

Albanian Elections: The never-ending story – Part 1: 2011 Local Elections

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*Niente c'è di definitivo nel mondo,
ma le cose meno definitive di questo mondo sono le vittorie elettorali.*

*Nothing is definitive in the world,
but the least definitive things of this world are the electoral victories*

Benito Mussolini, Scritti e discorsi, 1914/39

Introduction

This article intends to be a first part of a diachronic comparative analyses between the local elections held on May 2011 and the general elections to be held on June 2013 in Albania. The comparative analyses will be performed by using the Qualitative Process Tracing Method. The Qualitative Process Tracing Method is defined as 'the systematic examination of diagnostic evidence selected and analyzed in light of research questions and hypotheses posed by the investigator. It can contribute decisively both to describing political and social phenomena and to evaluating causal claims.'(Collier 2011). Process-tracing has two fundamental characteristics: description and sequence. Careful description is a foundation of process tracing, a perspective emphasized by Mahoney (2010). Process tracing inherently analyzes trajectories of change and causation, but the analysis fails if the phenomena observed at each step in this trajectory are not adequately described. Hence, what in a sense is “static” description is a crucial building block in analyzing the processes being studied. On the other hand, process tracing gives close attention to sequences of all relevant variables. (Mahoney, ibidem).

In this sense, what I try to point out, with regards to process tracing of Albanian elections, is to whether or not find on the 2013 Albanian general elections, the continuity of a series of peculiar elements, already verified in the 2011 local elections. These peculiar elements are thoroughly described in this paper. They also have a clear sequence, namely: pre-electoral, election day, post electoral. The elements are evidenced in bold and they concern: **Albania's democratic transition process and its advancement toward European Union (EU) membership, accusations of electoral fraud, change the Electoral law, violent incidents, obstructionism in ballot counting, dispute resolution procedures, disorganization in a number of Voting Centres, diplomats somehow involved in monitoring process, modification of ex-post electoral procedures, Central Elections Commission boycotting the decision-making, appeal to Electoral College, Electoral College decisions favouring government party coalitions.**

In the second article, to be written by the end of June 2013, in the aftermath of the general elections, I will try to check out and compare the persistence of these peculiar elements, by utilising again the process tracing method, and draw-up comparative conclusions between the local elections of 2011 and the general elections of 2013.

Background

On May 8 2011, Albania's three million registered voters had to choose mayors and local councils in 384 municipalities, using a majoritarian system to elect the mayors and a proportional system for the members of the councils.

The local elections reflected a long-standing political stand-off between government and opposition that has **stalled Albania's democratic transition process and its advancement toward**

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European Union (EU) membership. The electoral campaign was characterized by **polarizing rhetoric** that presaged undemocratic means to secure undue advantage, and were able to produce **disputed results**, and raise the spectre of political violence.

Political tensions for the election of the mayor of Tirana, accompanied by a very narrow difference of votes between the two candidates, brought to a prolonged obstructionism on the declaration of the final results which was ratified only on July 10th from the Electoral Court. New opposition demonstrations have been very recently announced, but obviously, only starting from September, once the summer vacations end...

From the 2009 political elections to the 2011 local elections

Accusations of electoral fraud by the opposition Socialist Party (SP) against the ruling coalition, led by the Democratic Party (DP), following parliamentary elections in 2009 precipitated an SP-led boycott of parliament that delayed reform in judicial, public administration, and other key areas required for EU membership. Already a North Atlantic Treaty Organization (NATO) member, Albania was denied official EU candidate status this past fall, largely owing to concern that the country's political leaders were unable to negotiate a settlement to end the conflict.

In January 2011, a confrontation between anti-government protestors and the Republican Guard resulted in four deaths and numerous injured civilians. The pre-elections period has seen an increase in inter-party tensions and an increasing number of **violent incidents** reported each day from throughout the country. In Balldren commune in northern Albania, a DP candidate, Zef Doci, was shot while driving in the commune centre. A separate incident involving Social Movement for Integration (SMI) activists and the Tirana municipal police occurred when an argument over the placement of campaign materials ended with a municipal policeman being shot. Official police figures estimated that "over sixty politically-motivated incidents have occurred, including three car bombings and the torching of opposition candidate Astrit Cengu's vehicle."

However, the Socialist party led by Edi Rama contributed to the 2008 joint decision, along with the Democratic Party on power, to **change the Electoral law** (and thus the Albanian constitution since the electoral law is embedded in it) overnight. Since then, the new electoral code has presented a lot of unexpected consequences. Xhaferaj (2010) noted how one of these unexpected consequences was the "major weighted role of the Socialist Movement for Integration and its alliance with the right-winged Democratic Party".

Other numerous **procedural vacuums** characterized the 2008 electoral code. In its pre-elections Report, the National Democratic Institute for International Affairs, precisely predicted, what sometimes later were going to be indeed the major problems of the local elections "...Albania has yet to hold an election that satisfied international democratic standards, although there has been incremental improvement in such technical areas as voter lists, registration, and identification. Other areas, such as **ballot counting** and **dispute resolution procedures**, are in need of improvement. Measurable technical advancements, however, stand in sharp contrast to a harsh political environment in which leading politicians have demonstrated little will to engage in constructive, issue-based campaigning with the aim of resolving the political stalemate."

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The Election Day

The Electoral System

The mayors of municipalities, the heads of communes and the councils of the 384 local government units (LGUs) are elected in direct elections. The constituency for the local elections is the territory of the municipality or commune and, in Tirana, also the 11 boroughs into which the city is divided. Councillors are elected under a proportional system, while mayors and heads are elected in a first-past-the-post system. The number of councillors to be elected in each LGU is determined according to its population, ranging from 13 members in the smallest communes to 45 members in cities up to 200,000 inhabitants. The Tirana council will have 55 seats.

The Electoral Code establishes a three per cent and a five per cent threshold for parties and coalitions respectively to be eligible to participate in the allocation of mandates in a constituency for parliamentary elections, but it is unclear as to whether the same thresholds also apply to local elections.

The local elections are administered by a three-tiered election administration body consisting of a CEC, 66 CEAZs and 4,932 Voting Center Commissions (VCCs). The CEC is a seven-member body elected by the Assembly. The Chairperson is nominated by the largest majority party; three members are nominated by the majority parties and three members (including the Deputy Chairperson) by the opposition parties. In a similar pattern, CEAZs and VCCs are composed of seven members selected and appointed by the higher level of the election administration from party proposals. The chairperson positions in CEAZs and VCCs are equally divided between the largest majority party and the largest opposition party.

The DP-led coalition of 22 parties, called the Alliance for the Citizen, ran with the slogan, *You Come First*. This coalition presented voters with an ideologically mixed option, since it included the center-left SMI which could potentially disaffect those voters who are staunchly center-right. Despite speculation of an opposition boycott of the elections, the SP and other left-wing parties have registered to participate. An SP-led coalition of 23 parties, called the Alliance for the Future, ran under the slogan *The Only Way*. This coalition, in comparison to the DP-led coalition, presented a more homogenous ideological orientation to voters.

Smaller left- and right-wing parties with aspirations of winning local council seats have joined the DP and SP coalitions, respectively. Albania's proportional system for municipal councils favours coalitions; smaller parties must join their votes with other parties to increase their chance of winning seats.

The OSCE Preliminary Report commented like the following the Election Day: 'The 8 May 2011 local government elections in the Republic of Albania were competitive and transparent, but took place in an environment of **high polarization and mistrust between parties** in government and opposition. As in previous elections the two largest political parties did not discharge their electoral duties in a responsible manner, negatively affecting the administration of the entire process. On election day, voting proceeded relatively well, albeit with procedural difficulties, but counting was delayed in many areas.'

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In contrast to the pre-election period, election day was overall calm but disorganized in some cases.

Domestic observers were present in almost all voting and counting centres visited and appeared to be able to observe without hindrance. This was also reflected on the OSCE Preliminary Report notes: 'Election day was relatively calm compared to the pre-election campaign. The election day process was affected by **disorganization in a number of VCs**, but most problems in these VCs were procedural in nature. The transparency of the election day process was assessed positively, overall. Political contestants deployed representatives to nearly all VCs and BCCs, while domestic non party observers were present in one fifth of VCs visited. The CEC announced a national turnout of 51 per cent.'

Who counts?

The ballot counting process was almost quiet and linear, with one big exceptional case: the City of Tirana. At country level the SP won the majority of the biggest Albanian cities such as Durres, Elbasan, Korce, Fier, Vlore and Gjirokaster, while the DP could only maintain its historical bastion in the county of Shkoder. Another important result was the reconverting of some crucial right-wing municipalities such as Kavaje, Lac and Shijak. For the first time in 20 years of democratic transition the SP could lead these Municipalities. However, the 'message' of the right voters for the DP establishment was clear: they voted for left-wing candidates in the majoritarian election of the mayor, but in the same time they voted for the DP in the proportional election of the related municipal councils.

In this context, the Tirana poll was considered the key battleground of the May 8 local elections, pitting Basha - candidate of the centre-right government of Sali Berisha - against the opposition Socialist leader and incumbent Tirana mayor, Edi Rama.

It seemed evident that the DP was losing the local elections and that Tirana municipality gained an additional politically strategic position, given also the uninterrupted 11-years government of the mayor and SP leader Edi Rama.

A fierce **obstructionism** characterised the ballot counting process since the earliest hours from both political sides, since it was clear that a substantial parity was going to persist. The ballot counting lasted more than two weeks, even though only 38 % of Tirana's resident population, nearly 250.000 persons went to vote. Intentional obstructionist tactics were put into place by both political parties. Every single vote was counted in a 'live' process involving tens of international, national and local observers, televisions and paper journalists. For the first time in the Albanian elections history, the three **most important ambassadors** detached in Albania; the OSCE high representative Wolfgang Wohlfahrt, the EU representative Ettore Sequi and the U.S.A ambassador Alexander A. Arvizu, were **personally monitoring the counting process**. In these two-weeks of 'nerves battle' the DP candidate Lulzim Basha was always ahead with some few hundreds of votes. In the very last ballot counts the difference with the incumbent mayor Rama substantially decreased. The counting of the very last ballot box gave the unexpected preliminary result: Edi Rama was leading with only 10 votes. But the story didn't end here..

The CEC decided on May 18 by a vote of four to three to include ballots from several polling stations that had been placed in the wrong ballot boxes in the final tally. The decision came four days after the counting initially ended, thus **modifying ex-post electoral procedures**, and as observers awaited the announcement of the preliminary results, which put Rama ahead. The dispute over the ballots came about because voters who had multiple ballots to put in designated boxes sometimes failed to do so correctly, in part because the ballots were not clearly distinguished by colour – DP supporters would say.

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The Socialists contested the recount of the misplaced ballots as illegal and said that they will use all available legal channels to oppose the CEC decision to count the contested ballots, and the party called for massive protests. However, the Democrats rejected such accusations, saying that they are making sure that every vote is counted and the will of every voter expressed in the results.

According to a report of the OSCE/ODIHR election observers' mission issued on Friday, the CEC's legal basis for opening the ballot boxes was unclear.

“The Electoral Code does not directly regulate the validity of ballots found in a ballot box other than the one corresponding to the type of election for that ballot. Nor does it provide any procedure for reconciling ballots found in other boxes,” ODIHR said.

The report underlined that there was **no CEC decision or instruction regarding this issue prior to election day**, nor did the CEC-approved counting manual address the issue, even though miscast ballots were an issue in previous local elections.

“Counting team members were apparently trained to consider any such ballots as invalid, and miscast ballots were considered invalid in Tirana through the conclusion of counting for the Tirana mayoral race on May 14,” the report added.

Socialist activists **blocked the highway** linking Tirana with the port of Durrës, bringing traffic to a standstill. Roadblocks were also installed near the town of Fier in southern Albania and Lezha in the north, according to local media reports. Meanwhile in Tirana dozens of the Socialist MPs and supporters scuffled with police outside the Central Electoral Commission, CEC. Earlier, hundreds of opposition supporters, including two dozen MPs, clashed with police outside the CEC building when Socialist MPs tried to storm the Commission's meeting.

In any case, the DP-led CEC continued on its intention to count the misplaced ballots. It's worth mentioning that misplaced ballots were already scrutinized and they were manifestly in favour of the DP candidate Lulzim Basha. The work of the CEC has been hamstrung by political disagreements. The SP-nominated **CEC members boycotted the Commission** for three months, protesting what they alleged as decisions made without their consent. They recently resumed their official duties, though politically charged debates continue to threaten the CEC's impartiality substantively and perceptibly.

The Socialists had **appealed the CEC ruling**, pointing to problems in several ballots boxes where security codes were different from those registered by counting centres, or where paper ballots were found outside the various envelopes inside the ballot box. The **CEC refused to hear** the appeal on grounds that it had been lodged **beyond the legal time limit**.

Consequently, with four votes in favour and two against, the Central Electoral Commission on May 25 declared for the second time in as many months that Lulzim Basha would be the capital's next mayor with a 93 vote advantage out of a quarter-million.

The SP appealed several times the CEC decision to the **Electoral College**, a specialized court for dealing with elections disputes. After many days of suspense and evident political tensions the **Electoral College rejected** the five Socialist **appeals** over the race for the Tirana mayoralty in the May 8 local elections, thus validating the CEC decision and dashing the hopes of the Socialists of a repeat poll.

The controversial recount in the mayoral race gave Basha a lead of 81 votes out of a quarter million over the incumbent mayor and opposition leader Edi Rama, who had a razor thin margin of ten ballots in the unofficial preliminary results before the stray ballots were added.

In the final tally, the Central Electoral Commission, CEC, declared 124,786 votes for Basha, 124,705 votes for Rama. The opposition Socialists have appealed the CEC decision that declared Basha the winner.

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