accompanied by clear membership tracks for all other states.

It also necessitates more significant involvement in institutional Stabilization and integration. Unfortunately, this is clearly not popular in the EU itself, where leaders and taxpayers are weary of bringing new problems into the Union.

Short of such commitments, political and economic prospects in the West Balkan region are likely to diminish and spur-out migration. Disillusionment with the EU will increase, and the Union's effectiveness and viability will come under increasing question. Such scenarios could also undermine reformist leaders and bring more populist and nationalist elements to the forefront, who will benefit from economic distress and brewing public anger, and may trumpet ethnicity and xenophobia as solutions to mounting domestic challenges.

In this context, if Albania were to descend from prolonged political conflict to social unrest and state instability, this will only have negative consequences or feed into the negative consequences for the wider region.

I'll stop there.

Mr. HAND. OK. Thank you very much, Janusz.

We'll now move to the next phase of our briefing, which is to open it up to the wider participation of the audience, primarily for a question to one or all of our panelists. I may tolerate a very brief comment or two, especially from some people in the audience who I know actually are deserving of being up here on a panel.

I'd like to start by first acknowledging the presence of the Ambassador of Albania, Gilbert Galanxhi. And I would like to give him the courtesy, as is the Commission tradition, if he would like to have it, of coming to the podium if we would like to make a very brief comment, and also if he would like to ask a question as the Ambassador of the country concerned here today.

Ambassador?

Amb. GALANXHI. Thank you for giving me the possibility to address the audience and have a discussion with you. And I want to thank Jonathan Stonestreet for being with us today.

I'm glad to listen to different opinions and concerns, which make me strongly believe that Albania has good and sincere friends who are impatient, as I say, to see my country as equal amongst equals in the communities of democracies. I'm currently speaking of the E.U.

I also wish to stress the fact that OSCE/ODIHR has now this mandate to observe local elections, but since my government put a lot of stress and enforcements on these elections—although they were lawful elections—I personally, because I was Ambassador to OSCE, invited, officially, ODIHR to observe these elections in Albania, which shows that the Albanian Government was much more interested in the process, in complying with the standards of OSCE, and with standards, rather than having the result who is going to take the seat of the mayor of Tirana or Durrës or whatever.

I wish briefly to make only a few comments on these elections. I must say that these elections were free and fair, and we witnessed a very high turnout of voters. Officially it's 50 percent, but unofficially I guess it's 75 percent because myself, my staff, although they were on the list, they couldn't vote because we were here.

With this, I want to touch on the issue that we recognize the immediate need to address the electoral code because we know it needs improvements. There have been 32 recommendations from the 2009 elections made by ODIHR which were never addressed because the Parliament didn't function properly. So we are all aware that there are holes and bumps in the electoral code, but this is what we have, and we had the elections.

The next issue I wish to stress is that these elections proved to be very, very transparent, I think the most transparent elections in the world, because I don't know any other case when every single vote is shown to the scanner, to the big screen, to the camera. So practically I could count the votes from Washington, DC, watching different TV stations.

I think it's a constitutional obligation of my government to guarantee the right of vote to every single citizen of Albania, be it in Albania or be it in DC. I couldn't go to vote, but those who could, they could vote. I think my government met this obligation.



And here we come to the fundamental concept of democracy. I think there is no need to explain the great term “democracy.” I think in the Universal Declaration of Human Rights, it is rightly written. I quote, “The will of the people shall be the basis of the authority of the government. This will shall be expressed in periodic and genuine elections, which shall be by universal and equal suffrage and will be held by secret vote, or by equivalent free voting procedures.”

I think this is quite clear, and this is what is happening right now in my country, where every single vote is being counted because the Central Election Commission is counting the valid votes and the invalid votes, as well as the contested votes. And I again stress that this is a very transparent process, shown to the camera, every single vote.

I think that what we experienced in the last days was quite unfortunate because Albania is a functioning democracy. We have all the institutional capacities, institutional bodies to solve and resolve every issue.

In the first place, we have the election commission, which is doing its work under a lot of pressure—street pressure, verbal pressure, political pressure—and we should let them work. They take the decision, be it wrong or right. OK? This is the Central Election Commission elected by consensus in 2008.

Then, we have a perfect system, I think, of checks and balances because every decision which is taken by the Central Election Commission is, theoretically speaking, an interim decision because every decision can be attacked and appealed in the Electoral College, which is the supreme court for elections in Albania.

You have to know that the Electoral College is elected periodically, and seven members of the Electoral College have been elected or appointed during the Socialist administrations, and one member is elected during the Democrats’ administration.

But the interesting fact is that every judging body for every single case or appeal in this electoral process is done by casting lots. So you never know who is going to judge the case. And I think that we have a system, so all that we request is the international assistance to solve this problem legally, in a legal way, as it has happened in many states, in many countries, and not in the streets.

We have say stop to the street solutions once and forever, because the elections were not bad. I think the U.S. State Department has stated that they were the best ever held in Albania. This is true. I fully agree with that. But we have to stick to the legal solutions, to the legal procedures. This is all we ask for because it’s quite normal that an aspiring EU country should stick to the rules of the game and not have political solutions in the streets. This is not acceptable, dear friends, anymore.

I wish to thank you.

Mr. HAND. Thank you very much, Ambassador.

I would like to call on Mark Milosch, Chief of Staff at the Helsinki Commission, and give him the opportunity to ask the first question of the panelists. Or I assume if anybody has questions for the Ambassador as well, that the Ambassador might be able to answer either at the podium or afterwards at some point.

Mark?

Mr. MILOSCH. Thanks, Bob. And thanks for everyone who joined us today. Thanks, Bob, for doing such a great job moderating.

I’d like to ask about the voters’ expectations and demands. I think there are two ways people can react to a battle of the ballots, or shenanigans in votes, or difficulties and

uncertainties in counting. One, people can demand and expect more fairness and justice. Or, two, people can become more cynical and react by becoming concerned only with, well, whatever the outcome—the only thing that matters is that we win, that my party wins. And this is certainly not a comment on Albania. We see both reactions in the United States and in every country.

But I'd like to ask the panelists, what do they see in Albania? What comments would they have on this way of—the choices, how people react to the difficulties with the elections. Are they becoming more cynical? Are certain groups or parties becoming more cynical, or is there a growing demand and expectation that the elections be administered fairly?

Second, it would be interesting to hear your thoughts on why you think things are happening the way they are.

And, third—this is related—I'm interested to hear any thoughts on how Albanians see elections in other countries, for example if there's a large number of people in the country, perhaps a quarter, a half, maybe 10 percent, who tend to see—you know, however many—who tend to see elections in neighboring countries—say, Italy, Serbia—as no different than their own, then it becomes more difficult to raise the demand or expectation for more fair and just elections.

So, maybe Mr. Stonestreet could start.

Mr. HAND. Jonathan?

Mr. STONESTREET. Yes. Well, thanks for the questions.

I'm not sure that I'm the best placed to talk about how Albanians perceive the elections, but perhaps I could go back to what Janusz was saying about political clientelism, as he termed it. And I think that there's—perhaps the answer is there. That is, that a lot of people are very much—at least from the information that I had, which corresponded with what Janusz said—that people have very direct economic links to who is in power, even at the local level, much less at national level.

So, you know, I think that people probably in general would like to know that justice is being done, that the law is being respected. At the same time, there's a lot of—there's a lot of pressure, and sometimes that pressure is exercised on people directly, but sometimes it's just there sort of hanging in the air because people's jobs are dependent on who is in power.

That may have some of the—I don't know if that helps answer the question at all, but perhaps the other panelists will have a clearer response.

Mr. HAND. Thank you, Jonathan. And before going to the other panelists, I think because we can't see you, we'll always try to call on your first for the general questions, just in case you do want to speak.

Mr. STONESTREET. Thanks.

Mr. HAND. I can see the other panelists and whether they're signaling to speak or not. And, actually, Rob Benjamin is now. Rob?

Mr. BENJAMIN. OK, thank you, Bob. And thanks for these, I think, trenchant questions. I think they go to, in many respects, to the heart of the matter.

This election cycle did see exhibitions of participation. People did get involved, not least of which through a more robust monitoring by citizens who were trained observers in polling stations. I think that's commendable.

The women that NDI supports currently throughout the political parties wanted to stand as candidates and made the best of opportunities that were afforded them—opportunities, by the way, that are hard to win for women in not only Albania’s political life, but also in other countries in the region.

And I think at certain times and certain ways and certain campaigns among certain candidates there was an actual discussion of reform policies that show a greater public interest to engage politicians in those things that people really do want to talk about.

Having said all of that, I think the general feeling that one has, and certainly my colleagues at NDI and Tirana have expressed to me, is a sense of separation of the public from the political establishment. The elections and government are essentially the domain of those who occupy political positions, and there are very few entry points for the public at large to express itself in a variety of different ways.

And what I think now what we’re seeing in the Tirana situation extends from the 2009 cycle where the political conflict is, you know, arguably not without some basis of contested—you know, contested situations, but nevertheless is generated by, occupied by, motivated by partisan political interests and is not really speaking necessarily on behalf of the public as a whole or in the broader interest of where Albania and the Albanian public want to be and where they want to go.

One interesting byproduct of all this, if you were to consider this question more statistically, is that we really don’t know what the Albanian public thinks. There is a dearth of credible and impartial public opinion research in Albania that can actually demonstrate, whether through polling or focus group research, what the public is actually thinking. How are they responding to this? That would give one a better and clearer sense—not least of whom the politicians—about how they can begin to try to respond to what the public wants to engage on.

That is a particular area where, in contrast to other countries in the region, where you do see this type of research coming forward. And I’m happy to say that both my organization, NDI, and our counterparts at the International Republican Institute have been able to promote public opinion research, not just in let’s say an electoral context, but also in a public context, so that everyone can understand what the public is thinking.

To the question, as I understood it, of how this election plays relative to other countries in the region, some countries have got their act a little bit better than others. There is a rather wide disparity in electoral conduct and electoral performance. The Tirana mayoral situation aside, I think a lot of the positives and negatives that we’ve seen in the Albanian local elections are consistent with positives and negatives you see in neighboring countries. And here I’m thinking about Kosovo; I’m thinking about Macedonia.

Elections are very dynamic processes. We tend sometimes, I think, to consider them as fixed events. They are obviously very dynamic, not just politically but institutionally. Even election laws and election systems themselves are dynamic. They need to evolve. They need to be refined because society is changing. Political expectations, public expectations are constantly evolving.

And so the degree, again, to which understanding where we think the Albanian public wants to be—where it is and where it wants the country to go, the political leadership of Albania really must take the initiative to use the institutions available to it—they are there—to engage each other and the public on election reform. That is an essential way to move the country forward.

Mr. HAND. Yes, Janusz?

Mr. BUGAJSKI. If I could just add very briefly—and maybe this is the wrong building to say it, but there is increasing public disillusionment with political and parliamentary leaders, not just in Albania but throughout countries that are in economic distress. They don't see sufficient progress toward European Union entry.

And other than the sectors or the people that are tied in with specific political parties, the mass of the population is not. The mass of the population, its anger is, in a way, being directed against either the government or the opposition, or whoever in government or in opposition tries to manipulate, political public distress in these circumstances.

However, I think it is worth monitoring because social behavior and social responses to economic stagnation—no way out, no progress toward European Union, political gridlock, poor living standards, few job opportunities and so on and so forth—won't necessarily be apathy or out migration; it could also encourage some more extremist movements in Albania, which we certainly do not want to see emerging.

So I think Rob is absolutely right. We need to much more closely monitor and engage the public mood and in which way it's heading.

Mr. MILOSCH. Thanks very much.

Bob?

Mr. HAND. Thank you.

Now if there's somebody from the audience that would like to ask a question, I think rather than forming a line I would prefer if people would raise their hand and I'll try to do it in order. And if you could please come up to the podium and first introduce yourself, your name and affiliation, and then if you could just ask a very brief question. And we'll start with Voice of America.

*Questioner.* Ilir Ikonomi with the Voice of America. A question for Mr. Stonestreet.

You said, I guess, in one of the interim reports that the legal basis of the decision to count the votes in the wrong boxes was unclear. Is it clear now, that decision, to you? I mean, because this is one of the crucial questions that everybody is debating today in Tirana. I mean, it might go beyond this panel.

This is my question. Thanks.

Mr. STONESTREET. Sure. Can I go ahead?

Mr. HAND. Yes, go ahead.

Mr. STONESTREET. Sure. Well, yes, we said in our post-election interim report that the legal basis for what the Central Election Commission was doing in opening ballot boxes and counting ballots was unclear to us.

And of course—maybe I should go back—and that was over 1 week ago when we issued that statement. At the time, there was no—no decision had been issued. There was a decision in principle, as it's called, but that's not an official decision. It had no number. It wasn't available on the website.

So, in fact, they were just doing—basically they were doing something and then the decision to do it would come later. And at that point it was then very difficult to judge what the legal basis would be because it's the decision that has to indicate what the legal basis is. And then someone can say that the legal basis is clear, or it's good, or it's not sound, or whatever. But at that point there was no indication of what the legal basis was.

You know, I know that the decision has been—has come out. Since the time that we issued our interim report, our mission has been continuing in Tirana with a reduced presence so that we have two analysts there now.

I wouldn't want to comment further on the decision itself, as I said, because that's what's actually before the Electoral College. So I wouldn't want to speak about the decision that was taken after the interim report. Again, we'll come back to that in our final report. But I just wanted to address why we said that the decision was unclear when we—or, I'm sorry, that the legal basis for the CEC's actions were unclear when we issued our post-election day interim report.

Mr. HAND. OK, thank you very much.

I'd like to now call on Jonas Rolett from the Open Society Institute, who is one of the best experts, I think, on Albanian affairs here in Washington—so glad to have you here.

*Questioner.* Thank you, Bob. I was going to try not to make a comment in the form of a question, but I would actually like to ask Jonathan Stonestreet a little bit about the issue of the integrity of the ballots as well.

So, you know, some of the issues are really muddy. There are questions of precedent—what has been done in the past with these kinds of ballots and what the proper ruling should be. There are questions—there are holes in the electoral code. There are questions of interpretation. And I think this is an area where it's very difficult to say, this is right and this is wrong.

I've been hearing that the ballot boxes that have been opened have revealed discrepancies between the number of voters and the number of votes. As I understand, 117 ballot boxes have been opened. Of those, 98 have discrepancies. Forty-five of those had more votes than voters, which was a difference of 322. Fifty-three—the remaining 53 had fewer votes than voters, which was a difference of 436.

So, even if you had ballots inadvertently switched, so somebody put the mayor's ballot in the city council box and put the city council box (sic) in the mayoral box, you still have, by my math, 114 votes that are unaccounted for.

Now, some of this happens in elections. You know, these are not perfect processes by any means, and they are a lot less important when elections are as close as these are. I'm interested in hearing a little bit about the OSCE's view of this particular issue, whether or not you think there's some problems here, and would also maybe ask the Ambassador if he would comment on this from the government perspective.

Mr. HAND. Jonas, if I could just ask you to clarify. The discrepancies that you just mentioned, they're specific to Tirana, they're not—

*Questioner.* I'm sorry. That's correct, yeah.

Mr. HAND. OK, they're not elsewhere. So it revolves around this very close mayoral race.

*Questioner.* Exactly. Yeah.

Mr. HAND. OK.

Jonathan, would you like to start us off?

Mr. STONESTREET. Sure. Actually, maybe it's my personal opinion, but counting is something that seems like it should be quite easy, but in fact it often proves to be—to be quite difficult to come to what the final answer is. And part of an election is at some

point saying, these are the final numbers, even though if we reopened everything up and recounted everything, that we might come to some slightly different numbers. And then that creates a problem when you have small margins.

You know, in the counting process, not only in Tirana but in other places, like I said, the counting did not go perfectly, and there may have been problems in the way numbers were reconciled and put into the results protocols. There could be miscounts in some places.

One issue is that while transparency is very good in many aspects of the elections in Albania, one consequence of having counting centers instead of counting in polling stations is that the counting tables are in public view, and then, as the Ambassador mentioned, the ballots are shown actually on camera.

But what's very difficult to see for observers is how the protocols are filled out, actually, because the observers are not allowed to approach the tables and to see exactly what's being done. So it's only the election commission—the zone election commission members and the counting team that are actually present at the table.

But like I said, there can be mistakes that are introduced into the process in various ways. Again, I don't want to talk about the numbers, the differences that have been raised. I know that there have been differences raised. Right now I'm not, myself, able to say what could be the cause of those differences.

Another issue that I think that could be considered in all of this is the question of what to count, and in this respect the validity or invalidity of ballots, even leaving aside ballots that are in the wrong box. There's a very—there was—I noticed in Tirana there was a very high rate of invalidity of ballots. It was over 2 percent, if I remember correctly, approaching 3 percent, which is a bit surprising considering there were three choices to mark on the ballot. It's not that difficult to get right.

And this is something that—again, not necessarily in these elections, but this is something that will have to be considered as to really what makes a ballot invalid, and to come to some sort of broader consensus about that. But I think that that's—some of these issues are things that really need to be looked at in respect to future elections and not trying to correct them in the midst of an ongoing process.

So that's basically what I would say, without directly wanting to comment on the particular discrepancies in numbers that were found in the ballot boxes that were opened by the Central Election Commission.

Mr. HAND. OK. Thank you, Jonathan.

Ambassador Galanxhi, Jonas had asked if you could possibly respond as well.

Amb. GALANXHI. Yeah, sure. Thank you for making the question because I think—and I hope the answer will clarify a lot of things.

It appears in the tabulation for the mayoral race that there are more voters—more ballots than voters. It's only an illusion, because what happens is that the Central Election Commission, taking its place as a zonal commission and counting the valid votes which were miscast into the other box, did not change the tabulation result which came from the zonal commissions.

So they simply added numbers that were found valid in these contested votes, let's say, or the votes that were never counted. So it appears that there are more valid papers in the box for the mayor than the voters. But if you count the total—so let's make a

simple arithmetic exercise. You have one voter voting for ballots in four boxes. So practically you should have 400—if you have 100 voters you should have 400 votes in 4 boxes.

What happens is now that you have 110 votes cast in 1 box and 19 votes in the other box. So it appears that you have more ballot papers in one box, but if you count the total of four boxes, it's exactly the same.

I know that from the Central Election Commission [inaudible] box, there is a discrepancy of one vote only in total in Tirana. So it's one vote that is either more or less. But the rest—so the total numbers are perfect, only that you have this discrepancy.

Again—again, I stress here that neither party—I don't want to take sides and I'm not interested in taking sides, but neither party has such soft commissioners that would let me go and vote twice. This is for sure.

And in every step of the process, you have a perfect 50/50. In 50—let's say if you have 100 polling stations, in 50 polling stations you have four commissioners from the position and three commissioners from the opposition. In the other 50, you have the opposite. So it's a perfect balance, I think.

And in every step of the process, you have this composition of commissioners. So practically it's impossible for me to go and vote twice or cast two votes, because every vote has a counterpart which is kept by the commission. So, if this is the vote, it's one part of it, and you tear it. The commission takes one part and you have the other part to vote. So it's impossible practically to happen.

And furthermore, there are all—as I said before, there are all legal instruments to solve the issue. Either part that contests this has a right to appeal it and to ask a recount of the box in the Central Election Commission. If they are not pleased with it, again they have a superior instance. That is the Electoral College. They again can appeal the case and reopen the box if the Electoral College decides to open it and recount.

So, to make accusations is easy. You have to prove them, I think. But furthermore, you have the instruments in place to solve the issue. And, as I said, you know, this is the case. You know, you have an exact number in total of voters and ballot papers, but you have this discrepancy because of this phenomenon that was not foreseen anywhere in the code. And I don't know how many times it will be repeated in the next hundred years, that we have a difference of less than 100 votes between one and the other.

Thank you.

Mr. HAND. Thank you very much, Ambassador.

If I could followup on that point and ask the entire panel a question—an institutional question, it seems to me like the Central Election Commission doesn't work very well.

We heard Jonathan Stonestreet talk about problems when it was first starting up, the fact that they can agree on some things that serve the interests of both political camps but otherwise it doesn't seem to work very well. It doesn't have a high degree of trust. At the same time, I get the sense that both the political camps in Albania, in fact, have wanted a fairly partisan Central Election Commission.

My question is this: is it possible for Albania to have a Central Election Commission that is, in fact, less partisan? And whereas we may not be sure about the Electoral College and its integrity, but can we say, relatively speaking, the Electoral College is more separate from the politics taking place in Albania today than the Central Election Commission is?

Again, Jonathan, I'll ask you first if you want to respond to that, and then I'll go to the other panelists.

Mr. STONESTREET. Thanks. That's a very interesting question. It's one that I've been thinking about myself.

You know, the election commission—the Central Election Commission, I don't want to give the impression that it's, overall, working badly. We have to keep in mind the overall task that they had, which was to organize more than 700 different elections, including printing all of the ballots for those elections, and doing it within deadlines that were actually probably a bit short in the election code.

And for the most part, they did a good job on the technical organization of the elections. And then where it goes wrong is—as I said, is when the two parties disagree on any issue. That's where the division starts and the political discussions start. Otherwise, they do take unanimous decisions on most things.

So the members do have a good technical knowledge and they do know how to conduct the election process. It's a separate question of how to have the commission able to resist the political pressures. I'm not quite sure yet what the answer could be.

You're correct that the two parties wanted this situation, and I was even told by one of the parties that they wanted a weak commission that would not have—basically to be—to act as—I don't know how I should say that—as a kind of strongman in the process. But, clearly, I think something has to be done to strengthen the ability of the commission to be seen as independent, to make independent decisions.

So I don't know whether that means adding an element of a nonpartisan person or persons in the commission or some other mechanism. I think that's still an open question, but clearly there is an issue there.

And, again, it's also—the parties put a tremendous amount of pressure on the commission itself. Instead of stepping back and letting the election commission do its job, they are interfering.

You know, they have the right to speak at the election commission meetings, and sometimes it becomes a kind of mini parliament or TV talk show where there's a political discussion going on that's completely apart from the actual election commission members. There's just a discussion between party representatives.

So, certainly something will need to be considered in that regard in terms of strengthening the commission and in strengthening the confidence in the impartiality of its decisions.

Mr. HAND. Thank you, Jonathan.

Rob Benjamin?

Mr. BENJAMIN. Thank you, Bob.

I think it's—well, you asked if it's possible that the Central Election Commission can be independent in Albania, and my answer is of course it's possible. But I think we have to set the right expectation. No governing body, whether it's a Central Election Commission, whether it's parliament, is immune from partisan politics. I mean, that's as true in a transitioning country to democracy as it is in an established democracy. We are in the U.S. Congress, let it not be forgotten.

But by the same token, I think one of the challenges that transitioning countries have is to build integrity into those political institutions. And what do I mean by integ-



rity? I mean that those institutions have to accommodate partisan agendas in a manner that allows the institution itself to be—to have credibility as an independent institution.

So the parties nominate members to the Central Election Commission. That's the law. They do it. And those individuals take their seats. And, yes, part of the job of those individuals, arguably, or those who would advise them, perhaps more properly, is to look at election procedure from a party angle. But fundamentally, and by law, the members and the commissioners of the Central Election Commission are there to administer the elections according to law.

And that's, I think, the challenge that Albania has in developing these institutions: institutionalizing democracy. Again, not to neuter it or make it somehow immune from politics—that's really not the expectation—but to accommodate such that the institution, at the end of the day, can stand before the public and say, we did institutionally what we could do to uphold the law. And I think that's really the challenge going forward. And, again, I want to put that challenge in the context of a very broad, long-term and comprehensive transition process that Albania has experienced and will continue to experience.

I wanted just to offer one thought on the question over misplaced ballots, if I could, as well. I think this is a very complicated area. As Jonathan said, counting ballots seems to be a very straightforward process, and oftentimes it is anything but.

It's my understanding that the law does not specify a process by which to consider ballots that are miscast into the wrong box; and an understandable error, I think, on the part of voters who are trying to maneuver themselves through what is typically a crowded polling station. And you have different ballots in different boxes. I mean, that's an understandable thing to have happen.

Because there is not legal—as I understand it anyway—no legal basis on how to consider those ballots, what you find, as I understand from my colleagues in Tirana, is that different commissions will do different things with those ballots. One of the questions probably is trying to figure out, among the universe of miscast ballots, which were considered contested and which were considered invalid.

And I think that's probably an area of consideration that needs deliberation and some movement on so that if miscast ballots are to be incorporated—and it's my personal view they should be—that it's done on a consistent basis, it's done on a procedural basis, and it is done, to the extent possible, on a consensus-based approach. And let's hope that if that is the path forward, whether marks by individual commissions is contested or invalid, those cast ballots will be treated in the same manner as much as possible.

Mr. HAND. OK, thank you.

The next question from the audience? Somebody would like to raise their hand and ask a question? [Pause.] Well, I can ask one more question and give people more time to think of one. I hoped that we'd have more questions from the audience.

We had heard comments about the domestic election observers, and I was wondering—I haven't heard anything about what conclusions they may have drawn thus far. Is there any reporting on that? I might ask Rob Benjamin first if he knows anything about that, and then, Jonathan, if you could elaborate.

Mr. BENJAMIN. As I said before, I think it's a testament to the will of Albanians to want to be involved in the political process to see the advancement of nonpartisan election monitoring. I think that this is a critical aspect to the health of an election process.

It is vitally important that the international community participate as accredited observers in the election processes around the Western Balkans, as is the case elsewhere in wider Europe. And I think in many cases it's appropriate that people look to the internationals, the OSCEs or the NDI delegations, et cetera, for a rendering or some assessment of how the process has unfolded and the degree to which that process has met international democratic standards.

Democratic elections belong to the people of the country in which they are taking place. So, fundamentally, it makes sense that citizens who are duly trained to be in polling stations and at vote-counting centers be able to exercise, on a collective and methodologically sound basis, an assessment of the conduct of those elections. It's very important that citizens in Albania be able to turn to their own to have a non-partial—excuse me, an impartial assessment of the election. So all of that is good.

We were able, in the 1990s, to seed and see the first beginnings of nonpartisan domestic election monitoring. I'm happy to say that Jonas Rolett of OSI formerly was with NDI and was our first representative in Tirana, now almost 20 years ago, and, among other things, helped to plant this idea among Albanian civic groups. And we've seen it, at NDI, take shape and form around the region, and now there's a network of domestic election observer groups that are sharing their experiences farther afield in Eurasia and soon to be in North Africa and elsewhere. That's all good.

Albania lacks, at this point, a sufficient amount of civic voices to participate in the political process. So the voice that this group of domestic observers exercises is, for that reason in particular, extremely important. They did issue a post-election report similar to the OSCE's interim report after the elections, similar in terms of timing, and they offered their findings. And I do hope that through the media and through other means, their findings will be able to reach the Albanian public.

Inasmuch as they offer a domestic perspective on the issues that we're discussing and a platform, therefore, for the Albanian public to have, amongst themselves, a discussion on how best to understand this process and to move forward, what we don't want to see is a—if you will, a wholesale deference to the international community to essentially say, well, international community, tell us what we should be thinking.

There is role for the international community to play as assessors, as conveners, but the success to which a country is able to move toward democracy is largely determined by the ability of its own institutions to process these political events, and in particular the conflicts that naturally arise from these events. And that's really, I think, what we're trying to look at right now in Albania.

So whether it's the independence of the CEC or the presence of vitality and the integrity of domestic election observers, those are all very important, or, obviously, as we also discussed, the ability of the political parties to acquit themselves in a proper manner. These are all indications as to whether or not Albania is reaching the point where, on its own steam, it can handle these sometimes very difficult issues.

Mr. HAND. OK, Jonathan, would you like to elaborate on the domestic observers and any comments that they had made on the quality of these elections?

Mr. STONESTREET. Well, actually I think Rob said it quite well. I mean, they have—the domestic observers, there are different groups. I think it's of course important to look at the methodology that different groups are using and are they—you know, how are they

observing the elections and reaching conclusions? There are some groups that seem to be perhaps not as nonpartisan as some of the other ones.

But the main coalition of domestic observers seem to do a very credible—very credible job. And I think it's exactly what Rob was saying. Their conclusions need to be fed into an eventual electoral reform process. And electoral reform, it's—as the Ambassador said, it's something that—it's actually very much agreed on by both the ruling parties and opposition parties as something that needs to take place.

And I think that the findings, the conclusions and the recommendations of domestic observers, should form a greater part of that discussion than perhaps they did—than perhaps has been the case in the past. The previous electoral reform was largely the product of the two main parties reaching agreement.

And perhaps the next round should not only include that but should include others feeding into the processes as well, including the views of the Central Election Commission, and also the domestic observers. But I think it is important that Albanian voices are listened to so not only the international community's word as the final determining factor.

Mr. HAND. OK, thank you.

Avni Mustafaj from the National Albanian American Council.

*Questioner.* Thank you, Bob. Avni Mustafaj with the National Albanian American Council.

Based on the presentations, we understand that the voting process went well and that the issue now is really with the counting of these boxes—of these votes that were put into the wrong box. What we're understanding is that there seems to be no clarity in the elections law for resolving that issue.

At some point this process is going to end, and the Electoral College, which we understand is sort of the supreme court of this process, will have to make a decision. So my question is for Mr. Stonestreet. Once that decision is made, is the OSCE then going to abide by that decision that the court comes up with?

Mr. HAND. Jonathan?

Mr. STONESTREET. Well, we don't intervene in the process, so it's not for us to abide by a decision that they take. The question is for the participants, the contestants in the process.

We will issue a final report based on the entire election process, but that will, you know, start with everything that we looked at, at the beginning of the process, starting back with candidate registration and voters list, up through the campaign and election day, but then also considering the post-election complaints and appeals process.

And I think it's also important to keep in mind that because there were 384 other—or 383 other local government units that were holding elections, there are a lot of complaints and appeals. So the Central Election Commission and the Electoral College will have to deal with a number of other issues in addition to the mayor's race of Tirana. And I don't think it's fair to judge the entire election process by what happens with the mayor's race for Tirana.

I also would like to caution against—you know, we said that the election day process went relatively well. And maybe I should go into a little bit more detail on that. Our observers found that 90 percent of the polling stations visited they assessed as being good or very good. And that means 10 percent were assessed negatively.

Now, that's actually quite a significant number, 10 percent, to be assessed in that way. And, again, these were mostly procedural difficulties. But the point I wanted to make is that regardless of what happens with complaints and appeals, that this process of conducting the voting and the counting, it still is going to need some work.

I don't think that we can say that everything was perfect or that it fully met the international standards. There are some issues that are going to be—need to be looked at more, including, for example, the late appointment of voting commission members and counting team members that, in some cases, led to these people being trained only hours before they were starting, or not being trained at all by—not being officially trained at all.

So I think that there are still going to be some issues that need to be looked at, and we shouldn't oversimplify either in a positive or a negative direction, but look at the different elements of the process, looking at the positives and moving forward from those, but also looking carefully at what didn't go well or didn't go as well as it could have, and finding ways to address those in the future.

Mr. HAND. OK. Thank you, Jonathan.

If I could ask Janusz Bugajski a question, going to the broader picture, Albania is a NATO ally, and as somebody who participated here in the U.S. Congress in some of the discussions on NATO enlargement generally but specifically with the last round, my own personal conclusion—I can't really speak for the Members I work for on this issue—is that there is, in principle, no country that actually deserves NATO membership more than Albania in the sense of their desire to join, and if you look at Albanian history and all the country has gone through in what is now almost a hundred years of statehood—I believe next year will be the century mark for Albania as a country.

I would also point out that probably there is no one question where there's a more democratic answer in Albania than on whether they want to join NATO. I mean, I think there's a lot of consensus on that as well. So it would have been hard to argue against it. But the question that we did ask was, by letting Albania into NATO, did we lose leverage on a country that was still going through political transformation?

At the time, this was actually asked to Assistant Secretary of State for European Affairs Dan Fried in Senate hearings on the subject, and he expressed some optimism, pointing out that countries who join NATO have a tendency to continue to reform—in fact, strengthen their reform as they are in—as they join the NATO alliance and become integrated into it.

I was wondering if you could sort of do an assessment. Have we lost our leverage with Albania when we try to press some of these points for further progress in political reform? And you had also mentioned, briefly, some ways that it actually affects the alliance, like crime and corruption. If there's a place where there's a lack of rule of law, despite the very pro-American, pro-NATO sentiment of Albania, some things that could be contrary to the national security of Albania or the alliance could take place. And also, where there's lack of respect for democratic institutions, where they're not strong enough, there can also be instabilities that lead other forces perhaps to become more potent in the country than they otherwise would be.

So if you could elaborate a little bit on your assessment of Albania post-NATO membership. Has it, in fact, improved in any ways? Is there reason to regret the decision? And how can we continue to have leverage on Albania to have it move forward beyond the EU

enlargement process, which, as you pointed out, a lot of countries have become somewhat disillusioned with, based on pronouncements from Brussels?

Mr. BUGAJSKI. OK.

No, I don't think there should be any regrets about getting Albania into NATO. I think it was the right decision at the right time. Remember, Albania was, as far as I remember, the first country in the region to ask for NATO membership, and they're still trying to find the one person who opposed. I mean that public opinion was overwhelming for entry.

Albania has also contributed within, obviously, its limited capabilities to NATO missions, such as Afghanistan and elsewhere. It's actually proved to be, looking at the regional context, a very stable regional player. None of the governments, whether Democrat or Socialist, have taken aboard anything resembling a Pan-Albanian agenda.

In fact, they've studiously avoided giving any kind of impression, unlike some governments in the region, that they harbor any pretensions to neighboring territories, to neighboring countries, and have actually gone along both with E.U. and U.S. policy in the region very studiously, I would say, in terms of stability, maintaining—not provoking forces that could further destabilize parts of the region.

In terms of domestic politics, I think the E.U. membership question is a much more effective soft-power lever than the E.U. seems to be losing. I mean, NATO does require certain reforms in civil-military relations, in armed forces structure, interoperability and so forth, which Albania has done, given its limited resources, but nevertheless has and is committed to.

But it's all the other things that we've talked about here; including institutional reform, legal reform, including of course judicial reform, which has been very difficult for other new NATO members. You look at Bulgaria and Romania, who came in just a few years ago, and the problems and criticisms they've come under.

So, I would say the E.U.—the prospect of EU membership provides a much more effective and specific set of conditions for Albania. I don't think we've lost influence at all with Tirana, any government in Tirana, because the pro-American feeling is so strong, and I don't think any Albanian government would want to do anything that's completely out of sync with what America would want.

In other words, the question is how to align Albanian and American national interests so that both benefit each other. And I think it is in Albania's national interests, obviously, to have a stable government that is making progress in its reforms. Unfortunately we have witnessed paralysis, and need to think of ways in which the United States can assist the E.U. in moving beyond this blockage and getting Albania back on track.

Mr. HAND. OK, thank you.

Is there another question from the audience? If not, I know that my colleague Mark has another question to ask. If somebody does, they can come up to the podium, I think, while Mark is asking his question.

Mark?

Mr. MILOSCH. Thanks, Bob. I have a question for Janusz.

We've been mostly talking about a sort of empirical political phenomenon today, the kind of things that can be studied by political scientists. I'd like to ask a different kind of question, one people probably didn't come here today prepared to talk about, so I understand if you would rather not answer this one.

But I'd like to ask about some of the things that are going on, as far as we can tell, deeper beneath the surface in Albania. This is a country that's been through a lot, an awful lot. You know, for 4 years it was one of the most brutally persecuted—the people of Albania were one of the most brutally persecuted people in the world. Twenty years now of democracy; it's a Muslim country in Central Europe—a lot of fascinating things going on there, difficult for us often to understand how all these things come together.

What do you think is going on with the Albanians as they assess their ride of the past 20 years, their new career as a democratic country, their relations to particularly the United States? I think any country entering into the democratic experiment, you always tend to judge that and relate that to the countries that model democracy. And for good or ill, America is the symbol of the democratic model today.

How do Albanians think about this? Does it seem to them to have been an overwhelming success? Is it seen as the only alternative? Are there people proposing other alternatives? Are they insignificant numerically, or not? Any thoughts you may have in this direction would be very interesting to me.

Mr. BUGAJSKI. Sure.

It's a good question but it's such a broad question that it's difficult to know where to come to grips with it. But I would say in general terms, and from my experience in dealing with the population in Albania for over 20 years, they see themselves really as part of the West. This sort of Muslim label that they have—they're Muslim by religion but they're certainly not radicals in any sense, and it's not an anti-Western Islam. It's actually a great opportunity—

VOICE FROM THE AUDIENCE. They eat pork.

Mr. BUGAJSKI. [Laughter.] Yeah, they eat pork and they drink alcohol.

You know, it's actually a great opportunity for incorporating Albania to show how tolerant and multicultural Europe is, and that the EU can swallow, if you like a nominally predominantly Muslim country without undermining its values.

The other part of it, I think Albania is very much pro-Western. There has always been a suspicion, not just in Albania but in other parts of the region, particularly amongst the Albanian population, that the European Union itself, while a good destination, is very much disunited in terms of policy, in terms of commitment, in terms of its position and attitude toward these new emerging countries, whereas the United States seems to be more consistent in trying to make sure that these countries become fully members of the Western community, or all Western institutions.

So if you dig deep down, I don't think that commitment has gone. I think the frustration is mounting vis-a-vis all politicians in the country, and that's not just in Albania but may become even more so as a result of these elections. There is, I think, frustration that we could—we should be moving faster toward the European Union, that partisan interests may be holding the population back from what they can achieve.

There is, I think, some frustration—I although eased somewhat within visa liberalization for Albanians to enter the European Union. Some parts of Western Europe see Albanians as second-class citizens, which is actually quite ironic because any Albanian I know that's moved to the West does extremely well for themselves economically.

Clearly they're a very hard-working, productive population, but the conditions in Albania still aren't what they should be to make the most out of the potential of the citi-

zenry, and I think that could breed increasing frustration throughout migration and through protests that could be channeled in quite dangerous directions.

Mr. MILOSCH. Thank you, Janusz.

Of course I'd love to hear from Jonathan and Rob on this as well, if you have something to say. I understand it's a little bit more off your brief here professionally, but I'd love to hear your comments.

Mr. HAND. Jonathan, do you have any comment?

Mr. STONESTREET. No, I think I'll stick to——

Mr. HAND. OK. Rob, do you have a comment or——

Mr. BENJAMIN. No, I don't.

Mr. HAND. OK.

Ambassador, a very brief comment?

Amb. GALANXHI. Very brief.

Mr. HAND. OK.

Amb. GALANXHI. I promise I'll be very brief.

Mr. HAND. "Very" is my favorite word. [Laughter.]

Amb. GALANXHI. Good. Mine too. I am an OSCE product.

So, I would characterize the general public opinion of Albanians as simply impatient. They are impatient to reach the final destination that is E.U. membership, because of different reasons. I could bring you only one example.

So, if Macedonia had, let's say, 100 kilometers of highway in 1990, Albania had zero. If Croatia had a hundred tourist hotels in 1990, Albania had only one, controlled by the Communist Party, OK? If all the region had the right of property, Albanians were prohibited the right of property by law. If the whole world believed in God and had religions, Albania was prohibited—Albanians were prohibited by law the right of exercising their religion since 1967.

So, if you take into consideration all these specters and you see how far has Albania moved from point zero in 1999 and compare it with the rest of the region, you'll make the difference yourself. That is fine. Thank you.

Mr. HAND. Thank you.

To wrap up our discussion today, what we often do with these briefings is allow the panelists to make one brief—or very, very brief, to use my favorite word—concluding remark, maybe a 1-minute remark. And let's do it in reverse order. We'll start with Janusz and then Rob and then Jonathan. Then I'll make a couple of comments and then turn it back to Mark to adjourn the briefing.

Janusz Bugajski?

Mr. BUGAJSKI. OK, extremely brief. That's another good word.

Albania is a democracy, I would say, but "democracy" is a very broad concept, and I think at times like this, with the battle over the ballots, over the local elections, it does exhibit signs that it is sometimes not a fully functioning democracy.

So the question is how to get Albania on track whereby it can pass legislation, that it can satisfy the public, who are, after all, the citizens and the voters, that it can create a sufficient level of coexistence between the two major political forces—let's face it, you're not going to change the system overnight—so that things can go ahead in terms of reform,

in terms of the country's progress toward the European Union. And that is, I think, the basic question that we all confront.

Mr. HAND. Thank you.

Rob Benjamin?

Mr. BENJAMIN. Albania is making its way through a comprehensive and long-term transition process. The degree to which its political institutions can function both in terms of incorporating partisan politics and then coming up over them to ensure that those institutions are serving the interests of the Albanian public, that really is a mark of a functioning democracy. And I think this election process, similar to the previous elections, is a moment in which we can, all of us, look at these questions.

Fundamentally the answers have to come from both—from within Albania. The political parties have their obligations. Both main political parties have to live with each other. And they need to show the public that they can get down to work and get things agreed to and get the job done.

And as they do that, they have to create room for other voices. The political parties need to—political party leadership need to accommodate different and even dissenting voices within their own parties. And they need to allow in civic voices, people that want to say other things and contribute to the political fabric of the country. That fundamentally will get Albania to where it needs to be in terms of building these political institutions that are democratic.

Mr. HAND. Thank you, Rob.

Jonathan, are you still there? No, I'd heard we lost him. I think he took my "very, very brief" to your "extremely brief" too seriously. [Laughter.]

So, let me just say in conclusion that I think a big day will be on Friday. We will see what the Electoral College will have to say. Hopefully their decision will be a wise one, a clear one.

And hopefully it's one that, in accordance with Albanian laws, people will respect as the decision that has been made, whether they like it or not, and that both parties, whether they win or lose, will accept that decision, that there won't be recourse to the streets, protests, violence, et cetera. So let's keep our fingers crossed and hope that the outstanding issues of this election get resolved and that Albania comes out of this a better country as a result.

In some ways I think maybe I may still be one of the more critical people speaking at this briefing regarding Albania today because we do continue, in fact, to speak about issues like violence and being happy when violence has been kept to a minimum, et cetera. I think that I'll stop having briefings on Albania when we no longer even have to mention the word violence or street protests; that it's a foregone conclusion that things go through a legal process, and that we don't have to worry about those things.

Similarly, we may be able to perfect the way to count the ballots, which is one of the more difficult things for election officials in Albania to do. It's done through a centralized counting process. Even if, through all the videoing of the ballots and things to ensure that it goes right, even if there is a perfect way to do that so that there's no question what the result is, centralized counting and such extreme scrutiny, while good, should in part be a preference, not a necessity.

The very fact that Albania cannot have counting at polling stations if it chooses, like many other countries do, indicates that there is still a long way to go in the political cul-



ture, the civic culture in Albania in terms of how things operate. And I think for that reason I'll probably be having more briefings as well.

In addition to what the Ambassador had mentioned about his inability to vote because he's here, I think I'm on record, at least in Voice of America interviews going back to 2005 or before, saying that, given the number of Albanian citizens that live abroad, it's a shame that they're disenfranchised. They're not allowed to vote unless they go back to Albania to do so.

We know that the electoral process in Albania can't handle outside voting at this moment. First things first. But I believe that Albania, like other countries, should be able to do that for the sake of its citizens, and it's something that we will encourage the country to move toward.

And so, I think my concluding remark is that, as somebody who is maybe not the most powerful friend of Albania in Washington but one of the longest friends of Albania in Washington, I really want to see it move forward. I want to see it progress. I'm very glad that it's a NATO member. And perhaps it's a member now because of some of the criticisms we gave early on that led to reform.

And I hope that these criticisms that have been given today about the May 8th elections and the overall political atmosphere are taken into account by all political leaders in Albania, opposition and in government alike, and that they think seriously about how they can move the country forward.

Just one final quick remark. As somebody who has organized this briefing, I'd also like to thank Ambassador Cynthia Efir for her help. The Ambassador is on loan to the Commission from the State Department. We're appreciative of the State Department for loaning us senior Foreign Service officers to advise us and to help us. And I want to thank the Ambassador in particular for helping trying to make everything we have here today work out as well as it did. Thank you.

Mark?

Mr. MILOSCH. Well, on behalf of Chairman Smith, I'd like to thank the briefers, Ambassador Galanxhi, Bob Hand for his work—his work on this, Josh Shapiro for his work on this, and all of you for coming.

We're adjourned. Thanks.

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

# APPENDICES

## PREPARED STATEMENT OF ROBERT BENJAMIN, CENTRAL AND EASTERN EUROPE REGIONAL DIRECTOR

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

The National Democratic Institute (NDI) has supported Albania's democratic transition since 1991 through political party development, citizen participation in community advocacy projects and nonpartisan election monitoring. With funding from the National Endowment for Democracy, NDI is presently promoting women's political participation, following on the many years of NDI support to hundreds of political figures, civic activists, and government officials—in Tirana and throughout Albania—as they build a participatory, transparent, and accountable political system.

NDI's perspective on this election cycle is shaped by our longstanding presence in Albania and the relationships that we enjoy across its political spectrum, our engagement in recent months and weeks with a variety of political and civic leaders in Tirana and around the country, and by our institutional experience in supporting democratic elections worldwide.

These elections, and Albania's democratic transition overall, must be considered in the context of comprehensive political, social, and economic change as the country transforms itself, in the span of roughly one generation, from communist isolation to an open democracy and market economy. Ultimately, it is to the citizens of Albania to determine if this election process merits their confidence as a democratic exercise in the broader context of their country's transition.

Albania entered this election cycle in a highly polarized environment, stemming from controversy in the 2009 parliamentary elections, grounded in deep-seated and highly personalized conflict between Albania's political parties, and punctuated by political violence this past January that tragically led to several deaths and many injuries. This particular event unambiguously called upon political leaders to step back from their partisan brinksmanship to prevent an escalation of conflict in advance of the local elections.

By and large those calls were heeded, and Albania proceeded to the May 8 local elections in a relatively calm environment. While attempts at multipartisan election reform coming out of the 2009 cycle failed, a concerted, if not always consensus-based effort to make electoral procedures more transparent was launched, with the vocal encouragement of representatives of the international community. NDI reports in the pre-election period noted shortcomings in election administration and campaign conduct, including sporadic, localized episodes of violence—shortcomings consistent with deficiencies observed in neighboring countries. Election day itself came and went and particular advancements were evident, in the increased profile of nonpartisan citizen observers, public dialogue around concrete policy reform issues, the use of social media to expand voter outreach, and the growing, if uneven presence of women standing for local office, including an unexpected victory by a female candidate for mayor of the city of Burrell.

On the whole, the peaceful conduct of the elections was testament to Albania's desire to move away from the recent, volatile past and closer to its destined rendez-vous with the rest of Europe and the broader transatlantic community as a fully democratic country.

Indeed, were it not for the contentious situation over the outcome of the key race for mayor of Tirana—in which either main candidate has led by an extremely thin margin of double-digit votes amidst decisions by electoral authorities that raise questions of legal and procedural and possibly political natures—this gathering would emphasize these elections as an unfettered opportunity to reinvigorate democratic reform through political moderation and cross-party dialogue.

The opportunity to set the country back on a democratic path is indeed there, and the need to seize it is imperative. But to get to it, Albania's governing bodies and its political establishment need to resolve the outcome of the Tirana mayoral race in a way that engenders public confidence in their shared readiness to work together to advance the country's interests. This is arguably more important for Albania than who comes to occupy the mayor's office in Tirana. After all, the overall election results—and the Tirana mayor's race to an exquisite degree—show the electorate to support both major political options on basically equal footing. Both sides received a mandate in these elections; neither should therefore resort to one-sided triumphalism or prolonged protest.

Much has been said of the procedural, legal, and political factors that have brought about the extraordinary, though not unprecedented situation in Tirana. As Albania's Electoral College deliberates on these complexities, it would be inappropriate to review here the basis of the appeals before it.

It is fitting, however, and perhaps timely, to note prior instances in which election results were too close to produce a clear victor and/or the outcome was highly contested, such as the U.S. presidential race of 2000, Germany's federal elections in 2005, and Mexico's presidential elections in 2006. Each of these instances is singular and strict comparisons among them are ill-advised. Still, on a general level, they offer a basic principle: the degree to which government officials charged with applying the law to determine an outcome amidst a disputed process acquit their legal powers neutrally and transparently, and the degree to which political leaders show maturity and restraint in their comportment, ultimately determine how a country moves on from an election that in many respects is democratic, but which, by dint of voter intent and, at least in the U.S. case, procedural imprecision, produces a contestable outcome whose ultimate arbitration many find hard to accept.

In light of the above, and with a view to seizing the opportunity to restore democratic reform and progress in the wake of these elections, Albania's main political parties have the obligation to end the political stalemate that they have locked the country into for the last couple of years. Failure to do so will hold Albania back from European integration and retard its democracy. Ending the political stalemate following the local elections encompasses many actions. The following are essential but not exhaustive.

- A bipartisan commitment to commence election reform in parliament to close procedural gaps and to continue the process of improving election standards prior to the 2012 parliamentary elections is imperative. This process must be made public and include voices outside of the main parties to ensure that reforms agreed incorporate the interests of a broad cross-section of Albanian society;

- Parties should take every step to ensure the public that they are not unduly influencing legal or procedural actions of bodies overseeing elections, from local polling commissions to the Central Election Commission. Parties should leave the representatives whom they have appointed to do what's right by those bodies and the Albanian public.

Political opportunism has no place in a democratic election, particularly in an environment in which extraordinary steps are needed to demonstrate and reinforce impartiality.

- The mayor of Tirana, once invested in city hall, should take demonstrative steps to govern inclusively as a reflection that both major political options are part of the city's governing structure; and, at a very fundamental level,

- Sustained and substantive inter-party dialogue in parliament and city council must replace partisan invective and recrimination in the media and on the street. To do so, new voices need to participate, both from within the parties to showcase diverse viewpoints—even those that diverge from the positions of party leaders—and from outside of the parties, in and among the thousands of Albanians who, as individual citizens or in organized civic groups, want to have a say in how the country overall and their particular communities are governed. Albania's political system, to be democratic, cannot be the reserve of a few but must be the domain of all.

It is to Albania's governing bodies, with the help of international groups as might be sought, to resolve the issue of the election of the mayor of Tirana, and to do so in a manner that is transparent, impartial, and as resolute as the law under which they are working allows. It is to Albania's political parties and elected representatives to remedy the shortcomings observed in this election cycle, and to do so in a way that meaningfully incorporates other voices in the process. Correspondingly, the Albanian public cannot defer to the political establishment by giving in to the apathy and resentment that so many have expressed to my NDI colleagues in Albania. Instead, citizens need to be organized, so as to monitor, advocate, and otherwise insert themselves into public affairs, for it is they, not the political leadership, who are the ultimate guarantors of Albania's democracy.

No election, no matter how democratic, is perfect. At the same time, no election, given its imperfections, can be considered democratic if citizens do not have confidence in the process. Sometimes, public confidence is tested by close and disputed outcomes, as is the case in Tirana. Indeed, presumably not everyone will be assuaged by the process that ultimately produces Tirana's next mayor. That's why Albania's political leaders have the obligation to demonstrate political moderation, dialogue, inclusion, and diversity, so that, no matter the outcome of the race, Albania can move forward, as it must.

**PREPARED STATEMENT OF JANUZZ BUGAJSKI, DIRECTOR,  
NEW EUROPEAN DEMOCRACIES AND LAVRENTIS  
LAVRENTIADIS CHAIR IN SOUTHEAST EUROPEAN STUD-  
IES, CENTER FOR STRATEGIC AND INTERNATIONAL STUD-  
IES**

Albania suffers from at least six related disorders that obstruct its political, economic, and international development and can precipitate a spiral of destabilizing national conflict:

1. Political bi-polarism: Albania has developed a bifurcated two-party system despite numerous attempts by individuals within both the Socialist and Democratic Parties over the past two decades to break the deadlock and form electorally viable and durable new third parties. Political life is personalized and has been directed by strong leaders where top-down management places limits on intra-party political competition and the input of citizens in decision-making. The latest round of conflict is symptomatic of this fundamental reality.

2. Limited political competition: Attempts to form durable and electable third parties have proven difficult, especially when they are splinters from the two major formations whose leaders seek to discourage fractionalization. Although several exist and some have persisted through several election cycles, the DP and SP together always control over three quarters of parliamentary seats. It suits the two mega parties to have a larger number of smaller formations in parliament rather than a single third-force, which could become the kingmaker and draw them into electoral coalitions. After each round of parliamentary elections some smaller parties have been brought into governing coalitions but this does not threaten the major two-party monopoly and does not contribute greatly to developing novel political programs and fostering political competition.

3. Non-ideological conflicts: Albania's underlying political disputes are not based on party ideologies or programs as the two major formations largely share the same goals. Left, center, and right are programmatically almost meaningless in Albania. Instead, party divisions have become grounded in group loyalties and leadership support concretized into two mutually exclusive political camps.

4. Political clientelism: This has developed over the past twenty years, similarly to other Balkan countries, and involves an extensive patronage network, a spoils system of official appointments, favoritism shown to supporters of the governing party, and various levels of state-party corruption. Clientelism is deeply ingrained in the political system, of course not only in Albania, and it undermines political competition based on program and merit. It also means that political office is lucrative and losing office is financially painful and is therefore resisted.

5. Zero-sum political culture: Each election is supposed to create clear winners and losers and when the result is extremely close as we see in the recent mayoral elections in Tirana, even where the election process has improved. There is little tradition or willingness to engage in dialogue and compromise. Instead, there is always a danger that disputes will escalate into open conflict. This is not just a question of hanging chads but of differing interpretations and uses of the electoral law.

6. Political revenge factor: Politics in Albania also contains the principle that you contested my election victory so I will contest yours even more vigorously. And such contests are not simply conducted through legal means. As a result we have witnessed regular par-

liamentary boycotts, constant complaints to international institutions, persistent public protests against election results, and even instances of vandalism and violence often intended to provoke a government overreaction.

The disputed Tirana mayoral election and the ongoing battle of the ballots has compounded the existing grievances from the 2009 parliamentary elections and threatens to transform political polarization and legislative gridlock into outright civil conflict. The only solution, however difficult in an overheated political environment, is a legal ruling that the final election result (whether for the Democrat or Socialist candidate) meets constitutional and international standards. This may require high-level international involvement of EU and U.S. representatives to defuse the crisis before rather than after the conflict escalates.

As a result of the factors outlined, the ongoing political standoff over the 2009 general elections as well as the recent local elections have become dangerous opportunities for confrontation and violent escalation. Meanwhile, necessary reforms to meet EU accession criteria have stalled and the passage of legislation is often blocked. Long-term paralysis will simply increase social frustration, raise the risk of economic decline, and further erode Albania's qualifications for the EU.

It is often said that once a country accedes to NATO, the Allies have very few policy instruments available to positively influence its behavior. This is not fully accurate in the case of Albanian-U.S. relations because of the high esteem in which the U.S. is held in Albania. Washington possesses both direct and indirect instruments to help Tirana make the right decisions in its own national interests. It needs to assist Albania in constructing a more open and competitive political system, in developing a politically more active younger generation, in continuing to improve the conduct of elections, in reforming key institutions such as the judiciary, in encouraging greater media non-partisanship, and in various other ways qualifying politically for inclusion in the EU, and thereby becoming a more effective partner for the U.S.

Washington can also promote Albania's strategic interests by helping resolve the pan-national question so that Tirana is not drawn into damaging disputes with its neighbors and remains a constructive political player in the Balkans, which it has been for twenty years. A potentially negative scenario may unfold in the region if a confluence of factors coalesce in the coming years and is more likely to embroil an unstable Albania with limited European prospects than a politically stable Albania on route to the EU.

Such factors could include growing social unrest in Kosova as a consequences of international isolation and economic distress that encourage populist and even nationalist elements to mushroom; the division of Kosova through unilateral partition supported by Belgrade; a de facto fracturing of the Bosnia-Herzegovina confederation and its drift toward conflict that encourages other regional secessions; and political conflicts in the Republic of Macedonia that begin to assume ethnic dimensions with Albanian parties calling for federalization or even separation as Skopje's progress toward the EU is stalled.

This is the complex puzzle that cannot be resolved by the U.S. or the EU acting alone. It will require a much more determined drive by the EU with U.S. political assistance to incorporate the West Balkan states beginning as soon as possible with Croatia (which is expected to join by 2012) and accompanied by clear membership tracks for all states. It also necessitates more significant involvement in institutional stabilization. Unfortunately, this is clearly not popular in the EU itself where leaders and tax payers are weary of bringing in new problems into the Union.

Short of such commitments, political and economic prospects in the West Balkan region are likely to diminish and spur out-migration. Disillusionment with the EU will increase and the Union's effectiveness and viability will come under increasing question. Such scenarios could undermine reformist leaders and bring populist and nationalist elements to the forefront who will benefit from economic stagnation and brewing public anger and may trumpet ethnicity and xenophobia as solutions to mounting domestic challenges. In this context, if Albania were to descend from prolonged political conflict toward social unrest and state instability this will only have negative consequences for the wider region.



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