

DEMOCRACY IN ALBANIA: THE PACE OF PROGRESS

HEARING

BEFORE THE

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

ONE HUNDRED THIRTEENTH CONGRESS

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MAY 6, 2013

COMMISSION ON SECURITY AND COOPERATION IN EUROPE,
Washington, DC.

The hearing was held from 3:03 p.m. to 4:59 p.m. EST in the Capitol Visitor Center, Senate Room 210–212, Washington, D.C., Senator Benjamin Cardin, Chairman of the Commission on Security and Cooperation in Europe, presiding.

Commissioners present: Hon. Benjamin Cardin, Chairman, Commission on Security and Cooperation in Europe; and Hon. Robert Aderholt, Commissioner, Commission on Security and Cooperation in Europe.

Members present: Hon. Eliot Engel, a Member of Congress from the State of New York.

Witnesses present: Philip T. Reeker, Deputy Assistant Secretary for European and Eurasian Affairs, U.S. Department of State; Elez Biberaj, Eurasia Division Director, Voice of America; Besa Shahini, Senior Analyst, European Stability Initiative; and Gilbert Galanxhi, Ambassador of Albania to the United States of America.

HON. BENJAMIN CARDIN, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. CARDIN. Well, good afternoon. Let me welcome you all to the Helsinki Commission hearing that we're holding today in regards to "Democracy in Albania: the Pace of Progress." I want to thank all the witnesses for being here today. I particularly want to acknowledge and thank the ambassador from Albania to the United States for his personal attention and presence. We very much appreciate that and we appreciate all the witnesses that are here.

Shortly, I'm going to be turning the gavel over to Congressman Robert Aderholt. I think most of you know that Congressman Aderholt is not only a member of the Commission—a very active member of the Commission—but is a Vice President of the OSCE Parliamentary Assembly, a very active Member of Congress internationally and U.S. participant within the Helsinki process.

It is also interesting to point out that this is our second hearing in which we have focused on a close friend of the United States, a member of the OSCE, and a NATO ally. We had our last hearing on Hungary, and this hearing we are having on Albania. And it is, I think, a testimony to the fact that countries that, with our allies and our friends, we can have a very open and frank discussion about the progress being made in elections, in building democratic institutions, in dealing with the commitments of the OSCE.

Albania had a very difficult past, as we know, a very oppressive regime under former communist domination. And its people look forward to the type of democratic institutions that the fall of the Iron Curtain brought. And the pace in Albania for change was very rapid in the beginning, which is a testimony to the leadership of their country. We saw significant changes take place.

But in recent years, the progress has certainly been at a different pace. And in some instances we believe that opportunities for progress have been lost. We're particularly concerned about free and fair elections. We're concerned about the openness of its society to dissent. And we look forward to that discussion today as to how we, as friends and allies, can work together to live up to the commitments of the OSCE.

This Commission is pretty bold in its putting a spotlight on countries that we think can do better. We'll do that with the United States of America, when we think that it is not performing as it should under the OSCE principles. Having said that, I want to draw a sharp contrast between the countries that we've concentrated, our allies, and the progress they need to continue to make, and those countries that have yet to make the type of progress in living up to the OSCE commitments that we are going to continue to call out for not having taken any significant steps.

That's certainly not the case with the United States, as I was a little bit critical, or with Albania or with Hungary. But we do hope to be able to have the type of discussion where we can bring out our concerns and look for positive ways to advance the basic principles within OSCE in a fair manner. I believe the people of Albania deserve nothing less. They deserve free and fair elections, they deserve the promises of democracy in the full sense of those commitments.

I will ask consent that my entire statement be made part of the record. And as I indicated earlier, I'm going to turn the gavel over to the Congressman Aderholt who will introduce—make his opening statements and introduce the witnesses. And I apologize; I will be in and out during the course of today's hearings. But again, I thank the witnesses for their presence here today.

**HON. ROBERT ADERHOLT, COMMISSIONER,
COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. ADERHOLT. Thank you, Senator Cardin. And it's good to be here today for this hearing and I welcome the opportunity for us to focus on Albania, and especially as they get ready to hold their parliamentary elections.

I've had the opportunity to visit the Balkan region many times. In particular I've had an opportunity to visit Albania. The country has tremendous potential. The progress they have made as they led up to their NATO membership is an indication of that potential. And as Senator Cardin mentioned, even the progress they made right after the country became independent is very impressive as well.

At various levels, both in the government and in the opposition, there are talented minds in Albania who do want the country to continue to move forward as it has in the past. They often share our frustration there is not greater progress today, particularly as

it relates to EU membership. They want to see Albania stable, integrated and prosperous.

I also want to mention that, as the Chairman mentioned, I serve as Vice President of the OSCE Parliamentary Assembly, so I work very closely with a lot of the other parliamentarians that focus on this region of the world, one being a colleague to both Senator Cardin and myself, also a friend, Mr. Roberto Battelli from Slovenia. He will lead the OSCE election observation efforts in Albania in June.

The OSCE—both the Assembly and Office of the Democratic Institution in Human Rights—will take this election very seriously. And I hope they can say when the process is over that the elections were conducted in a free and a very fair manner. Our job today is to encourage that outcome, and I look forward to the testimony of all the witnesses that we will have today.

On the first panel is Phil Reeker. He has a distinguished career as a Foreign Service Officer and is the current Deputy Assistant Secretary of State with a portfolio for the Western Balkans. We welcome you here today; we thank you for your time to come before the Commission, and we will express our appreciations for the State Department's collaboration with the Commission in focusing on some of our friends and allies in Europe.

It is admittedly easier for parliamentarians to call for enlightened and public foreign policy than it is for diplomats who must develop and implement such a policy with the additional work and challenge it entails. I hope, Ambassador Reeker, that as we focus on Albania today, we'll be able to rely on your broader experience as you have served in the region. And what we'll do is go ahead and get started, and then as the other Members come by, we will introduce them at that time.

Ambassador Reeker.

**PHILIP T. REEKER, DEPUTY ASSISTANT SECRETARY FOR
EUROPEAN AND EURASIAN AFFAIRS, U.S. DEPARTMENT OF
STATE**

Mr. REEKER. Well, thank you very much, Congressman. It's a pleasure to be here. Senator Cardin, Mr. Chairman, I think the last time I was able to sit in this forum with you was for my confirmation hearing as U.S. Ambassador to the Republic of Macedonia. That seemed to be a successful endeavor, and I was delighted that we were able to host Congressman Aderholt in Macedonia during my time there.

I just want to quickly introduce my colleague, who is in charge of the Albania desk at the State Department, Mr. Chris Carver, also a career Foreign Service Officer from the fine state of Oregon.

Mr. CARDIN. Welcome. Glad to have you here.

Mr. REEKER. Thank you very much for the invitation to speak before the Helsinki Commission. We in the State Department have an extremely good rapport with the Commission. We value the work that you do, and I must say personally, from my experience and work in the Balkans—particularly over the past year and a half in this position, I think the Commission has played a significant role in fostering stability and democracy throughout the region for more than two decades now, and I appreciate very much

your continued interest in the region. With all the other things that are going on in the world, it's important that we remember this is an area where the United States has contributed significant resources and continues to be extremely engaged. So I welcome the opportunity to discuss the pace of democratic progress in Albania.

I want to begin the testimony today with an overview of our policy toward Albania, review the pace of Albania's democratic progress, and finally, identify some of the challenges that we believe still remain.

The United States and Albania share a strong, vibrant and enduring relationship—a friendship, as you've described it. The United States has long supported Albania's independence and its democracy. I am recalling that Albania first became independent from the then Ottoman Empire on November 28, 1912.

After the First World War, our president, President Woodrow Wilson, defended Albania's statehood. And during the dark days after the Second World War of the communist era, the Voice of America, whose Albanian service celebrates its 70th anniversary at an event tomorrow, brought news and inspiration to a very, very isolated nation.

After the fall of the harsh communist regime in 1991, the United States, under President George H.W. Bush, quickly re-established relations with Albania. We took back the embassy building that we had had there prior to the war. Later, President Clinton established an enterprise fund to bring U.S. investment to Albania, supported Albania's democratic elections and worked with Albania and our NATO allies to protect Kosovo and to restore stability to the region. We do remember how Albania took in tens of thousands—hundreds of thousands of refugees from Kosovo and during those dark days in 1998, '99.

President George W. Bush became the first sitting American president to visit Albania, and President Obama welcomed Albania, along with Croatia, as our newest NATO allies in 2009. And Secretary Clinton helped Albania celebrate the 100th anniversary of independence just last fall in November 2012 when she visited Albania as part of a Balkans tour.

Internationally, I think it's important to note that from an era of extreme isolation, Albania has actually been a responsible and steadfast actor, committing troops and resources in Bosnia-Herzegovina, in Kosovo and in Iraq. As a NATO member, Albania has supported robustly NATO-led operations, most prominently in Afghanistan, where over 200 Albanians serve proudly right now alongside U.S. and other allied troops.

So the United States deeply values Albania's many contributions to our mutual goals. The United States is partnering with Albania and with our European friends as Albania works to achieve its European Union aspirations, which is, of course, one of our core policy goals in the Western Balkans and toward Albania specifically. Like the bipartisan nature of this commission, this policy has been a clear policy of both Democratic and Republican administrations for over 20 years. Now, since 1991, Albania has made significant progress in its democratic development, and the United States has partnered with and supported Albania's efforts to shore up its democratic institutions, improve rule of law and increase living

standards for all the people of Albania and to maintain friendly and mutually productive relations with its neighbors.

The United States has also supported efforts to develop trade and investment opportunities in Albania. As you mentioned, Congressman, there are great opportunities, we believe, there. And we've cooperated on regional law enforcement, regional economic and regional environmental issues.

Albania's membership in NATO is enormously important for consolidating peace and security in Albania itself and in the broader region. But in the 21st century and beyond, I think it's important to remember that economic statecraft is of increasing importance. The prospect of integration with the European Union provides Albania with strong incentives for continued democratic, economic and social reform, and it represents the best prospect for Albania's long-term economic and democratic stability. Albania, like other countries aspiring to join the EU, knows that EU integration is its best chance to secure prosperity for its people. Croatia, as an example, a strong supporter and friend of Albania as well, will be the next country from the region to join the European Union on July 1st this year.

Now, as Albania looks to its European future, we and our European partners are hopeful that Albania will take the necessary steps to solidify its democratic credentials and give it the best opportunity to gain EU candidate status as soon as possible. Then-Secretary Clinton reiterated this in her historic address to the Albanian parliament last fall in Tirana. Secretary Clinton said, and I quote, "Albania and the Albanian people deserve a place in the European family of nations. That is not only good for you, it will make this continent more peaceful and secure."

Today, Albania's political leaders from all political parties—and there are many of them—and indeed all of Albania's people have some hard decisions to make about their future. Despite some progress on the EU reform agenda, the European Commission did not recommend candidate status in 2012. The European Commission's progress noted that while Albania had made great strides towards fulfilling the so-called Copenhagen political criteria for membership, Albania needed further to intensify efforts to reform the judiciary, to strengthen the independence of judicial institutions, efficiency and accountability. The commission also noted that Albania needed to demonstrate a track record of reforms in the fight against organized crime and corruption and in its protection of the rights of minority communities.

Further, the European Commission report highlighted the need for Albania's parliamentarians to pass remaining reform legislation in the areas of public administration, judicial reform and parliamentary rules and procedures. Finally, as you noted, Congressman, elections remain an area of concern in Albania's democratic progress. The European Commission report stated that the successful conduct of parliamentary elections in 2013 to be held on June 23rd will be a crucial test of the country's democratic institutions and Albania's readiness for EU candidacy status. We, the United States, the State Department very much share the commission's concerns.

The 2009 OSCE/ODIHR and Parliamentary Assembly election observation mission noted that while the election then met most OSCE commitments, it did not attain the highest standards for democratic elections. This has been a challenge for Albania. The mission then cited procedural violations, administrative problems with the vote count, biased media coverage and a highly toxic political environment. The conduct of the May 2011 nationwide elections for mayors and city councils fared mildly better according to OSCE/ODIHR's observation mission final report, but the highly polarized political environment was cited as problematic, as was the Central Election Commission's (CEC) decision to intervene in Tirana's mayoral contest.

This decision undermined the independence of the institution, the CEC, and undermined confidence in the election results. This is behind us, but we must keep it in mind as we look toward the upcoming parliamentary elections. What are the lessons learned? The United States has been clear that to meet international standards, the independence of Albania's institutions must be respected. The political discourse must remain constructive and civil, and the Albanian people must have confidence in both the process and the results of the elections. American personnel will join our colleagues from OSCE's ODIHR and work with their Parliamentary Assembly counterparts to ensure that the international community watches the conduct of the elections very carefully. We understand that the OSCE Parliamentary Assembly will deploy its own mission, and we welcome that.

The United States has worked for many years to engage with civil society in Albania, and these efforts continue through the U.S. embassy's programs under current ambassador Alex Arvizu. Through voter outreach and education programs, we are encouraging open discussions on important issues that matter to Albanian citizens beyond mere personal politics.

We're supporting active participation in the electoral process and observational reporting on the electoral process itself. Yet due in part to lingering effects of the harsh communist regime, civic participation remains the weakest aspect in the electoral process. Parties must more seriously engage civil society and reflect their recommendations into their party platforms. In the United States, politicians pay attention to public opinion because citizens make their opinions known through their votes. And let me just take this moment to say hello to Congressman Engel, also a good friend of Albania and these issues, with whom we've spoken many times on these issues.

The United States is particularly concerned with the independence of the Central Election Commission. The CEC has the primary responsibility to administer elections in a free and impartial fashion in accordance with Albania's electoral code and the rule of law. To do so, the CEC must be free from interference by any individual, any political party, any institution, including the parliament. With respect to the composition of the CEC, the members of the CEC who were selected and appointed on the basis of inter-party consensus and in accordance with the electoral code should be apolitical.

Once appointed, CEC members have pledged and are obligated to discharge impartially their duties to realize free, fair and democratic elections in Albania. The United States has stressed the need for all parties to strengthen lost trust in the main institution responsible for the conduct of elections in Albania. This includes adhering to a timeline established by the electoral code and conducting the elections on June 23rd—I believe that’s just about 45 days from now.

To do this, Albania’s political party leaders must work together, they must compromise—a word not always found in dictionaries in the Balkans—and find a solution that allows the CEC to carry out its mandate to administer elections. We have confidence that the leaders can do this. Leaders of all major political parties have expressed their desire for elections to take place on June 23rd. However, the CEC does not currently have enough members to administer elections effectively. It’s a question of credibility, and we would like to see the CEC as fully constituted as possible, and we urge Albania’s leaders not to waste time. The United States, together with our European partners, have stressed that democracy is not just who wins and who loses a single election. The democratic process matters too.

It matters how the political parties run their campaign. It matters how the CEC interprets Albania’s electoral code, conducts the elections and manages disputes, how the votes are tabulated, how disputes are resolved and how the public and the political parties respond to the final tally. The conduct of these elections on June 23rd will be an important indicator of Albania’s democratic maturity, and it will send a clear signal whether Albania is ready for European Union candidacy status. It will also have an impact on our bilateral relationship with Albania.

In spite of our concerns, let me say in closing that the United States remains committed to Albania’s future. We remain committed to our friends, the people of Albania—all the people of Albania, and we extend the hand of support. Beyond elections, we will remain engaged on the long-term goals I cited earlier: to help Albania build and refine democratic institutions, respect the rule of law, fight crime and corruption and develop a market economy to bring prosperity to the Albanian people.

Let me close there. Thank you again for granting me this opportunity to speak before the Helsinki Commission. Thank you very much for the work that you do, and I look forward to your questions. Thank you.

Mr. ADERHOLT. Thank you, Ambassador. At this time, as mentioned, we have been joined by the Ranking Member of the Foreign Affairs Committee, Eliot Engel, who, as you mentioned, has been someone who has spent a lot of time in Albania and the Balkans region, and we’re honored that he joined us today, and so we wanted to recognize him for any opening remarks.

**HON. ELIOT ENGEL, A MEMBER OF CONGRESS FROM THE
STATE OF NEW YORK**

Mr. ENGEL. Thank you very much, Congressman Aderholt, and thank you for your working closely with me on the Albanian Issue Caucus. I very much appreciate it, and I want to thank Amba-

sador Reeker, with whom I have worked with for many, many years. He does such an outstanding job for our country. And your testimony, I think, was right on the money, so to speak. I think you really hit the issues.

This hearing is obviously timely, because it becomes just before, as you said, Ambassador, the Albanian elections. And I agree with you, it's crucial not in the context of which candidate will be elected as it is up to the Albanian people to decide, but crucial in terms of how the election will be conducted.

And today, like you, I urge all the political parties to fulfill the commitments Albania has made to the OSCE of elections and the campaigns leading up to them. The election must be judged by the OSCE as free and fair, and it will not only validate the results to the Albanian electorate and the international community, but it will also mandate that all political parties accept the final election results and take their seats in parliament. It hasn't always happened, unfortunately.

As the co-chairman of the Albanian Issues Caucus—and my co-chairman is sitting to my right—which I founded 24 years ago, I have been honored to be part of the effort to advance the democratic development of Albania and to preserve the good relations between Albanian Americans and their ancestral homelands. America has no better friends than Albanians, regardless of where they live in the Balkans. They have always stood by the United States, and we have always stood by them.

The citizens of Albania are proudly entering the second century of their independence. It began on the 28th of November in 1912, when they broke free from the Turkish Ottoman Empire, despite nearly half a century of draconian isolation after World War II under an authoritarian communist regime that even perceived the Soviet and Chinese communist models as too open. The people of Albania never lost their belief in the European identity and in America as their friend.

I'd like to take just a minute or two to discuss Albania's Euro-Atlantic aspirations. In the last two decades, Albania has made extraordinary progress toward meeting the standards and norms of the value-based Euro-Atlantic community. They obtained full membership in the North Atlantic Treaty Organization on April 2, 2009—I was very, very happy about that—and Schengen visa liberalization on December 15th, 2010. What is left now is for Albania to capitalize on the promise of the European Union Thessaloniki Declaration of 2003, that the countries of the Western Balkans, including Albania, are eligible for accession to the EU. To do so, however, Albania must fulfill the requirements for membership. Croatia's July entry this year into the EU validates it, and if a Balkan country meets the requirements, the door to the European Union is open. And I hope that Albania would get into the European Union as soon as possible.

A free and fair Albanian election in June will go a long way towards propelling Brussels to extend to Albania in 2013 EU candidate status—the EU's waiting room for membership. This dramatic step would signal to Albanians that their living within the borders of the European Union by 2020 is a realistic aspiration and the opportunity cannot to be missed. Last month's agreement be-

tween Kosovo and Serbia demonstrated the role of political courage on the part of elected officials in ensuring a better life and future for their people. It is only because of Prime Minister Thaçi's willingness to make hard decisions and Prime Minister Dačić's willingness to embrace a forward-leaning vision, the prospects for peace, security and prosperity within the borders of the EU is something that the citizens of these two countries can hopefully now count on.

The same opportunity lies in front of the political leaders of Albania, be they in or out of government. Will they exercise the political courage to do what is right for their country's future and for the people they aspire to lead the EU? Politicians, government officials and Central Election Commission, members at all levels, in Albania, are being asked on this June election to do no more but no less than what is expected of their counterparts in elections with any of the countries of the Euro-Atlantic community. The people of Albania have the right to have a free and fair election as defined by Albanians and OSCE norms and thus be assured that it is their votes that elect their leaders.

The people of Albania also have the right for the election to be conducted in a matter that affirms that Albania belongs in the European Union. Anything less would be a disservice to the remarkable accomplishments of the Albanian people into the potential their future should hold. And there have been marvelous accomplishments as a new NATO member, and Albania has improved its lots for its people, and it's great to see it. And the United States is a very, very willing partner with the Albanian people.

I thank you, Mr. Chairman, for the opportunity to offer my thoughts on this matter, and I now look forward to continue to read testimony.

And again, Ambassador Reeker, thank you for all you've done through the years, your hard work. You've always been fair, you've always worked hard and you've always been saying the correct things, as was demonstrated by your testimony here this afternoon. So I thank you very much.

Thank you, Congressman, very much.

Mr. ADERHOLT. Thank you, Congressman Engel. Let me just jump into some of the questions. Of course, one of the most obvious things that we want to really talk about today is the role that OSCE's presence has played in trying to resolve the problem associated with these elections. And, Ambassador, I would like to get your thoughts on what role that has been. Is it a useful role as these upcoming elections are in sight, and also the elections in the past?

Mr. REEKER. Thank you, Congressman, Aderholt. I think it really is important to highlight OSCE and the role it plays throughout the region, but particularly as we look at Albania today. I would point out at the start that our ambassador and the succession of ambassadors before him has worked very closely with the OSCE head of mission on the ground in Albania. Mr. Wolfarth, the OSCE head of mission, will be leaving soon, and a new head of mission will be arriving. And I know Ambassador Arvizu very much looks forward to continuing that relationship because the OSCE mission is vital in helping move Albania closer to conducting the free and fair elections in compliance with its OSCE commitments. These are commitments that are made through membership in OSCE, and

these are international standards. We appreciate very much the lead that OSCE is taking and coordinating the efforts on the ground to support the elections. Looking back, as I mentioned in my testimony after Albania's 2009 parliamentary election and the 2011 local elections, OSCE/ODIHR—that's the Office for Democratic Institutions and Human Rights—provided a series of recommendations to improve Albania's electoral institutions. Many of them are reflected in the new electoral code. Over the last year, OSCE has worked to improve the capacity of the Albanian government to conduct the elections, and the management training that they provided to the Central Election Commission and the members of that commission—including voter education, capacity building programs, the work with civil society organizations, public information sessions on Albania's electoral code—these all work toward that goal.

And we have to remember the context that we've discussed here today. This is a country that just two generations ago was emerging from extraordinary isolation in the concepts of democracy and participation by citizens. Rule of law, free and fair elections were something they were not used to. OSCE has played a vital role in that. And so we will continue, the United States, through our embassy and our programs based and sourced out of Washington, to work with the OSCE mission, with the European Union mission in Tirana. And I would note that all three of those missions, acting together, have made the same call—the same call I mentioned, that you have mentioned for Albania's political parties to engage in constructive dialogue and follow the guidelines of Albania's current legal environment. The citizens of Albania deserve no less. And I'd just point out that the United States will deploy a full contribution, as permitted under the usual OSCE/ODIHR rules for international election observation missions. We welcome the parliamentary assembly's participation, and this is part of the major U.S. commitment to an overall international assistance effort, which is we are doing everything we can to help Albania and its institutions in this regard.

Mr. ADERHOLT. You mentioned in your opening comments this Central Election Commission. That's a little bit foreign for us here in the United States because we don't have a system quite like that set up. Since that is sort of a foreign concept for us, could you just walk us through how that commission is set up?

Mr. REEKER. Well, the Central Election Commission in Albania, which is created under its electoral codes and laws, should consist of seven members. And it plays an important role as an institution in terms of being apolitical, free from interference from any political party or individual or an institution, and that includes the courts. It's an independent institution charged with conducting the elections. And I think we have to remember that Albania's institutions are young, they are ones that have not been always fully tested, and as we recounted in comments earlier, have not always been able to conduct elections that meet the expectations not only of the citizens but the commitments that Albania has taken internationally.

We, the United States, and our international partners, and I would say the people of Albania, are counting on all the parties to

deliver nothing less than elections that are free and fair, and that are viewed as such by not only the parties but by the people themselves. And what I've often said when I visited Albania and talked about the importance of elections is that they need to have elections that are reflective of a NATO member state. There are standards that we have for members in NATO. Those were standards that were judged to have been met when countries were invited to join the alliance, and we believe that the capacity is there for institutions like the Central Election Commission to fulfill its role and help in the conduct of elections. The CEC oversees a set of electoral zones, 89 electoral centers. Each of those centers has observers that watch the conduct of the election and the counting of ballots in those locations. There are, as I said, 89 of those. And we want to have confidence in a process. Again, it's not the results that are ultimately important. There will be winners in these elections, but the real winners will be the people of Albania, if they are confident in the outcome of the elections and if the perception from the international community, as well as the citizens of Albania, is that these elections have been carried out well.

Mr. ADERHOLT. Let me just jump in here. One thing, in your opening comments you mentioned about the CEC, Central Election Commission, and you of course mentioned there were seven members of it. And how are those members selected?

Mr. REEKER. They are selected by the majority and the minority opposition parties, but as nonpolitical actors. I think it's important to remember that these seven should be selected and then should not be under any pressure or obligation to any political party or individual—or any individual candidate. Right now, as you may know, the CEC has only four sitting members. This is of concern to us. To be credible and to be effective, we believe that the CEC should be filled out. All its members should be present. That's what citizens will expect.

Mr. ADERHOLT. And walk us a little bit through why the vacancies are occurring right now.

Mr. REEKER. You had resignations after one member was replaced. And these are processes in which the politicians, the political actors, have an obligation now to select new members to fill out those seats, and they have not taken that action yet. And we look to the politicians to fulfill their obligations, to do what they're elected to do and to put forward names to fill these seats on the Central Election Commission.

Mr. ADERHOLT. So based on the way the elections are set up in this country, it's important that this seven-member CEC board is fully functioning and operating. And right now, you're saying there are only four members of that commission. And it's up to the parliament to replace those other members that are vacant. Is that correct?

Mr. REEKER. The majority or governing party's coalition and the opposition should put forward names for those seats. Technically, under law, the CEC can operate with four members, but it's only four out of seven. And there are certain decisions they cannot take just with four members. So to be effective, to have full credibility, we need to see those seats filled.

Mr. ADERHOLT. When do you expect those to be filled?

Mr. REEKER. I'd say yesterday, but that's a question for Albania's officials. It's something we have urged, the others in the international community have urged this, and we continue to call upon the authorities, the politicians, the parties to put forward names. They need to sit down together. We believe they have the capacity to do this and an obligation to do this and to fill those empty seats.

Mr. ADERHOLT. You said there was four vacants. Is that correct?

Mr. REEKER. There are three vacancies.

Mr. ADERHOLT. Three vacancies. Out of the three vacancies, are they split between the parties?

Mr. REEKER. The three opposition seats need to be filled. The four of the seats that are currently filled are those that are selected by the governing coalition. The three opposition seats need to be filled, and we would call upon them to do that.

Mr. ADERHOLT. Have they indicated why they're not filling those seats?

Mr. REEKER. I think it's politics, and it's time to move beyond that and fulfill the obligations, to sit down, to make the compromises necessary, to find names that are acceptable, that can fulfill the nonpartisan role in this very important institution with just 45 days before the elections are held.

Mr. ADERHOLT. OK. Let me turn it over to Congressman Engel.

Mr. ENGEL. Thank you. Thank you very much. Ambassador, knowing the past results of elections and not wanting to take sides in any of the elections, it would seem to me that in order for Albania to move in a positive direction to become a member of the EU, it's obviously unhelpful if there's this kind of turmoil and helpful if both sides respect the results of the elections. So I'm just wondering what you see, what you believe. Do you believe that absent any major problems with the conduct of the elections, Albania's political leaders will respect the results win or lose? Do you believe that they would learn the lesson and would avoid being provoked in a way that could lead to street protests and possible violent confrontations as we had? And what do you think they could reasonably do in the days after the election if a new parliament and government off to the best possible start?

Mr. REEKER. Well, I welcome that question. Thank you, Congressman Engle, because I think it's important to step back and reflect. As I said, we can look at the past. Albania does not have a highly positive track record in terms of many of its elections. What can be learned from those elections, international observers and organizations like the OSCE have offered recommendations, and the OSCE and the Parliamentarian Assembly and others in the international community, including the United States, will be there to help. We have—as a friend and supporter of Albania—we have invested about a million dollars to support the election process through outreach, education programs, technical assistance to the CEC and through our own election-monitoring efforts. I think it's incumbent upon leaders to show courage. You talked about courage that's been shown recently by other leaders in the region, that they take the necessary steps to make sure these elections are conducted according to law in a manner that, as I said before, is befitting a country that is a member of NATO. We are very proud to have Albania as a member of NATO and that they made the sig-

nificant steps and progress necessary to become that. But they need to demonstrate to their own people, as well as to their allies and to the world, that they indeed can live up to those expectations and commitments. So it will be incumbent upon leaders to not only conduct the elections right, but to respect the outcome. And all party leaders should then call upon their supporters to respect that outcome. It's not—again, as we've said a couple of times, it's not who wins. The United States has no favorites in this. Our favorite in the process is the country, its institutions and its people, and we want to see that be successful.

And I think it's important to say in this setting that make no mistake, the United States, as well as the people of Albania, will be very disappointed if there is election manipulation or outside pressure on institutions like the CEC. If this happens, we will not stand by in silence.

Mr. ENGEL. Let me say this. I was in Albania several years ago when they conducted one of the elections. I think it was actually on July 4th of that year. And I remember witnessing it firsthand and really being amazed at how many people were going to the polls, who were demonstrating their right to participate in democracy and vote. It reminded me a lot about our own country. And I have always regarded Albanians as the most pro-American people, probably in the world. You know, when there are demonstrations or when Kosovo became independent, there were more American flags, I think, than any other flag being flown. And so when you consider where the people of Albania were and where they've gone to, it's just a remarkable success story. Even though there were a few bumps along the way, we have to, I think, put things in perspective: When I was growing up, this was the most isolated country in Europe, and now, it's as pro-U.S. and pro-democracy as any other country in Europe.

I want to ask you about the CEC—thinking back to what Mr. Aderholt had mentioned: If the three vacancies are all opposition appointees—I don't understand, wouldn't it benefit each faction to appoint a full contingent to the CEC? Wouldn't you want to have more people on the CEC to think that you would get a fair shake? So why does that motivate you for not doing it?

And do you think that this is something that will be prolonged, I mean, if they appointed their three people next week, I guess it wouldn't matter. If it goes to June 23rd, I think it would cast great doubt on the election.

Mr. REEKER. Well, I think, Congressman, the best message that I can deliver is that we can't tell them how to solve their current problem in the CEC or how to live their lives, conduct a democracy. What we can point them to is the institutions that they have that offer the opportunity and expectations, the commitments that they have made. And I think the best message is for the parties to get together, for them to look for compromise and find a solution that allows the CEC to carry out its mandate and to do that in a credible and effective manner.

And I am confident, because like you, Congressman, I spent time with politicians in Albania; I consider them across the political spectrum to be friends, just as we are friends with the people of Albania. And I am confident that they have the capability to set

aside their calculations and sit down and do what's best for the institution, for the CEC in this case, and try to find a compromise, again, that allows the CEC to carry out its mandate effectively and credibly. And I'm quite confident they can do that.

We can't tell them prescriptively, this is what you have to do, but we know and I think the people of Albania know that responsible political leaders will do that, will sit down and find a solution and do it soon, now, so that they can have the confidence that in the run-up to these elections, June 23rd, that they will be free, fair elections that can demonstrate the will of the people.

Mr. ENGEL. What impact would the successful conduct of an election in Albania have on the region, on the rest of the Balkans, neighboring countries, such as Macedonia and Montenegro. Is there any direct relationships between developments in Albania and some developments in neighboring countries?

Mr. REEKER. Well, thank you for asking that question, because as someone that works on the whole region—and you know this very well, Congressman—Balkan politicians are always very mindful of the situation in neighboring countries. And they do draw comparisons. And so I think no national election can be viewed in isolation. And that goes for the upcoming elections in Albania. I think we've witnessed recently several examples in the region of countries solving seemingly intractable problems or moving forward on their democratic paths and their path of Euro-Atlantic integration—like Slovenia finding a way forward in its longstanding dispute with Croatia, to ratify Croatia's accession treaty; the Serbia-Kosovo agreement through the EU-facilitated dialogue that you mentioned earlier—these have an impact. And they are looked at throughout the region.

Now, if you think about the past year, Montenegro, Serbia, Macedonia, have all held elections that were considered generally to be free and fair and met most of the OSCE/ODIHR standards. And so we hope that Albanians will do their best to replicate this success.

And a successful election would indeed serve to reinforce Albania's democratic progress and could serve as yet another example to the region. Often, Albania has been a very good model for the region in terms of working well with its neighbors and could serve again as a—as an example of democratic progress. We would like to see Albania play a critical leadership role in the region, as they have, particularly in engagements with other ethnic Albanian populations in Macedonia, in Montenegro and southern Serbia and indeed, further afield, in Italy and in Greece.

So this is an opportunity and a time for Albania to lead by example. And good conduct of elections would be an example of that. And I know that it would not go unnoticed in Brussels and in the capitals of European Union member states. My colleagues in the European Union institutions and the European Commission have worked extremely hard to try to help Albania along that path towards EU candidacy.

Mr. ENGEL. Well, Ambassador, thank you again. I want to thank you for your good work all through the years and for your clear, intelligent testimony this afternoon. As a member of Congress who has been most involved in Albania, through the years I have believed in the Albanian people and I have confidence that this elec-

tion will go smoothly and that Albania will continue on the path that it has continued since it overthrew the shackles of communism and moved forward and not only be a NATO member but an EU member as well.

So, again, thank you and look forward to continuing to work with you.

Mr. REEKER. Thank you very much, Congressman. And I should just note that the example we set by working between the executive branch and the legislative branch in unison on issues like our support for Albania—our insistence and encouragement that Albania and its leaders live up to their potential, meet the commitments they've made—is itself a model and helps us with this joint effort.

Thank you for all you do for Albania and for the region.

Mr. ENGEL. Thank you.

Mr. ADERHOLT. Ambassador, let me just ask before we go to the next panel, the investigation of the “Yellow House” case and the alleged organ trafficking, how far advanced is the investigation, and have the Albanian authorities been cooperative in the investigation as it's gone forward?

Mr. REEKER. Thank you, Congressman. Let me say at the outset that the United States takes all allegations of war crimes and other serious crimes extremely seriously. We support the full and thorough investigation of the allegations contained in the 2010 report of the Council of Europe known as the Marty Report. And that investigation, as you indicated, is being carried out by the Special Investigative Task Force of the European Union under the EULEX, a thorough criminal investigation, which encompasses multiple jurisdictions. As you noticed—noted, this involves Albania, as well as Kosovo and other countries potentially in the region, examining the allegations which are more than a decade old. This will invariably be long and complex, but I think we are all pleased that the task force, which is led by former U.S. ambassador-at-large for war crimes issues, Clint Williamson, one of the most qualified individuals in this field in the world.

They have made good progress. They collected evidence, worked on enhancing cooperation with third countries, including Albania and conducted operational investigative activities. The Albanian government is cooperating with this investigation. It's worth noting that in May of 2012, about a year ago, the Albanian Parliament passed a law with near unanimous support that permitted the EULEX's Special Investigative Task Force to investigate allegations made in the Marty Report. And Prime Minister Berisha himself expressed publicly support for this endeavor.

So like with any investigation, we don't want to prejudge the outcome of the ongoing investigation simply to underscore our support for a thorough and complete investigation for those who are carrying it out. And we want to commend the governments of Kosovo and Albania, Serbia and others in the region for their cooperation in this issue.

Mr. ADERHOLT. Well, thank you very much, Ambassador, for your presence here today and your work involved in the region. And as my colleague Eliot Engel mentioned, we are very hopeful that the elections that occur in June will be free, fair and that it, you know,

can be resolved in the CEC issue, which I think really is important for them to move forward and to make sure that not only is there an honest election, but also the perception that there's an honest election. So we certainly wish the best for Albania as they move forward over the next several weeks.

So thank for being here and we look forward to working with you on issues of common concern.

Mr. REEKER. Thank you, Congressman.

Mr. ADERHOLT. Our second panel consists of two experts on the current situation in Albania. Elez Biberaj is well known to the Helsinki Commission for his expertise regarding Albania, Kosovo and the Balkans. He has participated in previous commission hearings on Albania and served us greatly as an official interpreter in the early 1990s. At the time, he was head of the Albanian service of Voice of America and now serves as the Voice of America's director of Eurasia. We're grateful to the Voice of America for always ensuring our concerns are heard and for allowing here his presence here this afternoon.

Also joining the second panel is Besa Shahini. She might not be as quite as well-known in Washington at the moment, but she is a highly respected analyst for European Stability Initiative from Kosovo, now serving in Albania with funding from the Open Society Foundation and German Marshall Fund. She provides not only the added benefit to us as an informed perspective directly from Albania, but she also represents a new generation of intelligent minds that exists throughout the Balkans, committed to the human rights, committed to democracy and to Europe. It is the quality of people like her that we need in this region and that gives us hope for the future. Dr. Biberaj, let me start with you to give your opening statements. And then we'll go to Ms. Shahini.

**ELEZ BIBERAJ, EURASIA DIVISION DIRECTOR,
VOICE OF AMERICA**

Mr. BIBERAJ. Thank you very much, Mr. Chairman. Congressman Engel, good to see you. Thank you very much for the invitation to testify before the Commission. It is an honor for me to appear before you and to offer my personal views on Albania's political prospects and democratic challenges.

The June parliamentary elections will mark a milestone in Albania's political development. They will be a test of the country's democratic maturity and of its bid to join the European Union. Albania's record of contested elections and the post-election disputes have raised concerns regarding Albania's ability to hold free and fair elections in accordance with international standards. And as the current dispute over the composition of the Central Electoral Commission demonstrates, the lack of a stable electoral infrastructure has undermined confidence in the electoral process and the administration of the elections.

The upcoming elections offer both challenges and opportunities for Albania. The inability to hold smooth elections is politically risky for Albania. It will hamper its political stability, it will signal a worsening in democratic practices and it will complicate Tirana's relations with the United States and the European Union.

Credible elections, on the other hand, whose results are certified by domestic and international observers and accepted by the major players, will open new opportunities for Albania. Albania would be able then to build on the significant progress that the country has achieved in recent years. It will strengthen its role as a constructive regional actor and will significantly improve its EU membership prospects.

Albania has made remarkable progress in terms of its economic and social development and efforts to join Euro-Atlantic institutions. The Albanian political landscape is fundamentally different today from 10 years or 20 years ago. But still, Albanian politics remain deadlocked and deeply dysfunctional. Some of the difficulties that Albania has encountered on its road to a consolidated democracy can be ascribed to the country's lack of a democratic culture, the communist legacy and economic underdevelopment. However, the current high level of politization and defragmentation is a direct result of the two major political parties, the ruling Democratic Party and the opposition Socialist Party, refusing to engage in the give and take that is normally associated with a democratic order.

The failure to embrace the rule of law, the widespread corruption that we see in Albania today and political stagnation has left the country without durable, democratic and civic institutions. Since the 2009 elections, which the Democratic Party won by a narrow vote, Albania has experienced a serious crisis and relations between the government and the opposition have been marred by constant tensions.

The Socialists contested the results, boycotted the parliament, resorted to threats, ultimatums and other destructive actions in pursuit of their demands. The Democrats maintained an uncompromising attitude and refused to take any meaningful measures to reach out to the opposition. The dispute over the elections, led to a long political impasse. It diverted attention from other much more important issues, like economic and social challenges that the country faces. It stalled progress on key reforms and tarnished Albania's image and democratic credentials. In December 2012, European Commission refused for the third year in a row to grant Albania candidate status.

Despite the controversy surrounding right now the composition of the Central Electoral Commission, the election campaign so far has been conducted in a much calmer and dynamic environment than in past elections. While there are dozens of political parties, the Democrats and the Socialists continue to dominate Albanian politics. Other smaller parties have limited popular support and most of them are led by politicians who split off from the Democratic or Socialist Party over disagreements with their top leaderships.

With the exception of two new forces that are contesting the elections on their own, and those are former President Bamir Topi's New Democratic Spirit and the Red and Black Alliance, all other parties have coalesced with the two major parties' coalitions.

The Democrats have been in power since 2005 and under their leadership, Albania has made significant progress on many fronts. But after eight years in power, the ruling party appears vulnerable and concerned about an erosion in its popularity. Some blame the

government for the post-2009 election gridlock and the slow progress that the country has made towards EU integration.

In addition, growing economic hardships, the inability of the government to decisively address the corruption issue and increased social discontent make the Democrats susceptible to a public backlash. The Socialist Party views the 2013 elections as its best chance of returning to power. And it hopes to benefit from a possible anti-incumbent backlash. The Socialists have made very ambitious election pledges, focusing the campaign on accusations of poor governance, mismanagement, corruption, and Democratic stronghold on institutional power.

Albania, Mr. Chairman, is a country at a critical crossroads, torn between a potentially destabilizing political confrontation and the aspiration for national prosperity, democratic consolidation and European integration. The country cannot afford another contested election that would likely trigger a destabilizing conflict and adversely impact Tirana's relations with Washington and Brussels.

The elections offer Albanian political actors an opportunity to move beyond the usual zero-sum game approach to elections, to demonstrate their commitment to democratic consolidation and to re-institutionalize democratic politics. The end of the political deadlock and the brinkmanship that we've seen in recent years would unleash the great potential that the Albanians have, and it would pave the way for Albania's membership in the European Union. Elections alone, however, even if they're held in full accordance with the highest international standards, are not a salve for Albania's democratization. The new government that will emerge from these elections will be faced with formidable challenges and can ill-afford to be distracted by a prolonged post-election dispute.

Albania has the capacity to reinvigorate democratic reforms and restore the public's confidence in the political process. But to re-energize democracy and advance their nation's democratic aspirations, Albanian political elites must do much more to establish the rule of law, to empower nonpartisan institutions, reduce corruption and dispel the widespread perception that politicians are enriching themselves at the expense of average citizens. The role of the international community will remain critical. The United States and the European Union have been forthright in their support of democracy, as well as in their criticism of democratic failings.

While domestic political polarization and gridlock have led to "Albania fatigue" in some circles, I think it is important that Washington and Brussels continue to engage Albania, using their very significant leverage to promote democratic progress, as well as to address democratic transgressions. A stable, democratic and prosperous Albania, firmly anchored in the Euro-Atlantic community, is in the national interest of the United States.

Mr. ADERHOLT. Thank you for your testimony.

Ms. Shahini, we would like to hear from you. Please proceed.

BESA SHAHINI, SENIOR ANALYST, EUROPEAN STABILITY INITIATIVE

Ms. SHAHINI. Thank you very much. We, as a think tank, have been working for many years, since 1999, in producing in-depth research on social and economic developments in the Balkans. And

we contribute to debates about EU integration of the western Balkans, Turkey and south Caucasus. This moment in Albania's history is actually very momentous when it comes to what's happening with EU enlargement and considering that these elections will, in a way, determine the next steps of Albania path towards EU integration.

Now, what we are seeing on the ground actually is that it has already started off on a bad footing. And we would like to draw attention to recent violations of democratic principles in Albania, as the country's preparing for its June elections. There was always fear that these elections would fall short of international standards and precipitating a major political crisis, and the results would then be a loss of a credible prospect of progress towards European integration.

But to counter this risk, we would actually like to make a call and argue that the international community must take a strong and uncompromising stand on the democratic principles that must be observed. And we still have a chance, I believe, to make a difference here.

As was said, Albania has applied for EU membership four years ago. It hasn't yet received a positive response because it hasn't met political criteria. One of the key criteria is the stability of institutions. And since the 2009 elections, as was already mentioned, for two years in a row the opposition boycotted the parliament and the institutions were just not there to be able to foster the kind of political consensus that is necessary for the kind of deep reform that the EU integration process requires.

Now, what this means in the geopolitical context of the western Balkans is that there is increasingly two different groups of countries forming in their path towards EU integration. It is the countries that are frontrunners in making progress—like Croatia which is joining this year, Montenegro, that has started negotiations, and likely with Serbia, now with agreements with Kosovo, might actually receive a date for starting negotiations.

And the laggards, which include: Albania, Kosovo, Bosnia-Herzegovina and, as long as the name issue is not resolved, Macedonia. In this, we see a bit of a problem because it is the poorer parts of the western Balkans that are reinforcing in this vicious cycle of remaining where they are and not moving forward.

One of the requirements by the European Union for Albania has actually been on elections as well. And there were two out of the 12 priorities that the commission had pointed out for Albania that pertained specifically to elections. One has to do with Albania must modify its electoral legislation in accordance with OSCE recommendations, which has mostly been done for six months in 2012 in an election reform. And the second is that it must ensure that the elections are conducted in line with the European and international standards, and here is where we believe that already a breach of these standards has occurred.

As we have said, there was a removal of one member of the Central Election Commission by the parliament in the middle of April—15th of April. And this followed a change in party coalitions. So the Socialist Movement for Integration, which was a coalition member of—with the Democratic Party that was forming the gov-

ernment, moved into a pre-election coalition with the Socialist Party.

And the Democratic Party parliamentary group then put in a request to remove the member that was actually nominated by the Social Movement for Integration from the Central Election Commission and replace him with another member from party that was in coalition with the Democratic Party, which was the Republican Party.

The U.S. Ambassador to Tirana made a statement as this discussion was happening in the parliament. And he actually said that the CEC was properly and legally constituted and mandated and its institution is responsible for the conduct of the election. And as such, it is important for the independence of this institution to be respected. The CEC should be free from interference of any individual or any institution, and that includes the parliament of Albania, indicating that this was violating the principles that were enshrined in the codes that organize elections in Albania.

Following this, the Democratic Party parliamentary group found a decree from 2003 that removed the Mr. Muho who is the Socialist Movement for Integration Party nominee to the Central Election Commission—

Mr. ADERHOLT. What is his name?

Ms. SHAHINI. Mr. Muho—M-U-H-O.

Mr. ADERHOLT. Thank you. Go ahead.

Ms. SHAHINI. And he basically said that he was removed from his duties as a prosecutor because of a violation and proposed that his nomination was in fact against the law and it was breaching Article 12 of the electoral code, which had said that you cannot nominate someone who has been removed from office onto the Central Election Commission. This was then voted after 12 hours of debate in the parliament. And Mr. Muho was removed and replaced by a member from the Republican Party.

Following this, three Central Election Commission commissioners from the opposition resigned. You had asked Ambassador Reeker what was the reason for their resignation. The way that they described this, is that since the legitimacy of the institution was already touched, they cannot continue working in an institution the legitimacy of which has already been put into question.

This now poses two challenges for the organization of this election. One is that the democratic principles and the legitimacy of organizing this election has been already breached, but the second is that we have the Central Election Commission with four members only, that cannot actually do its functions properly, one of them being adjudicating on complaints.

This election will most probably be very close, as elections always are in Albania. There are indicators for people who are looking into possible election results—there are indicators that maybe there are going to be four or five regions and districts where there will be 500 to about a thousand votes that will determine a seat going one way or another.

And it will come down to the institutions that will be counting those 500 to a thousand votes. There should be trust enshrined in those institutions that will actually be counting these and, should

there be problems, there's an institution that will be adjudicating on the complaints following this.

What can be done? Outsiders cannot really substitute for the goodwill of the national leaders. They can, however, help mitigate conflicts before and during and after the election day. And the key message from all international observers, and in particular from European Union, must be that all Albanian institutions must rigorously respect the laws they themselves have adopted. And setting out red lines in advance makes it less likely that they will be transgressed.

One of the red lines is that members of the election administration cannot be removed for reasons not specified in the code. And the second is that counting and adjudicating of complaints and appeals must be through strict observation of election code procedures. Now—by taking a clear position now and insisting on a reversal of the decision to dismiss a member of the CEC who had been appointed for six years, the U.S. and the European Union increase the likelihood that such red lines will not be crossed.

And we do realize—in closing, we do realize that most leverage here lies with the European Union, considering that Albania is attempting to join the EU, however the voices from the U.S. and the statements from the U.S. are very important, not only for the Albanian public but for the Albanian politicians as well. And I think making these strong statements on how these elections should be conducted by actually following the principles enshrined in the election code will be very important. Thank you.

Mr. ADERHOLT. Congressman Engel, I'm going to turn it over to you and let you ask any questions to start the round.

Mr. ENGEL. All right. Thank you. Thank you very much. First of all, Dr. Biberaj, it's a pleasure to see you again. We have seen each other many times over the past 25 years. And your work—your good work within not only the Albanian community but VOA and all the other things is duly noted. And I found your testimony to be very, very important testimony. So I want to thank you for that. And Ms. Shahini, I don't know you as well as I know Dr. Biberaj, but I appreciate your testimony and getting to the heart of the matter.

Let me ask Ms. Shahini something first, and then I'll ask Dr. Biberaj. I'm very interested in your description of the controversy with Mr. Muho, the members of the CEC. You explained why there are three vacancies now at the CEC. Does the fact that there is already a dispute over the CEC, as you described, bode not so well for what might happen down the road with the elections?

The fact that the parliamentary elections were held and then the party who lost did not return to the parliament I think showed the outside world that perhaps Albania wasn't quite ready to move to the next step. Are we in danger of seeing that happen again because of this dispute with the CEC?

Ms. SHAHINI. Absolutely. Thank you for this question. Absolutely. We believe that that is why this is such an important conversation to have right now and to try and see if something can be done to reverse what has happened and to reconstitute somehow a Central Election Commission before the election takes place. A lot of the functions can be done with four members. However, after the elec-

tion day—after the counting, it's going to be very impossible for them to dispatch of their duties with only four members. They will need five out of seven.

And because the election's going to be so close, the fear is that the incentives for both election fraud and for accusing each other of election fraud even if there isn't any, will be very high. So it is important that the institutions in place are trusted and are allowed to dispatch of their duties without being politically influenced.

Mr. ENGEL. Help me again to understand. Each of the major political parties appoint three people to the CEC and then it would seem that the swing vote, the seventh person, is appointed—or was from, you said, the Republican Party which was in coalition with the Democratic Party. We got to work on that, Robert, and have Republicans and Democrats in Washington do something in coalition. (Laughter.)

But because these commissioners are politically appointed, is it unrealistic for the party that is in a coalition-majority to say, well, since the person who was appointed switched sides, we should be entitled to having our person? I mean, we're talking on the one hand about making the CEC independent—making an institution that impartially looks at the elections, but then we see that the CEC is constituted by political appointments.

So by its very nature it's a divided commission with that seventh vote sort of the swing vote. So of course they're going to argue over that seventh vote. That seventh vote could well-determine who wins the election down the road. So isn't that an inherent conflict, to have the parties appointing these commissioners and then expecting them to conduct an election free and fair of whichever party that each side belongs to?

Ms. SHAHINI. Thank you for that question. The nominations are political. Three nominations come from the government coalition and three come from the opposition, and then there is one independent. However, they are voted by the parliament for a mandate for six years each. And they're supposed to discharge of their duties apolitically. And they cannot be influenced politically. And this is inherent in their job descriptions.

It is like, for example, appointing to the U.S. Supreme Court. They are political, but then they cannot be removed every time government changes. In this respect, it is no problem that they are politically nominated if they are allowed to then do their work properly after they are sworn in by the parliament.

Mr. ENGEL. Thank you very much.

Dr. Biberaj, how has the Euro crisis affected Albania economically and socially, especially since Albania has ties, obviously, to Greece and Italy, which are nearby. Is the Albanian economy rebounding or is it really a captive of what goes on in the rest of Europe?

Mr. BIBERAJ. Thank you, Congressman. Italy and Greece are Albania's most important economic partners. There are probably between 800,000 to one million Albanians who live and work in Greece. And these are Albanians who moved to Greece since the early 1990s. Albania seems to have weathered the crisis relatively well in the last three years, but economic growth rates declined

last year. Real GDP growth in 2012 was 1.6 percent, that is down from 3 percent in 2011, and 3.5 percent in 2010.

This year, according to forecasts, it will still have positive growth, but it's likely to be around 1 percent. So the crisis in Greece and Italy has had a significant impact, leading to a drop in capital and also in the remittances, especially from Greece. Another problem that the government has faced has been the difficulty of attracting foreign investments. And that has been a real challenge.

Mr. ENGEL. Thank you. Could either one of you discuss the role of the media in Albanian politics? How accurate is the news reporting by state broadcasters and various private outlets? Is there evidence that the population is seeking universality of viewpoints or do people watch or listen to or read the media that only reinforces their existing views and biases? We know, for instance, the various newspapers tend to lean in one direction or another. Do people who generally support whatever party only read those papers or are there large segments of the society still open to be influenced? What role does the media play in this?

Mr. BIBERAJ. I can try to address that, Congressman. Albania has a vibrant and free media. All forces have access to the media in Albania, the print media as well as television, and of course, the Internet. The public broadcasting, the public TV tends to give more prominent coverage to the government and to the ruling party.

But while the media is free, it cannot be said that it is independent. There's been a failure to provide accurate and balanced reporting, not only on the part of the state television but also from private TV stations. Most of them are allied either with the Democratic or the Socialist party. Some of them are owned by powerful businessmen, who more or less dictate the editorial policy.

Both the Democrats and the Socialists have used the media to buttress popular perception of their own leadership, while questioning the ability of the opposing camp to effectively lead the country. During the election campaigns, the media do make an effort—they have to make an effort to provide balanced viewpoints, explain the different party platforms and we're beginning to see that. So there is an opportunity for debate, for roundtable discussions. And what we're seeing in the recent past, in the last few years or so, the various political forces and the political leaders are making increased use of the social media to publicize their programs and also to engage voters.

Mr. ENGEL. Let me ask you, since you know the country so well, what do you see as the concerns of private citizens in Albania? We have discussed with the State Department and the international community what we can do to influence the situation in Albania to make sure there is free and fair elections. But is there also pressure within the country, from the average person, to hold free and fair elections and to hold elected officials accountable for their actions and to advocate the policies and the reforms which would move the country forward? What is the role of average citizens, and is it a more positive role as the years go on than, let's say, 10 years ago?

Mr. BIBERAJ. There is some popular pressure on the politicians, but not enough pressure, in my view, to really have an impact on the behavior of the politicians. In terms of the most important con-

cerns that the population has, I think it's the economy. Despite the significant progress that Albania has made, poverty is widespread and unemployment is very, very high. People are very concerned about widespread corruption. And the slow progress toward EU also appears to be a serious concern.

In terms of the civil society, there are a lot of nongovernmental organizations, but their impact is pretty limited, in my opinion, but perhaps my colleague can throw some light on the situation.

Ms. SHAHINI. Just very briefly, civil society has been pushing for free and fair elections. Of course, there are all these organizations that are planning to monitor the election—the Coalition of Local Observers being one of them—a coalition of many organizations, including this. However, it's very difficult, I think, for civil society organizations to become an actor in a place where the rule of law is not respected. If political agreements among two political parties go above the law, which means that the smaller parties, civil society and the citizens are going to be marginalized. And in this respect, again going back to how indicative this decision on Central Election Commission was, notwithstanding how much work the civil society's been doing, it has only a limited role in this respect.

Mr. ENGEL. And finally, let me ask both of you a question about what you believe, if you could predict, will happen in the June 23rd election. Not who's going to win, but will these elections be conducted in a free and fair way, by and large, and will the political leaders respect the results, win or lose? Do you think they might avoid provoking confrontations? We had some confrontations last election, some of them violent. Then after the election is held, what can they reasonably do after the election is held to get them into parliament and government off to the best possible start?

Mr. BIBERAJ. I'm cautiously optimistic that Albania will have good elections. I think Albania has a capacity to hold free and fair elections. The last four years have been a good lesson to the politicians of Albania, and I believe they do realize what is at stake and will give priority to the national interests of the country rather than to their own personal or party interests.

What is also important, I think, is to have a strong international observer presence in the country during the elections, to have the U.S. and the EU maintain a unified stand, both in terms of rewarding Albanians for good elections but also taking actions if there are violations. And the international community should be willing to use its leverage. The U.S. and EU have significant leverage, and they should use it if in fact there are serious election transgressions.

Mr. ENGEL. Thank you.

Ms. Shahini.

Ms. SHAHINI. I actually believe that these elections will be contested, especially if the Central Election Commission remains with four people and that means that one level of adjudication will be removed from the institutions that work with adjudicating complaints after the election. So we fear that a crisis will ensue after the conduct of the election in June of this year.

Mr. ENGEL. OK. So we have one on a more positive note and one more negative one. I hope that all parties in Albania will understand that the world is watching these elections and could very

well determine whether Albania moves forward or backward. I hope they will move forward, and I hope that is what will happen.

Thank you. Thank you both.

Mr. ADERHOLT. Thank you. Let me just follow up and, because I find this CEC issue very intriguing, ask how as to move forward. Before going to the next panel, clarify for me right now that you have the majority party that submits three names, the minority party that submits three names. I'm unclear on the seventh name, which is not to be aligned with either party. How is that name submitted, or how is that person selected?

Ms. SHAHINI. With the recent changes to the electoral code, the seventh person, which is also the chair of the Central Election Commission, independently applies, and the parliament votes on a number of applications, and they choose one person. So the seventh member is not a political nominee.

Mr. ADERHOLT. All right. And I think, really, Congressman Engel really sort of really hit the nail on the head when he mentions the fact that you try to set this up as an apolitical institution, but you have political nominees that must follow through with it and so I think that's a sticking point, when you have to try to make an apolitical or nonpolitical commission, but yet do that through the parties. And so, I think, that's what makes this so difficult, because I think each party sees each of those members as somewhat supportive of their principles, and then, of course, that seventh is someone that maybe should not be political or perhaps not submitted by either party.

So this is something I think we're going to have to watch, since we're having a breakdown with part of the commission that has resigned, so to speak. And clearly, I think you need seven members for it to function. And I would agree with you, Ms. Shahini, that that has to be seven members to be functional. I think operating with either the ones from the minority or the majority, it's just not a good recipe to move forward.

Has there been any discussion that either one of you have heard about maybe starting over and just appointing a new commission altogether and let each party submit new names and just start from the beginning and try to move forward at that point?

Ms. SHAHINI. Thank you. I think, before answering that, I just want to say that we sympathize with this need to have a politically balanced CEC. However, it's not foreseen in the code. The whole idea of having an electoral code and following it strictly is that it ensures trust in elections. So in this respect, since the code does not foresee firing people for any other reason but grave breaches of law, the removal was illegitimate in this respect. And thus, it raises questions about the legitimacy of the election.

Parties are discussing. I think the Socialist Party has proposed some other way of reconstituting the Central Election Commission. However, it should be done according to what the code foresees. So any other suggestions that are not according to the law will then breach these principles that we're trying to uphold anyway. So I think a lot of thinking has to be now put in place about what can be done. Instead, what we are suggesting is to go back to how the central election commission was . . .

Mr. ADERHOLT. If this is not resolved so that each of the parties is satisfied on this, do you think that the election should be postponed?

Ms. SHAHINI. I cannot answer that. I don't know.

Mr. ADERHOLT. Dr. Biberaj, could you comment on that?

Mr. BIBERAJ. I'm not aware of any discussions on this issue between the Democrats and the Socialists, although there might be talks going on behind the scene. There's a possibility for the U.S. ambassador and the EU ambassador there to mediate this. I think postponing the elections would be a very, very bad development.

There is time to resolve this issue, and if there is political will on both sides, I think they can resolve it. But postponing the elections would send a very, very bad signal to the people of Albania, to the international community and would signify that the Albanians are really not very serious about their democratic aspirations or at least their politicians are not.

Mr. ADERHOLT. No, I agree. And don't take me wrong: I'm not suggesting that that be the situation, but considering there's a breakdown in this CEC that seems to be the real crux of this election, that poses a real problem and clearly having four members is a real problem just from the appearance of it.

So anyway, we will follow it with great interest over the next few weeks and we appreciate both of your testimony here this afternoon and look forward to working with you in the future on Balkan and Albanian issues. Thank you.

Ms. SHAHINI. Thank you.

Mr. ADERHOLT. Our final panel features Gilbert Galanxhi, the Ambassador of the Republic of Albania to the United States of America. He is a good friend of the Helsinki Commission and has previously served in Vienna as his country's representative to OSCE. He knows the issues that OSCE deals with very well. As with other countries at other hearings, it is only right to afford the opportunity to an ambassador to respond to the concerns that are raised today. It may not be an easy task, but your presence here, Mr. Ambassador, is a recognition that it is legitimate for us to raise these concerns and that we raise them in the spirit of friendship and the desire to improve the lives of the citizens of Albania.

So I wanted to thank you for being here today, and look forward to your testimony. We are sort of on limited time this afternoon, so if you could limit your comments and we'll submit your entire statement for the record so that we can get to the questions. So you may proceed.

**GILBERT GALANXHI, AMBASSADOR OF ALBANIA TO THE
UNITED STATES OF AMERICA**

Mr. GALANXHI. Thank you, Mr. Chairman. Honorable Congressman Engel, distinguished participants, please allow me to thank the U.S. Helsinki Commission for providing me this opportunity to share with you some thoughts on the achievements, developments and concerns that Albania has been experiencing recently. I also want to thank all the previous speakers for their presentations.

Distinguished friends, it is an undeniable fact that Albania has made tremendous progress in the last two decades in every respect—in economy, trade, investments, infrastructure, public order,

education, institution-building, et cetera. But this does not mean that we are self-satisfied with that. On the contrary, we are fully aware that we have a lot more to do.

Yet, what you and almost all Western democracies have achieved in more than 250 years we have sought to achieve in less than 25 years. We are conscious that we have to, because there is no other agenda, nor any better option for Albania than full integration into the European Union. We fully understand that this requires us to fully embrace the best standards and norms as enshrined in the Helsinki Final Act. Nobody has ever said that this will be easy. We are fully aware of that.

It would be quite unrealistic to pretend that everything has been going perfectly well in Albania. That is why we are here today trying to recognize the progress that has been achieved while at the same time throwing light to the difficulties that we are encountering, and most importantly, trying to find the best solutions for moving ahead. We need and appreciate the good advice and assistance that comes from our best and principled friend, the United States of America.

In 2009 elections, Albania met most OSCE commitments, including all key commitments. Yet the result was not accepted by the losing party, which boycotted the parliament for two successive years. A lot of opportunities were lost, especially with the crucial reforms needed for speeding up the EU integration process. Following the November 2011 political agreement between the Democratic Party and the Socialist Party, a number of laws that require consensus between the ruling majority and the opposition have been approved, including changes to the constitution for limiting the immunity from prosecution for members of parliament, government ministers and judges.

Also vitally important was the consensual electoral reform, which led to an improved electoral code, an improved climate of cooperation as well as the agreement on a very balanced Central Election Commission—CEC—and the other subordinate commissions. The electoral process in Albania appeared to be unfolding smoothly. Quite unexpectedly, a month ago, the second biggest party of the governing majority, after co-governing for four years, decided to pull out of the government and join the opposition. From that moment, we have to live with the new political reality in Albania. We cannot ignore this new reality in offering prescriptions and making decisions with respect to very important issues, such as election administration.

During these recent weeks, there has been a very hot debate regarding the composition of the CEC, which is the main institution responsible for the preparation and conduct of elections in Albania. There are two main elements that must be taken into consideration in order to understand this problem, but more importantly to give sound judgment with the long-term positive affect on the country.

One, respect for the legal framework that has been in place in Albania since 2004. According to the existing legal framework, the parliament had all the legal basis to fix what seemed to be broken. It acted to remove one member of the CEC because his appointment had been made in violation to the law, specifically it was determined that he had given false testimony in his confirmation

hearing session, hiding the fact that in 2003 he had been dismissed from the duty of public prosecutor by a presidential decree. The parliament reacted as soon as this fact became known.

The second, respect for the political consensus in favor of a politically balanced CEC; That was agreed to when the current government was in opposition and the current opposition was in power. Under this agreement, the governing majority has a four-to-three majority in the commission, but the opposition is protected by the requirement of Article 24 of the electoral code that says: The CEC can only act when no less than five members have voted in favor. The shift of one party from the governing majority to the opposition misbalanced, not only the CEC but also all the subordinate commissions at the regional and local levels.

Consequently, and artificially, we have the opposition becoming majority in CEC with four members and the governing majority becoming majority with three members. Accordingly, because of this distorted reality, the opposition would control 50 percent of the regional commissions, with a four-to-three majority, as well as the other 50 percent of the regional conditions with a five-to-two advantage, which means no blocking mechanism at all.

In every true democracy, the term democracy means the will of the majority through the right of vote. Through an open and transparent vote, the Albanian parliament did the right thing legally, politically and morally, to bring back the integrity and the legitimacy of a balanced CEC as a guarantee for having a standardized process, as well as free and fair elections. In order for the process to flow smoothly, the vacancies in the CEC and all subordinate commissions must be filled out as required by the law.

Thank you. For the record, the full version will be distributed and deposited with the Helsinki Commission.

Mr. ALDERHOLT. Thank you, Ambassador. Thank you for your testimony and we appreciate your presence here today.

Let me just ask you about the situation in Albania as a whole and your thoughts on the citizens of Albania being satisfied with the pace of progress in the democratic development that has occurred over the last decade. Do you see the people satisfied with the pace of progress? And what are some issues that you think may need to be addressed?

Mr. GALANXHI. Thank you for the question, Mr. Chairman. I believe that the majority of Albanians are satisfied with the pace of progress. So, as I said, we have moved ahead so rapidly in the last two decades, and especially in the last eight years. Who'd ever thought that Albania would be a NATO member a few years ago?

Economic reforms have progressed well. We all know the economic difficulties of the world after 2008, 2009. Albania still kept growth of its GDP, not at the desired figures, but it still kept growth. So we didn't have a recession. Foreign direct investment has been constant. So we receive almost one billion U.S. dollars every year in foreign direct investments. And our main trade partners are Italy, Greece and Turkey, and now we see Canada in first place for foreign direct investments. So we have made this mechanism to move forward.

And furthermore, the government has taken all the necessary steps to ease doing business in Albania. So all tendering procedures

are electronic. So all bidding is electronic to increase transparency. And doing business is easy because it's one-stop shop. You can register your business in one day or in a few minutes, let's say. So the fiscal system that we use is quite appropriate for attracting foreign investments and investments in general, even locally, because it's very flexible, it's very appealing and creates great win-win opportunities for foreign investors but also for the Albanians.

Mr. ALDERHOLT. Does the Albanian government see that the role that OSCE plays is useful as we try to encourage the political dialogue?

Mr. GALANXHI. Being an ambassador to OSCE in Vienna, so I think I know this area well, we really evaluate the cooperation that we have with OSCE, with the Parliamentary Assembly and with ODHIR as well, as a value that is helping Albania move forward in its democratic path. So we know there is criticism sometimes, but we know this criticism comes from our good friends who wish us well. So they are not ill-intended. That's why we view the cooperation with OSCE in Albania—and it has a good presence; I think we have several good missions there—as very fruitful.

If you consider the electoral code, which has passed with consensus in Parliament, it's a product of cooperation with OSCE and we have to thank them for giving us very good advice. It's a very good code. It only needs a good political will by all parties to apply it. I can quote you about, let's say, the composition of CEC. It's crystal clear how it is elected. You know, it's three members that come from the governing majority—the governing coalition and three members that come from the opposition coalition. And the seventh member, just to clarify, belongs to the governing majority, but they present several candidates to the opposition and the opposition can pick and choose the person who seems to be more fit for the job. This is it.

So that's why I mentioned that the Central Electoral Commission has a ratio four-to-three for the governing coalition because at the very end of the day it's the government which is held responsible for conducting elections. Opposition is an opposition.

Mr. ADERHOLT. Well, thank you, Ambassador. Mr. Engel.

Mr. ENGEL. Thank you. Hello, Mr. Ambassador. It's good to see you. And you have, in my opinion, done a fine job for Albania. We have had many, many contacts. So it's good to hear you.

I agree with you, in your opening statement, that Albania's made great strides but there is still a lot of work to do. And I am very concerned about this Central Election Commission dispute, because anything which may cast doubt on the viability of the elections after they're held, you know, cannot be good for the country. We all share in wanting to make sure that the elections are free and fair, and that all sides have had the ability to participate freely and fairly.

So I'm worried that, if there is another close election as we've seen in recent years, this dispute in the CEC could make it seem like the elections were not free and fair. So I hope that this can be resolved because I think to leave it hanging going into June 23rd would be a very bad mistake. I wonder if you have any comments on that.

Mr. GALANXHI. Thank you, Mr. Congressman. I fully understand that this is not a pleasant situation, having only four members in the commission working and three others not being present there. The problem is, as you mentioned before, that these members of the CEC are elected by parties, and it would be, let's say, very naïve to believe that they are apolitical. What we witnessed is that three members of the commission resigned. Everybody believes upon an order by the party.

And even if I quote my previous speakers, they refer to them as members from the opposition. Everybody in Albania knows that members in the commission are promoted, are also proposed and are also elected by the parliament, which is a political body. So it would be quite unfair to believe that these seven members of a commission, the next morning, become nonpartisan and apolitical. We have to keep that in mind. We have to be realistic and true to life. The electoral code is crystal clear about that.

I may quote articles, but you can refer to articles 12 and 14 and 18. It's crystal clear. Two commissioners are proposed by the ruling governing party, which has the majority of seats. The third is proposed and elected by the second biggest party or the second groupings of the governing majority. The fourth and the fifth are proposed and elected by the biggest opposition party in parliament. The sixth is proposed and elected by the second biggest party or the second-biggest grouping in the opposition. So you have a perfect balance, 3 to 3.

And then you have the chairman of the commission, who is elected upon the proposal of the ruling coalition—the governing coalition—with the endorsement of the opposition so that they can pick and choose among three or four candidates. And there is also a perfect balance achieved, at least in law, in providing for the rest of the commissions, for the whole pyramid of commissions—regional and polling stations—where you have 50 percent of the commissions that should be controlled by the opposition with a 4 to 3 majority, and 50 percent from the governing coalition, again with a 4 to 3 majority.

But, it is also crystal clear in electoral code that for important decisions, you need five votes, which gives the opposition the right protection from misuse of power. So you cannot pass important decisions with four votes. The problem is, this small party that moved from government to opposition: It belongs to the government or it belongs to the opposition? This is the political question, OK? And the real question—the real thing is that, OK, we need to have balanced commissions in order to produce a reliable and trustworthy result.

Mr. ENGEL. Well, have there been talks to try to resolve this, because again, we saw what happened with the election several years ago, when one party refused to come to parliament. It created an unstable situation, and it set back a lot of the movement forward to joining the EU and things like that, because this is what countries are looking at. Have there been discussions to resolve the situation? Because my worry, frankly, is that if this stays the way it is, unless there is a landslide for one party or another—and past history shows the country's pretty evenly divided—whoever loses the election will dispute it and will point to the CEC disagreement

as a major reason as to why the election was not free and fair. That's my worry, and so have there been talks? Have there been discussions? Have there been proposals? Is it realistic to think that this can be settled before the election? Because I really think it's important that it is.

Mr. GALANXHI. Your concerns and worries are quite justified, are quite right. I'm not aware—and I cannot predict—what's going on in Tirana between the political parties but I always prefer to refer to the law. In any possible scenario or possible agreement, the Central Electoral Commission will be three members for the opposition, three members for the governing majority, and the chairman, who is elected by the government majority.

So the governing majority has already four members. It's three vacancies that belong to the opposition. These should be filled. This is the requirement of the law. So we have to stick to the law. We speak so much about rule of law, but we have to apply the law in all its letters. So I don't know if there are discussions or negotiations going on. I cannot say it from here. But my understanding, by reading the law, is this: that in whatever scenario, three members belong to the opposition, and the vacancies are there. It's three vacancies.

Mr. ENGEL. OK, let me change the subject, and before I do that, let me again state that I really hope, as someone who has been the best friend of Albania in the entire Congress for more than two decades, I really hope that this can get resolved, because I can see this dispute spilling over, after the results of the election, when whatever side loses will potentially attempt to delegitimize the elections based on this dispute with the CEC. We were all very, very proud and happy that Albania became a member of NATO. Let me ask you what effect has NATO membership had on Albania since 2008? Does it make a difference as far as internal politics, or is this something that both sides have embraced?

Mr. GALANXHI. Thank you. It's a very good question. I believe that this has produced only positive effects. Albania's membership in NATO has been a great achievement. It has been a rebirth of the Albanian nation, and it has produced much more stability not only in Albania but in the region as well. In a certain way, it has promoted foreign investment, because they consider Albania to be a safe place.

But also, it has promoted good values into the internal politics. So we have seen, after the NATO membership, that there was a period of cooperation and good collaboration between government and opposition, as it was the case of changing the constitution, because there are certain requirements that Albanian politicians should behave like politicians of a NATO-member state.

In the region, I think it has produced more stability, because fortunately, we see that all the region—all the countries, all our neighbors—have at least the goal for NATO membership and for EU membership. So in other words, we are moving in the same direction but with different speeds.

Mr. ENGEL. Well let me ask you, since you mentioned EU membership, the possibility of EU membership, how does that factor into the politics of Albania today? Joining the EU is a strong incentive, I think, for positive change, for moving forward, to making

sure elections are free and fair, because the EU is obviously going to be looking at these elections. So what's the next step, in your opinion, which Albania would take on this path, and what must it do to take it in terms of joining the EU?

Mr. GALANXHI. I think that EU perspective is the biggest carrot that Albania has for the moment. But we have to be clear about that. We don't want to have it donated to us, because we know we want EU membership in the first place for Albania's citizens, and we have to do our homework so that this membership can be merit-based. And this lays before all politicians in Albania from all the political spectrum the perspective of working hard to achieve that. Unfortunately, we have missed for three consecutive years the candidate's status possibility. I hope that we can make it this year, but we have to see the result of the elections and the post-election period as well. But I believe this is the big thing that all Albanians expect. It was on merit base that we had visa liberalization with EU in December 2010, and we believe it will be on merit-based again for having the candidate status as soon as possible.

Mr. ENGEL. Well, I'm going to end the hearing on that positive note. I know the United States is not a member of the EU, obviously, but I hope that Albania will soon become a member of the EU. And I want to thank you, Mr. Ambassador, for your testimony. I want to thank all the witnesses, and the hearing is now officially adjourned.

Mr. GALANXHI. Thank you.

APPENDIX



PREPARED STATEMENTS

 PREPARED STATEMENT OF HON. BENJAMIN CARDIN, CHAIRMAN,
 COMMISSION ON SECURITY AND COOPERATION IN EUROPE

As the chairman of the Helsinki Commission, I want to welcome everyone to this hearing and thank them for their interest in our work. In a moment I will have the honor to introduce our distinguished witnesses who have taken the time to be here to present their views on the situation in Albania in the weeks before that country's parliamentary elections.

As the Chairman, it is also my responsibility to set the scene for this hearing and to put it into context. This is the second Helsinki Commission hearing in a row focusing on a traditional friend and NATO ally. The first, in March, focused on Hungary, where we have seen a disturbing retreat from democratic norms. In February, the Helsinki Commission also visited Turkey, at which time human rights concerns were included among the many topics we discussed with that important friend and ally. We may need to focus on others in the future.

To be absolutely clear, this is not an effort to equate the records of any of these countries with those OSCE states, from Belarus to Uzbekistan, where human rights are far more grossly violated and democratic norms are routinely ignored. Instead, this is an effort to ensure a united and a credible front when we challenge these other countries to meet OSCE commitments. The NATO Alliance is far more than a collective defense of territories; it is also a collective defense of democracy. The stronger our own democratic credentials, the stronger we are as a global force for the positive changes that enhance our own security. It is for that reason the Helsinki Commission has examined the U.S. record, from our elections to Guantanamo Bay, when it may have weakened our own efforts to promote human rights and democratic development abroad.

I stress this point not merely to counter the unserious bluster we hear from Moscow or other capitals accusing us of double standards, but to emphasize to those in Tirana, Budapest and elsewhere that we are very serious when we raise these concerns, and that we expect them to be equally serious in their response.

In the case of Albania, it is also important to note that, despite its strong friendship and solid commitment, the weakness of its democratic institutions and inability at times to adhere to the rule of law can detract from its own contribution to European security, especially if these problems lead to rampant corruption and political instability. Moreover, Albania serves as a model for other NATO aspirants from the region, and it must meet that task.

We also have seen elsewhere, but particularly in the Balkans, how resistance to democratic change can be too easily found in recourse to nationalist sentiments. We do not want to see that phenomenon develop in Albania as well. Plenty of borders have needed to be changed due to de-legitimized authority and policies of either clear aggression or brutal repression. Borders will NOT be changed by efforts to sway the loyalties of ethnic kin living in neighboring states, who can and must realize their rights within those states. We must awaken all those who continue to dream otherwise.

Our hearing title appropriately focuses on the "pace of progress" in Albania's democratic development. There has, in fact, been incredible change in Albania since the Helsinki Commission first visited the country in 1990 and since Albania became an OSCE participating State in 1991. We have, however, already noted that same fact in hearings in 2004 and before. The rapid pace of early progress obviously could not have been sustained, but should we be satisfied with the much slower pace of the last decade? Should we excuse Albania for not having yet held elections that meet the OSCE criteria defining free and fair? Should we be content with both the ruling parties and the opposition in Albania regularly testing and sometimes exceeding the limits of acceptable political behavior?

In response, some may calmly argue that democracy takes time. That may be true, but democracy is a significantly stronger force today than it was in the 18th century, when it was held with suspicion even in the early American republic, and even the 19th and 20th centuries when it struggled to grow in Europe. It is today viewed as the inevitable and practical result of the respect shown for universally accepted human rights, and many other formerly one-party communist states have successfully completed their transitions in much less than two decades.

Of course, the sheer brutality of Albania's communist past must also be taken into account, and it would be arrogant for me or any other person who did not suffer through such a period to minimize its tragic legacy. At the same time, with every-

thing that the people of Albania have been through, they deserve to have the confidence their ballots will now be counted, to have the satisfaction that their leaders will now serve them, and to have a sense of the security that comes from knowing courts now provide due process and blind justice. I, for one, will not tell them to be happy with less than these things more than two decades after they were finally and rightfully promised.

I am deeply disturbed by the frequent reports of political impasse and confrontation in Albania since the last parliamentary elections in 2009, with a “winner-take-all” approach to democracy that discourages dialogue and compromise across the board. I am also disturbed by reports of corruption, including at high levels, and the lack of political let alone judicial accountability for the alleged improprieties of officials. Most recently, I was disturbed to hear of the controversy surrounding the Central Election Commission in Albania, which must be addressed so that these elections can meet OSCE standards and the results will have the legitimacy they need to compel winner and loser alike to accept them graciously and then move on.

I now turn to our witnesses, who will detail these current conditions in Albania on the eve of parliamentary elections, as well as discuss policy responses. Their biographies are already available. I want also to recognize and include for the record the welcomed contribution provided by the Delegation of the European Union to this hearing. The EU is our partner, and this collaboration reflects our mutual interest in encouraging all eligible OSCE countries to realize their European aspirations. Similarly, let me recognize and include for the record the pre-election assessment prepared by the National Democratic Institute, which works hard both in Tirana and Washington to encourage Albania to improve its electoral performance.

PREPARED STATEMENT OF HON. CHRISTOPHER SMITH, CO-CHAIRMAN,
COMMISSION ON SECURITY AND COOPERATION IN EUROPE

As the Co-Chairman of the Helsinki Commission, I also want to welcome the audience for being here and to thank the witnesses in advance for their contributions. The Western Balkans has been a critical concern to the Helsinki Commission for the past two decades, during most of which I have co-chaired this Commission, and developments in Albania can have an important impact on the entire region.

My first and only visit to Albania was in 1999, at which time I observed the massive wave of people seeking temporary refuge from the conflict in Kosovo. Albania managed this sudden and tremendous humanitarian burden with all the resources it could muster.

I also chaired two of the previous Helsinki Commission hearings convened to examine the situation in Albania prior to the holding of elections. The last was in 2004, when the Socialists were in power and the Democrats were in opposition, and I can recall the heavy emphasis on the need to fight corruption and the need to support small but significant civil society initiatives. While power has shifted, many of the needs remain the same.

As is already known, I am deeply concerned about trafficking in persons, and I hope that this can be discussed during the course of the hearing. Albania has consistently been listed by our State Department as Tier 2, except for 2008 when it dipped down to the Tier 2–Watch List. Albania is noted primarily as a source country for trafficking victims, including children, for either the sex industry or forced labor, but it is also a destination country and has, in the past, been a transit country as well.

Of course, Tier 2 is not Tier 3, but it is not Tier 1 either. It is extremely unfortunate that about one-third of our NATO allies, including Albania, are now only at Tier 2. I urge these countries to set an example and intensify their efforts to combat trafficking, including protection, prosecution and prevention. I hope they will have improved records in the report that will be released later this year. Today, Deputy Assistant Secretary Reeker and perhaps our other witnesses will be able to address this issue as it relates to Albania.

I also would like to address the related issue of organ trafficking and the so-called Yellow House case of 1999, when Serbs from Kosovo were among the approximately 300 victims who were allegedly killed in Albania in order to market their kidneys and other organs. We have raised this case in the past, including well before it became a high-profile issue in 2010, and I know Chairman Cardin has dealt with it at the OSCE Parliamentary Assembly in 2011. While the focus of the investigation is on Kosovo, it would be useful to get an update on where things stand today and the extent to which Albanian officials are cooperating to help uncover the facts.

There may be other issues I would like to raise regarding Albania's democratic development and respect for human rights, but it is important to hear the views of our witnesses. I look forward to their testimony.

PREPARED STATEMENT OF HON. ROBERT ADERHOLT, COMMISSIONER,
COMMISSION ON SECURITY AND COOPERATION IN EUROPE

I welcome this opportunity to focus on Albania as it prepares to hold parliamentary elections.

Having visited Albania many times, I know the country has tremendous potential. The progress they have made leading to membership in NATO is an indication of that potential.

At various levels both in the government and in the opposition, there are talented minds in Albania who do want the country to continue to move forward as it has in the past. They often share our frustration that there is not greater progress today, particularly as it relates to EU membership. They want to see Albania stable, integrated and prosperous.

I also want to mention that I currently serve as a Vice President of the OSCE Parliamentary Assembly, and my friend and colleague from Slovenia, Mr. Roberto Battelli, will lead the OSCE Election Observation effort in Albania. The OSCE, both the Assembly and the Office for Democratic Institutions and Human Rights, take this election very seriously, and I truly hope they can say, when the process is over, that these elections were conducted in a free and fair manner.

Our job today is to encourage that outcome, and I look forward to the testimony of our witnesses.

Thank you.

PREPARED STATEMENT OF HON. ELIOT ENGEL, A MEMBER OF CONGRESS FROM THE STATE OF NEW YORK

Mr. Chairman, thank you for the opportunity to join your Committee today. We both share a long-standing interest in Albania, and I look forward to continuing our discussions on efforts to strengthen its democratic institutions.

This hearing is timely as it comes less than two months before a crucial parliamentary election in Albania. It is crucial not in the context of which candidates will be elected, as that is up to the Albanian people to decide, but crucial in terms of how the election will be conducted.

Today, I urge all the political parties to fulfill the commitments Albania has made to the Organization for Security and Cooperation in Europe on the holding of elections, and the campaigns leading up to them. The June 23 election must be judged by the OSCE as free and fair. This will not only validate the results for the Albanian electorate and the international community, but it will also mandate that all political parties accept the final election results and take their seats in Parliament.

As the Co-Chairman of the Albanian Issues Caucus, which I founded 24 years ago, I have been honored to be part of the effort to advance the democratic development of Albania and to preserve the good relations between Albanian Americans and their ancestral homelands. America has no better friends than Albanians regardless of where they live in the Balkans; they have always stood by the United States.

The citizens of Albania are proudly entering the second century of their independence that began on November 28, 1912, when they broke free from the Turkish Ottoman Empire. Despite nearly half of a century of draconian isolation after World War II under an authoritarian communist regime that even perceived the Soviet and Chinese communist models as too open, the people of Albania never lost their belief in their European identity.

I would like to take a minute or two to discuss Albania's Euro-Atlantic aspirations. In the last two decades, Albania has made extraordinary progress towards meeting the standards and norms of the value based Euro-Atlantic community. It obtained full membership in the North Atlantic Treaty Organization on April 2, 2009, and Schengen Visa Liberalization on December 15, 2010.

What is left now is for Albania to capitalize on the promise of the European Union's Thessaloniki Declaration of 2003 that the countries of the Western Balkans, including Albania, are eligible for accession to the EU. To do so, however, Albania must fulfill the requirements for membership. Croatia's July entry this year into the EU validates that if a Balkan country meets the requirements the door to the EU is open.

A free and fair Albanian election in June will go a long way towards propelling Brussels to extend to Albania in 2013 EU candidate status; the EU's waiting room for membership. This dramatic step would signal to Albanians that their living within the borders of the European Union by 2020 is a realistic aspiration. This opportunity cannot be missed.

Last month's agreement between Kosova and Serbia demonstrated the role of political courage on the part of politicians in ensuring a better life and future for their people. It is only because of Prime Minister Thaci's willingness to make hard decisions and Prime Minister Dacic's willingness to embrace a forward leaning vision that the prospects for peace, security and prosperity, within the borders of the EU, is something that the citizens of these two countries can now count on.

The same opportunity lies in front of the political leaders of Albania, be they in or out of government. Will they exercise the political courage to do what is right for their country's future, and for the people they aspire to lead to the EU? Politicians, government officials, and Central Election Commission members, at all levels in Albanian, are being asked in this June election to do no more, but no less than what is expected of their counterparts in elections in any of the countries of the Euro-Atlantic community.

The people of Albanian have the right to have a free and fair election as defined by Albanian and OSCE norms; and, thus be assured that it is their votes that elect their leaders. The people of Albanian also have the right for the election to be conducted in a manner that affirms that Albania belongs in the EU. Anything less would be a disservice to the remarkable accomplishments of the Albanian people and to the potential their future should hold.

Thank you, Mr. Chairman, for the opportunity to offer my thoughts on this matter.

PREPARED STATEMENT OF HON. MICHAEL TURNER, CHAIRMAN,
U.S. DELEGATION TO THE NATO PARLIAMENTARY ASSEMBLY

I would like to thank Chairman Cardin and Co-Chairman Smith and the U.S. Helsinki Commission for holding this important hearing concerning our democratic partners in Albania.

The United States and Albania have long standing relations dating back almost a hundred years starting when Woodrow Wilson defended Albania's independence following World War I. Following the dissolution of the former Soviet Union, President George H.W. Bush quickly re-established relations with Albania. George W. Bush later became the first sitting President to visit Albania in 2007.

Albania led the region in bringing its people out of the closed communist society to an open democratic government with great economic opportunity.

I served as the Mayor of Dayton during the Dayton Peace Accords and have a deep understanding of the role the United States played in finding a peaceful resolution of disputes in the former Yugoslavia states. Albania and Croatia were able to emerge from the turmoil and gain entrance into NATO in 2009.

Albania has contributed significantly to the war against terrorism by contributing military forces to the ISAF effort in Afghanistan and the U.S. led efforts in Iraq. They have supported U.S. counterterrorism efforts by freezing terrorist assets, shutting down non-governmental organizations with possible links to terrorist financing, and expelling extremists. Their efforts are commendable and demonstrate the depth of their commitment to establishing a stable democratic society.

Along with the United States, Albania is a member nation of the United Nations, NATO, Euro-Atlantic Partnership Council, Organization for Security and Cooperation in Europe, International Monetary Fund, World Bank, and World Trade Organization. Just last year, then Secretary of State, Hillary Clinton visited Albania and recognized that the nation was on the path toward entrance to the European Union where "you rightly belong."

I must say that Albania's progression from its Soviet roots is truly amazing and deserves recognition. Furthermore, I would add that this advancement is not only important for Albania, but for the entire Balkan region.

I was very disappointed by the lack of discussion of NATO enlargement at the Chicago Summit. Montenegro and Macedonia have made incredible advances and should be encouraged to continue to take proactive steps. NATO Membership improves regional security as well as diplomatic relations and is seen as a step closer towards membership in the European Union.

However, this Administration has failed to promote NATO enlargement and done little to reassure our Trans-Atlantic partners. I fear their neglect comes at a pivotal time for many aspiring nations, particularly in the Balkans, that have taken significant proactive steps to join their democratic partners.

We should promote NATO enlargement and reward our partners in Macedonia and Montenegro. By doing so we will encourage the other aspirants in Bosnia and Herzegovina, Kosovo and Serbia to follow suit.

I thank our witnesses for their participation in today's hearing and look forward to learning what the Administration is doing to further promote progress in Albania and leverage the good example there for the entire region.

PREPARED STATEMENT OF PHILIP T. REEKER, DEPUTY ASSISTANT SECRETARY FOR
EUROPEAN AND EURASIAN AFFAIRS, U.S. DEPARTMENT OF STATE

Thank you, Mr. Chairman, for your kind invitation to speak before the Helsinki Commission. The Commission has played a significant role in fostering stability and democracy throughout the Balkans for more than two decades, and I welcome the opportunity to discuss the pace of democratic progress in Albania.

I would like to begin my testimony today with an overview of our policy toward Albania, review the pace of Albania's democratic progress, and finally identify the key challenges that remain.

The United States and Albania share a strong, vibrant, and enduring relationship. The United States has long supported Albania's independence and its democracy. After the First World War, President Wilson defended Albania's statehood. After the fall of the harsh communist regime in 1991, the United States under President George H.W. Bush quickly reestablished relations with Albania. President Clinton established an enterprise fund to bring U.S. investment to Albania, supported Albania's democratic elections, and worked with Albania and our NATO allies to protect Kosovo and to restore stability to the region. President George W. Bush became the first sitting American president to visit Albania; President Obama welcomed Albania, along with Croatia, as our newest members in NATO in 2009. Secretary Clinton helped Albania celebrate its 100th anniversary of independence in November 2012.

Internationally, Albania has been a responsible and steadfast actor, committing troops and resources in Bosnia and Herzegovina, Kosovo, and Iraq. As a NATO member, Albania has supported robustly NATO-led operations, most prominently in Afghanistan where over 200 Albanians serve proudly right now. The United States deeply values Albania's many contributions to our mutual goals.

The United States is partnering with Albania as it works to achieve its European Union (EU) aspirations, which is one of our core goals in the Western Balkans and toward Albania specifically. This has been the clear policy of both Democratic and Republican Administrations for over twenty years.

Since 1991, Albania has made significant progress in its democratic development and the United States has partnered with and supported the country's efforts to shore up its democratic institutions, improve rule of law, increase living standards for the Albanian people, and to maintain friendly and mutually productive relations with its neighbors. The United States has also supported efforts to develop trade and investment opportunities, and we have cooperated on regional law enforcement, economic, and environmental issues. Albania's NATO membership is enormously important for consolidating peace and security in the country and in the broader region, but in the twenty-first century and beyond, economic statecraft is of increasing importance. The prospect of integration with the EU provides Albania with strong incentives for continued democratic, economic, and social reform, and it represents the best prospect for Albania's long-term economic and democratic stability. Albania, like other countries aspiring to join the EU, knows that EU integration is its best chance to secure prosperity for its people.

As Albania looks to its European future, therefore, we and our European partners are hopeful that Albania will take the necessary steps to solidify its democratic credentials and give it the best opportunity to gain EU candidate status soon. Then-Secretary Clinton reiterated this in her historic address to the Albanian parliament last Fall: "Albania and the Albanian people deserve a place in the European family of nations. That is not only good for you, it will make this continent more peaceful and secure."

Today, Albania's political leaders (from all parties) and indeed its people have some hard decisions to make about their future: Despite some progress on the EU reform agenda, the European Commission did not recommend candidate status in 2012. The Commission's progress report noted that while Albania had made great strides towards fulfilling the Copenhagen political criteria for membership, Albania needed further to intensify efforts to reform the judiciary to strengthen its independence, efficiency and accountability. It also noted that Albania needed to demonstrate a track record of reforms in its fight against organized crime and corruption and in its protection of the rights of minority communities. Further, the report highlighted the need for Albania's parliamentarians to pass remaining reform legislation in the areas of public administration, judicial reform, and parliamentary rules and procedures.

Finally, elections remain an area of concern in Albania's democratic progress. The Commission report stated that the successful conduct of parliamentary elections in 2013, to be held on June 23, will be a crucial test of the country's democratic institutions and Albania's readiness for EU candidacy status. We share the Commission's concerns.

The 2009 OSCE/ODIHR and Parliamentary Assembly election observation mission noted that while the election met most OSCE commitments, it did not attain the highest standards for democratic elections. The mission cited procedural violations, administrative problems with the vote count, biased media coverage, and a highly toxic political environment. The conduct of the May 2011 nationwide elections for mayors and city councils fared mildly better according to OSCE/ODIHR's observation mission final report, but the highly polarized political environment was cited as problematic as was the Central Election Commission's (CEC) decision to intervene in Tirana's mayoral contest. This decision undermined the independence of the institution and undermined confidence in the election results.

As we look toward the upcoming parliamentary elections, the United States has been clear that to meet international standards, the independence of Albania's institutions must be respected; the political discourse must remain constructive and civil; and the Albanian people must have confidence in both the process and the results. American personnel will join our colleagues from ODIHR and work with their Parliamentary Assembly counterparts to ensure that the international community watches the conduct of the elections very carefully. We also understand the OSCE Parliamentary Assembly will also deploy a mission.

The United States has worked to engage with civil society in Albania. Through our voter outreach and education programs, we are encouraging open discussions of important issues that matter to Albanian citizens. We are supporting active participation in the electoral process, and observation and reporting on the electoral process itself. Yet, due in part to lingering effects of the harsh communist regime, civic participation remains the weakest aspect in the electoral process. Parties must more seriously engage civil society and reflect their recommendations into their party platforms. In the United States, politicians pay attention to public opinion because citizens make their opinions known through their votes. The United States is particularly concerned with the independence of the Central Election Commission (CEC). The CEC has the primary responsibility to administer elections in a fair and impartial fashion, in accordance with Albania's electoral code. To do so, the CEC must be free from interference by any individual, any political party, any institution, including the Parliament. With respect to the composition of the CEC, the members of the CEC—who were selected and appointed on the basis of inter-party consensus and in accordance with the Electoral Code—should be apolitical. Once appointed, CEC members have pledged, and are obligated, to impartially discharge their duties to realize free, fair and democratic elections in Albania.

The United States has stressed the need for all parties to strengthen lost trust in the main institution responsible for the conduct of elections in Albania. This includes adhering to a timeline established by the electoral code and conducting elections on June 23, just over 45 days from now. To do this, Albania's political party leaders must work together, compromise, and find a solution that allows the CEC to carry out its mandate to administer elections. Leaders of all major political parties have expressed their desire for elections to take place on June 23. However, the CEC does not currently have enough members to administer elections effectively. We would like to see the CEC as fully constituted as possible, and urge Albania's leaders not to waste time.

The United States together with our European partners have stressed that democracy is not just who wins and who loses a single election. The democratic process matters too. It matters how the political parties run their campaigns; how the CEC interprets Albania's electoral code, conducts the elections, and manages disputes; how the votes are tabulated; how disputes are resolved; and, how the public and the political parties respond to the final tally. The conduct of these elections will be an important indicator of Albania's democratic maturity and it will send a clear signal whether Albania is ready for European Union candidacy status. It will also have an impact on our bilateral relationship with Albania.

In spite of our concerns, the United States remains committed to Albania's future. Beyond elections, we will remain engaged on the long-term goals I cited earlier, to help Albania build and refine democratic institutions, respect the rule of law, fight crime and corruption, and develop a market economy to bring prosperity to the Albanian people.

Thank you for again for granting me the opportunity to speak before the Helsinki Committee. I look forward to your questions.

PREPARED STATEMENT OF ELEZ BIBERAJ, EURASIA DIVISION DIRECTOR,
VOICE OF AMERICA

Mr. Chairman and Members of the U.S. Helsinki Commission! Thank you very much for the invitation to testify before your Commission. It is an honor for me to appear before you and to offer my personal views on Albania's political prospects and democratic challenges.

The June 2013 parliamentary elections will mark a milestone in Albania's political development. They will be a test of the country's democratic maturity and of its bid to join the European Union. How the Albanians conduct these elections will be important not only for the country's democratic progress and future direction but also for regional political and economic stability.

Albania's record of contested elections and post-election disputes have set the tiny Balkan country apart from most other young, East European democracies, and tarnished the remarkable progress that Albania has made over the last two decades. Once again, the continuing confrontational nature of Albanian politics and some developments during the pre-election period, particularly the dispute over the composition of the Central Electoral Commission (CEC), have raised concerns regarding Albania's ability to hold free and fair elections in accordance with international standards.

The upcoming elections offer both challenges and opportunities for Albania. The inability to hold smooth elections is politically risky given Albania's polarization and domestic political context, characterized as it is with a dysfunctional relationship between the country's two main political actors, that have alternated political power since the demise of Communism—the ruling Democratic Party and the opposition Socialist Party. A negative assessment will hamper Albania's political stability, signal deterioration in democratic practices, and complicate Tirana's relationship with the United States and the European Union.

Albania has the capacity to hold fully credible elections as is expected from a NATO member and an aspiring member of the European Union. Prime Minister Sali Berisha and opposition leader Edi Rama have committed themselves to do their utmost to ensure smooth elections. The United States and the European Union have strongly urged both sides to abide by democratic rules.

Albania has made remarkable progress in terms of its economic and political development and efforts to join Euro-Atlantic institutions. Once the most reclusive and isolated state in Europe, Albania has become a responsible member of NATO. It has also emerged as a strong proponent of regional cooperation and reconciliation, and has developed a strategic partnership with the United States. Albania seems to have weathered the global economic crisis relatively well, although economic growth rates have declined. Real GDP growth in 2012 was 1.6 percent, down from 3.0 percent in 2011 and 3.5 percent in 2010. Prime Minister Berisha's government has made significant efforts in improving governance, reducing poverty and unemployment, improving the country's business climate, and launching a huge public infrastructure program.

But while prosperity has expanded, Albania remains stricken with poverty and high unemployment. The economic crisis in Greece and Italy, Albania's most important economic partners, has had a significant impact, leading to a drop in capital and remittance inflows. Although the government has taken measures to reduce the costs of doing business in Albania, attracting foreign investment has been a challenge because of investors' skepticism, perceived corruption, and ineffective bureaucracy.

The Albanian political landscape is fundamentally different today than it was twenty years ago. Yet, Albanian politics remain deadlocked and deeply dysfunctional. Some of the difficulties that Albania has encountered on its road to a consolidated democracy can be ascribed to the country's lack of a democratic culture, the Communist legacy, and economic underdevelopment. However, the current high level of politicization and fragmentation is the direct result of the two major parties refusing to engage in the give-and-take that is normally associated with a democratic order. Their overriding objective has been to gain and keep power. To this end, they have often engaged in questionable democratic practices.

The failure to embrace the rule of law, rampant corruption, and political stagnation has left the country bereft of durable, democratic and civic institutions. Public goods have largely been distributed on a preferential basis. Political elites have amassed huge personal wealth, while many ordinary Albanians lack access to basic goods and services. Basic institutions of governance and civil society groups are weak and under constant political pressure. Transfer of power from one political party to another has invariably been associated with efforts to subvert what in the-

ory should be non-partisan functioning institutions, without much respect for fundamental democratic principles.

Power holders have also not shied away from institutional displacement and from attempts to rewrite the rules from one election to another. Electoral systems and electoral laws have undergone significant changes almost during every election cycle since the first multi-party elections in 1991. The 2009 election code, which was revised in 2012, changed the electoral system from mixed to a regional proportional system. It established a 3 percent threshold for political parties and a 5 percent threshold for pre-election coalitions.

In most cases, these changes were viewed as positive and a step in the right direction; after all, they were the result of an agreement between the country's main political forces and addressed recommendations by international organizations, particularly the OSCE/ODHIR. The CEC, which has the responsibility to conduct the elections, has been subject to constant and intense political interference. This has prevented it from developing into an empowered and truly non-partisan, administrative body. According to a formula agreed to in 2012, the ruling coalition proposes four of the CEC's seven members, and the opposition the other three. Following the decision of the junior partner, the Socialist Movement for Integration (SMI), to leave the government in early April 2013, Democratic Party deputies, with the support of three Socialist deputies, voted to replace the member of the CEC that had been proposed by the SMI. This was followed by the resignation of the three members nominated by the opposition, rendering the CEC incapable of effectively administering the elections. Thus far the two sides have shown lack of political will to compromise and reconstitute the CEC. As this dispute demonstrates, the lack of a stable electoral infrastructure has undermined confidence in the election process and the administration of the elections.

Since the 2009 elections, which the Democratic Party won by a narrow vote, Albania has experienced a serious crisis of institutionalization and relations between the government and the opposition have been marked by constant tensions. The OSCE/ODHIR report said the elections met most OSCE commitments, but added that they "did not fully realize Albania's potential to adhere to the highest standards for democratic elections." The Socialists contested the results, boycotted the parliament, and resorted to threats, ultimatums, and disruptive actions in pursuit of their demands. They shunned government calls for cooperation and stymied efforts to pass important legislation. The Democrats maintained an uncompromising attitude and refused to take any meaningful measures to reach out to the opposition.

Berisha's Democratic Party formed a coalition with Ilir Meta's Socialist Movement for Integration and launched an ambitious agenda of promoting economic development, reducing poverty, developing the infrastructure, creating jobs, and combatting corruption. Meta, a former senior Socialist Party leader who had served as prime minister, had split with the Socialists and formed the SMI in 2004. The improbable coalition between the two rivals-turned-allies worked relatively well. However, Meta's trial on corruption charges—based on a video, released by his former deputy Dritan Prifti, which purported to show Meta discussing bribe taking—eroded the coalition's popularity. His case became a source of acute embarrassment and cast an unflattering light not only on Meta and his party but also on Berisha's government. The Socialists made Meta the focus of their corruption criticism, and the violence that erupted in January 2011, in which four opposition supporters were killed in clashes with police forces, was sparked by popular anger at Meta. The Socialists vehemently criticized Meta's acquittal in early 2012, insisting that it send the message that the courts were corrupt and top politicians immune from prosecution.

The dispute over the elections led to a long political impasse, diverted attention from pressing economic and social challenges, stalled progress on key reforms, and tarnished Albania's image and democratic credentials. While there is a wide consensus on the importance and potential benefits of Albania's integration into the European Union, Albanian leaders permitted short-term political considerations to trump the country's EU integration. In December 2012, the European Commission refused, for the third year in a row, to grant Albania candidate status.

Albania has received wide praise for its constructive regional role. The foreign policies of the two major parties have not diverged significantly. However, Kosovo's declaration of independence in 2008 has led to an increased expression of pan-Albanian sentiments throughout the Balkans. The celebration of Albania's 100th anniversary of independence in November 2012 was associated with a sudden and surprising increase in nationalistic rhetoric. Berisha and other top Albanian leaders invoked the historical Albanian narrative, and raised the specter of the unification of all Albanians into one state. While the nationalistic rhetoric was seen by many as an attempt by the prime minister to neutralize the newly formed Red and Black Alliance, which advocates the unification of Albania and Kosova, Berisha's com-

ments triggered a harsh international response. In the wake of international criticism that the nationalistic rhetoric threatened U.S. and EU security objectives of regional cooperation promotion, Berisha and other senior officials tempered their nationalist rhetoric.

Kosova's independence, Albania's membership in NATO and the increased empowerment of Albanians in Macedonia, Montenegro, and southern Serbia have given Albanians throughout the region a new sense of confidence and unprecedented security. But despite the revival of Albanian nationalism and patriotism, the idea of Albanian national unification has not become a dominant theme in Albania's public discourse nor is it a salient issue in these elections. Mainstream Albanian leaders in Tirana and Prishtina have developed a new narrative that conveys the opportunities of EU integration and emphasizes the benefits of regional cooperation.

The development of party politics in Albania is in many ways similar to that in other emerging democracies. Political parties are dominated by their leaders, who enjoy unchallenged authority to select candidates for elections. The established elite remains firmly entrenched and politics highly informal and personal. In general, political parties are not well defined, and they are composed of fractious coalitions that converge on some core issues but differ on others. There are also deep divisions between and among political parties. With the passage of time, it has become difficult to distinguish between party platforms since they tend to shun ideology in favor of pragmatism and are characterized by a lack of specifics. Despite some variation, most pretend to address the same issues: unemployment, combating corruption, improving services, attracting foreign investments, and implementing institutional reforms. The ideological gap between the right and the left may not have disappeared, but it has definitely narrowed significantly. Decisions on coalitions are driven more by crude power considerations than by ideology or political programs. The best example of shifting political alliances and the coalescence of disparate political forces lacking a deep political alignment was the Democratic Party's coalition in 2009 with the SMI.

While Albania has a very vibrant and free media, most media outlets have aligned themselves with either the Democrats or the Socialists. Both sides have used the media to buttress popular perception of their own leadership, while questioning the ability of their foe to effectively lead the country. Instead of focusing on providing accurate and balanced reporting, most media have made a mockery of journalistic objectivity. The various political forces have made increased use of social media to publicize their political programs and engage potential voters. Both Berisha and Rama are active social media users and have a significant following. Berisha regularly posts messages on Facebook, while Rama is an avid and engaging user of Twitter. They have shied away from a debate, relying on face to face interactions with voters, town hall meetings, and news conferences. Both have engaged in a campaign aimed at delegitimizing each other.

Despite the controversy surrounding the composition of the CEC, the election campaign thus far has been conducted in a much calmer and dynamic environment than in past elections. While there are dozens of political parties, the Democrats and the Socialists continue to dominate Albanian politics. Other, smaller parties have limited popular support, and most of them are led by politicians who split off from the Democratic or Socialist party over disagreements with their top leaderships. With the exception of two new forces that are contesting the elections on their own—former President Bamir Topi's New Democratic Spirit and the Red and Black Alliance—other parties have coalesced with the two major parties' coalitions. The Democratic Party-led Alliance for Employment, Wellbeing, and Integration, will have some 25 parties in its coalition, including the Republican Party, the Movement for National Development, and the Party for Justice Integration and Unity. In addition to the SMI, the Socialist-led Alliance for a European Albania groups together more than 35 parties, including the Social Democratic Party, the Union for Human Rights, and other parties spanning the country's political spectrum.

The Democrats have been in power since 2005 and, under their leadership, Albania has made significant progress on many fronts. But after eight years in power, the ruling party appears vulnerable and concerned about an erosion of its popularity. Some blame the government for the post-2009 election gridlock and slow progress toward EU integration. In addition, growing economic hardships, inability to decisively address the corruption issue, and increased social discontent make the Democrats susceptible to a public backlash. Berisha hopes to meet the challenge by a resurgent Socialist opposition by touting his government's economic and social record, and by casting Rama as the main obstacle to Albania's integration.

The Socialists view the 2013 elections as their best chance of returning to power and hope to benefit from a possible anti-incumbent backlash. The Socialists have made very ambitious election pledges, focusing their campaign on accusations of

poor governance, mismanagement, corruption, and the Democratic stronghold on institutional power. These elections are also a serious test of Edi Rama's leadership. Rama had pursued a self-defeating boycott strategy, engaging in an uncompromising battle with the Democrats. Many Socialists blamed Rama personally for the loss of the 2009 election and the 2011 mayoral elections in Tirana. He had made a serious miscalculation by declining Meta's calls to join forces in 2009 against the Democrats. The two leftist parties combined had won more votes than the Democratic Party. Most analysts believe that political bickering among the Socialists and Rama's failure to form a pre-election coalition with Meta secured Berisha's second term. Evidently recognizing that his confrontational approach had backfired and under increased pressure from party rank and file, Rama changed his strategy following his loss of the mayoral elections in 2011. He focused on counteracting the perception as a polarizing figure and improving his relations with the international community. He made concerted efforts to mend fences with internal opponents, and reached out to his former arch rival, Ilir Meta. By creating a coalition with Meta, Rama hopes to increase his chances of unseating the Democrats.

Meta's coalition with the Democrats was a marriage of convenience. Following his forced resignation as deputy prime minister and foreign minister as a result of corruption charges, his position was severely weakened. But following his acquittal, he gradually muted his criticism of Rama. While he had implied that he was open to an alliance with either the Democrats or the Socialists, he made it clear he would seek to exact the highest price. He views himself as the king-maker and if the Democrats win the largest number of votes, he could renew his coalition with Berisha.

In the last two years, two new forces have appeared on Albania's political scene: the Red and Black Alliance and the New Democratic Spirit. Both are contesting the election on their own. The Alliance was formed by Kreshnik Spahiu, who had served as deputy Chairman of the Council of Justice under President Topi. The Alliance's platform incorporates a strong dose of nationalist sloganeering and pledges to fight corruption, but lacks substance on other issues. Its nationalistic rhetoric and calls for the unification of Albania and Kosova have resonated with many Albanians disenchanted with established political parties. But Spahiu's credibility as a corruption fighter has been undermined by allegations that he had engaged in corruptive practices as deputy chairman of the Council of Justice. Many blame him and Topi for the highly politicized and corrupt justice system. The Alliance has been organized more as a street movement than as a real political party, mobilizing its supporters through protests and actions. Most media, particularly those close to the Socialists, were openly supportive of the Alliance but recently they have adopted a more skeptical stance. Initially, the Alliance displayed an ability to stage massive protests. However, in recent months much-hyped rallies failed to draw a significant turnout, a sign of its declining influence. The Alliance expressed willingness to join the Socialist-led coalition, but Rama rejected what the Socialists termed as the Alliance's excessive demands. The Alliance suffered a major blow in late April, when leading officials resigned en masse because of a lack of confidence in Spahiu's leadership.

Following the end of his tenure as president in July 2012, Bamir Topi, who had a falling out with Berisha, formed his own party, the New Democratic Spirit. The former president pledged to introduce a new "spirit" in Albanian politics, free from corruption and political nepotism. Splinter parties in Albania, however, have not had much success and the New Democratic Spirit has not been able to expand its core leadership beyond its composition of disgruntled Democratic Party officials. While pledges for an uncompromising fight against corruption resonate widely, Topi has thus far been unable to mobilize a serious political following or recruit well-known and electable politicians. Nevertheless, the party leaders hope to attract right-wing voters, former political prisoners, and property owners who have yet to be compensated for assets confiscated by the Communist regime.

Albania is a country at a critical crossroads, torn between a potentially destabilizing political confrontation and the aspiration for national prosperity, democratic consolidation, and European integration. The country cannot afford another contested election that would likely trigger a destabilizing conflict and adversely impact Tirana's relations with Washington and Brussels. The elections offer Albanian political actors an opportunity to move beyond the usual zero-sum game approach to elections, demonstrate their commitment to democratic consolidation, and re-institutionalize democratic politics. The end of the political deadlock and brinkmanship, which have characterized the last four years, would unleash the great potential that the Albanians have, and pave the way for Albania's membership in the European Union.

Elections alone, however, even if they are held in full accordance with the highest international standards, are not a salve for Albania's democratization. The new gov-

ernment that will emerge from these elections will be faced with formidable challenges and can ill afford to be distracted by prolonged post-election disputes. Although conditions have not been conducive for the emergence of a new generation of leaders, Albania has a dynamic, highly educated, young generation that tends to think in a Western, democratic context and is poised to move into influential positions. Ordinary Albanians have shown a deep commitment to EU integration and view democracy as their preferred form of government. Albania has the capacity to reinvigorate democratic reforms, and restore the public's confidence in the political process. But to re-energize democracy and advance their nation's democratic aspirations, Albanian political elites must do much more to establish the rule of law, empower non-partisan institutions, reduce corruption, and dispel the widespread perception that politicians are enriching themselves at the expense of average citizens.

The role of the international community will remain critical. The United States and the European Union have been forthright in their support of democracy as well as in their criticism of democratic failings. While domestic political polarization and gridlock have led to "Albania fatigue," it is important that Washington and Brussels continue to engage Albania, using their significant leverage to foster democratic progress as well as to address democratic transgressions. A stable, democratic, and prosperous Albania, firmly anchored in the Euro-Atlantic community, is in the national interest of the United States.

Thank you very much for the opportunity to appear before you today.

PREPARED TESTIMONY OF BESA SHAHINI, SENIOR ANALYST,
EUROPEAN STABILITY INITIATIVE

I am a senior analyst with the European Stability Initiative (ESI). We are a think tank based in Berlin, Brussels and Istanbul. We have been producing in-depth analysis on the political, social and economic development of the Western Balkans, Turkey and South Caucasus since 1999. We are an active contributor to debates on European integration, closely following the progress of South Eastern European countries towards EU membership.

Through this submission, we draw attention to recent violations of democratic principles in Albania, as it prepares for elections on 23 June 2013. There was always a risk that these elections will fall short of international standards, precipitating a major political crisis. The result would be the loss of any credible prospect of progress towards European integration in the foreseeable future and a spiral of political, social and economic decline in Albania. To counter this risk, we argue that the international community must take a strong and uncompromising stand on the democratic principles that must be observed.

Albania applied for EU membership exactly four years ago. The criteria for starting negotiations on EU membership were set down by the European Council in Copenhagen in 1993. They include the requirements that a country must have achieved "stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities."

There are sound, practical reasons why "stability of institutions" is a precondition for negotiations. To qualify for EU membership, a huge number of legislative and institutional changes are required. Without strong parliamentary and executive institutions and a broad-ranging political consensus, candidate countries are unlikely to implement such far-reaching reforms.

So far, Albania has not been able to generate this kind of political consensus. Past elections have produced deep polarization and recurrent political instability. The 2009 parliamentary election results were heavily contested, leading to a two-year opposition boycott of parliament. Many important reforms requiring more than a simple majority could not be adopted by the parliament. In place of the "stable institutions" required for EU accession, Albania faced political stasis, popular demonstrations and violent clashes.

Not surprisingly, Albania has not received a positive reply to its application for EU membership. In 2010, the EU Commission wrote that it "considers that negotiations for accession to the European Union should be opened with Albania once the country has achieved the necessary degree of compliance with the membership criteria and in particular the Copenhagen political criteria requiring the stability of institutions guaranteeing notably democracy and rule of law" (European Commission, Albania Opinion, 2010).

Albania desperately needs a better outcome from its 2013 elections. The geo-political context in the Western Balkans is changing. The countries of the region are increasingly divided into two groups: the frontrunners making progress on EU accession, including Croatia, Montenegro and, in all likelihood, Serbia; and the laggards, including Albania, Kosovo, Bosnia and Herzegovina and (so long as the name issue remains unresolved) Macedonia. For the latter group, even the starting line of opening negotiations on accession looks increasingly distant.

This regional division risks becoming self-reinforcing: against the backdrop of a deepening social and economic crisis, the poorer parts of the Balkans are losing faith in the EU integration process just as the EU risks giving up on them. Without the incentive of a clear membership prospect to help forge political consensus, they are unable to undertake the necessary reforms, slipping ever further into social and economic dislocation. The result is likely to be a new Balkan ghetto, encompassing most of the region's Albanian population.

In its 2010 Opinion on Albania's EU application, the European Commission listed twelve reforms that must be undertaken as a priority. Two of these pertain to elections. Albania must modify its electoral legislation in accordance with OSCE recommendations (the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) undertakes election observation across the region), and it must ensure that its elections are conducted "in line with European and international standards".

The first condition has been largely met. After a political agreement in November 2011, the opposition returned to the parliament to start working on electoral reform and other EU priorities. A revised Electoral Code passed the parliament in July 2012, with broad support, addressing most of the OSCE-ODIHR recommendations (OSCE/ODIHR, Needs Assessment Mission, 2013).

We have growing concerns, however, as to whether the second criteria will be met. Preparations for the forthcoming elections are not going well. On 15 April 2013, the

Albanian parliament voted to replace one of the members of the Central Election Commission (CEC), the body that manages elections. The decision was taken in violation of the new electoral law. It threw into question the independence and legitimacy of this key institution, before a single vote had been cast. The political message was clear: Albania's politicians are willing to ride roughshod over the rules in their own political interest.

The CEC is a permanent, 7-member body. Its members are voted on by parliament, and are appointed for 6 years, with the possibility of re-election. The current membership was chosen after the electoral reforms of 2012. It consists of three candidates nominated from the governing coalition and three nominated by the opposition, with an independent Chair.

While the nominations are by the political parties, each member is supposed to act a-politically—as, for example, in appointments to the U.S. Supreme Court. Once in place, the members are guardians of the electoral process and cannot be removed for political reasons. They can be impeached by parliament only if they are found guilty of a crime, refuse to exercise their mandates or engage in inappropriate political activity (Albania Election Code, 2012, Article 18).

A strong and independent CEC is central to any prospect for a fair election. As its Chair, Ms. Lefterie Lleshi, pointed out during an event organized by the US Embassy in Tirana on 28 March 2013 announcing U.S. financial support for the elections, there is already political pressure from all sides:

“[politicians] recognize the CEC as accurate, professional, transparent and independent only on those occasions when it makes decisions in their interests. In these few months of work with the CEC, I am yet to see politicians with the courage to refrain from putting political pressure on the CEC's decisions, and even less to appreciate the individual and collegial vote in the CEC” (ESI Translation from original).

Early in April 2013, there was a shift in political alliances. The Socialist Movement for Integration (SMI) of Ilir Meta—formerly part of the governing coalition with Prime Minister Sali Berisha's Democratic Party (DP)—announced that it was forming a pre-election coalition with the Socialist Party (SP) of Edi Rama. Following this announcement, the DP parliamentary group presented a motion to parliament to remove one of the CEC members, Ilirjan Muho. Mr. Muho had been an SMI nominee in 2012. The DP parliamentary group first argued in its deposition in parliament that this step was necessary to bring back “political balance”:

“the [Electoral] Code is built upon a basic principle: that of the political balancing of the parliamentary majority and opposition. Political balance is the core principle of CEC composition. . . . This principle is the backbone which holds up the entire election administration.”

There is, however, no basis in the Electoral Code to remove a CEC member against his will for any reason other than those given above. Prior to the parliament's decision, US Ambassador in Tirana, Mr. Alexander Arvizu, noted that:

“The CEC was properly and legally constituted and mandated. It is the institution responsible for the conduct of the elections, and as such, it is important for the independence of this institution to be respected. The CEC should be free from interference by any individual, by any institution, and that includes the Parliament of Albania.”

The parliamentary debate on the legality of removing the CEC member lasted over 12 hours. Over the course of the debate, the DP changed its legal argument. It asserted that, in a previous job as public prosecutor in 2003, Mr. Muho had been suspended from his post. It pointed out that the Electoral Code stipulates that, in order to be appointed to the CEC, individuals must not have been dismissed from any public office due to a violation of the law (Albania Election Code, 2012, Article 12). The DP insisted that Mr. Muho had broken Article 12 of the Electoral Code by failing to disclose his suspension before being voted into the CEC. The DP majority in the parliament then proceeded to annul the original decision to approve his nomination. The vote went along party/coalition lines. A new CEC member from the Republican Party—a coalition member with the Democratic Party—was appointed in his place.

The SMI protested against this action in the strongest terms. In a letter addressed to foreign diplomatic missions in Tirana, it pointed out that Mr. Muho had been relieved of his post as public prosecutor improperly. Far from committing any crime, he had arranged for the transfer of a convicted prisoner to a mental institution, pursuant to an order of the responsible court. This order had subsequently been affirmed by the High Court of Albania. Mr. Muho explained that according to the Law on the Organization and Functioning of the Prosecutors, disciplinary actions—such as the one against him—expire after 5 years.

The removal of Mr. Muho led three other CEC members to resign in protest. As a result, the CEC currently has only four of its seven members. This is not a dispute over a legal technicality. The parliamentary majority had openly stated its political motivation to remove the CEC member. This sets a precedent for the removal of CEC members in the future by simple parliamentary majority.

With only four members, the CEC cannot fulfill one key aspect of its mandate in the coming elections: it cannot act as an electoral appeals body. Under the Electoral Code, five votes are required to decide on appeals against the results in particular electorates or to declare the election invalid, in whole or in part (Albania Election Code, 2012, Article 25).

Recent elections in Albania have produced extremely tight results. In 2009, the Democratic Party and its allies defeated the Socialist Party by just 24,000 votes. In the mayoral elections in Tirana in 2011, Social Party candidate Edi Rama first appeared to win the election by a margin of 10 votes over Lulzim Basha, the Democratic Party nominee, out of a total of over 250,000 votes. The CEC then adjusted to include miscast ballots, putting Mr. Basha ahead of Mr. Rama by 81 votes. Though a controversial decision, it was taken by the body with the mandate to resolve such disputes.

Various political commentators are suggesting that, based on the current coalitions, there are at least four districts where the winning margin could be as close as 500 to 1,000 votes. This means that the election could once again be decided by decision on disputed votes or counts. It is therefore crucial that the bodies administering these elections act according to the rules.

Predicting election results is a tricky business, in Albania as in most democracies. But we are confident of one prediction regarding the forthcoming Albanian election. In the absence of a credible, impartial and legitimate CEC, this election is going to end up in a bitter dispute. Whoever will be the eventual victor, the loser is going to be Albanian democracy and its prospects for European integration.

Outsiders cannot substitute for the good will of national leaders. They can however help mitigate conflicts, both before and after election-day, by standing up for clear principles and communicating clearly the expectations of the international community.

The key message from all international observers, and in particular from the European Union, must be that all Albanian institutions must rigorously respect the laws they themselves have adapted. There are certain red lines that must not be crossed. Albanian leaders must know that the world is watching.

Spelling out these red lines in advance makes it less likely that they will be transgressed:

(a) Members of the election administration cannot be removed for reasons unspecified in the Election Code.

(b) Counting and adjudication of complaints and appeals must be done through strict observation of Election Code procedures.

By taking a clear position now, and insisting on a reversal of the decision to dismiss a member of the CEC who had been appointed for six years, the US and the European Union increase the likelihood that such red lines will not be crossed in the coming weeks and months. This raises the likelihood of these elections meeting "international and European standards."

These elections will not only test Albania's democracy but also its rule of law. They will show whether Albanian institutions can respect the rule of law enough to ensure the prevalence of democratic principles in the country.

Even one month ago ESI had hoped that timely messages from the international community would help make these 2013 elections different from those in 2009. Today we note that there is less reason for such optimism.

Despite this it remains a matter of vital international interest that these elections meet international standards and that a credible and legitimate post-election government emerges in Albania. It is a matter of vital interest to Albanians, but also to the rest of Europe and to the US as one of Albania's close allies.

PREPARED STATEMENT OF GILBERT GALANXHI, AMBASSADOR OF ALBANIA TO THE
UNITED STATES OF AMERICA

Please allow me to extend my sincere thanks to the US Commission on Security and Cooperation in Europe, known as the US Helsinki Commission, for providing me with this opportunity to share with you and this very distinguished audience some thoughts on “the Pace of Progress of Albania”, including reflections on some of the achievements, developments and concerns that my country, Albania, has been experiencing recently.

I also want to thank all the previous speakers for their very well prepared and detailed presentations, which consider today’s topic from different angles and viewpoints, but, I have to stress, with good intentions and the desire to see my country advance faster and better on the democratic path that it has definitely chosen.

Distinguished friends, I sincerely consider myself to be amongst very good, principled and loyal friends today. It is an undeniable fact that Albania has made tremendous progress in the last two decades in every respect. What you and almost all western democracies have achieved in more than two hundred and fifty years, we have sought to achieve in less than twenty five years. We are conscious that we have to, because there is no other agenda, nor any better option for Albania than full integration into the European Union. We fully understand that this requires us to fully embrace the best standards and norms as enshrined in the Helsinki Final Act. Nobody has ever said that this will be easy. We are fully aware of that.

In 1992, we started from scratch. If you considered Yugoslavia to be a communist state, I sincerely don’t know what adjective could properly be applied to Albania. We had to start building roads at the same time that we had to start building the state. By this I mean a Democratic State, with all its democratic structures and democratic institutions. Please, do not forget that “Rome was not built in one day”. So, it would be quite naive and unrealistic to pretend that everything went well and is going perfectly well. That is why we are here today, trying to recognize the progress that has been achieved, while at the same time throwing light to the difficulties that we are encountering, and most importantly, trying to find the best solutions for moving ahead. It is also important to understand, or better, not to forget, that Albania is no longer the self-isolated country it used to be just two decades ago. Albania actively and dynamically interacts with its neighbors, partners and friendly countries, bilaterally and in every international organization to which it belongs, but at the same time, it has also been affected by the multi-faceted problems and difficulties that the world’s economy has been facing during the recent years.

Having said all this, we still have a long way to go in building and consolidating our democratic institutions, because this is a neverending process, and obviously, we need and appreciate the good advice and assistance that comes from our best and principled friend, the United States of America.

It is relatively easy to build a very nice and modern, let’s say, ministry building, even in difficult financial times; but it is much more difficult to fill this building with the right qualified and motivated human resources. I believe this is the key to success, something that very often is underestimated or not taken into account when we analyze dynamic developments and pivotal events in my country. I am fully convinced that it is in the interest of every individual, in the interest of each political party, as well as in the interest of all social groupings to have a consolidated democratic system in Albania based on the rule of law. Yet, when it comes to implementing these ideals, it becomes so difficult, as everywhere else, I believe, because each grouping has its own program, its own interests, its own agenda, and what’s even more important: its own people or human resources. As I mentioned in the very beginning, there has been tremendous progress in every field; in economy, trade, investments, public order, education, institution building, etc.

But, are We satisfied with that? Of course not. Are You satisfied with that? I believe, not.

If we take into consideration the four-year period, from the 2009 elections to those coming on June 23rd, things have moved up and down, sometimes very rapidly and sometimes with a normal flow. As is happens in every democracy, “you need two to tango”. And even having two is not a guarantee of a good dance, because both need to perform well; each one its own part.

In 2009 elections, Albania “met most OSCE commitments”, including all key commitments (see Statement of OSCE/ODIHR spokesperson), yet, the result was not accepted by the losing party, which boycotted the Parliament for two successive years. A lot of opportunities were lost, especially with crucial reforms needed for speeding up the EU integration process. The fact of the matter is that Albania lost for three consecutive years the opportunity to achieve the Candidate Status for EU membership, because of this lack of participation in the Parliamentary life by the main op-

position party, which prevented approval of important pieces of legislation which required two-thirds majority, which were essential for moving ahead the reform process. Things gradually improved last year, following the November 2011 political agreement between the Democratic Party and the Socialist Party with regard to the approval of a number of laws that require consensus between the ruling majority and the opposition, including changes to the Constitution to limit the immunity from prosecution for members of parliament, government ministers, and judges. Also vitally important was the consensual Electoral Reform, which led to an improved Electoral Code, an improved climate of cooperation, as well as agreement on a very balanced Central Election Commission and regional and local election commissions, which is the core of the elections administration and responsible for the whole process.

I have to stress that since 2009, Albania possesses an electronic voters' list, accessible by every individual, and which is constantly updated by the Ministry of Interior. It is legally required that the final voters' list be published 45 days before the election day; with regards to the up-coming elections, it is going to be published on May 9th, just three days from now. I must stress as well that the only valid identification documents are either the biometric passport or the electronic chipped ID card, which have unique registry number, very high-tech security elements, and make it impossible for an individual to appear twice in the voters' list.

Until a month ago, the electoral process in Albania appeared to be unfolding smoothly. As always when a tight result is expected, the climate was polarized, but we all know this is unavoidable, and I believe America experienced that, too, last year.

Quite unexpectedly, a month ago, the second biggest party of the governing majority, the Socialist Movement for Integration (LSI), after co-governing for 4 years, decided to pull out of the government and join the opposition. This was a legitimate political right of this party, but had enormous practical consequences for governing the country.

From that moment we had to live with this new political reality in Albania, which was reflected and will continue to be reflected in all levels of central government, of local government, of parliamentary bodies as well as in the election structures and institutions. We cannot ignore this new reality in offering prescriptions and making decisions with respect to very important issues, such as election administration.

Dear friends, As you may have come to know during these recent days, there has been a very hot debate regarding the composition of the Central Election Commission (CEC), which is the main institution responsible for the preparation and conduct of elections in Albania.

There are two main elements that must be taken into consideration in order to understand this problem, but more importantly, to give a sound judgment with a long-term positive effect for my country:

- 1) Respect for the legal framework that has been in place in Albania since 2004; and
- 2) Respect for the political consensus in favor of a politically balanced Central Election Commission, that was agreed to when the current government was in opposition and the current opposition was in power. Under this consensus, the governing majority has a 4-3 majority in the Commission, but the opposition is protected by the requirement of Art. 24 of the Electoral Code that the CEC can only act when "no less than 5 members have voted in favor".

The legal question raised for this case was: "Did the Parliament have the authority to remove one member of the Central Election Commission who had been elected a few months previously with a six-year mandate, or not?"

The Parliament had all the legal bases to fix what seemed to be broken. The Electoral Code requires that the parliament establish the CEC in a politically balanced manner (Art. 14) and requires that it maintain that balance when vacancies arise (Art. 19). The parliament has the mandate to appoint and dismiss the CEC members (Art. 14 and 18). The Electoral Code stipulates that the six-year term is linked to the office and not to a specific member. Accordingly, when a vacancy is filled, the new member serves the remaining period of the term. This guarantees that six mandates, three of the ruling majority and three of the opposition, expire at the same time in order to ensure the balance is preserved. All these provisions, designed to preserve the principle of political balance throughout the term of mandate of the CEC, implicitly authorize the Assembly to intervene to reestablish it, i.e. the political balance, when it is affected by changes in parliamentary coalitions. This follows not from specific criteria for dismissing a member for breach of law during the conduct of the work as provided in Art. 18, but it is based on the letter and the spirit

of all the provisions regulating the formation and functioning of the CEC, as well as of all the election administration.

However, the Parliament acted to remove the representative of the Socialist Movement for Integration from the Central Election Commission not on the basis of its authority to maintain political balance within the CEC, but rather because his appointment had been made in violation to the law. Specifically, it was determined that he had given false testimony in his confirmation hearing session, hiding the fact that in 2003 he had been dismissed from duty of Public Prosecutor of Fier County by a Presidential Decree, upon the recommendation of the Prosecutor General of that time.

Article 12, point 2, letter “ë”, of the Electoral Code is crystal clear on this point: “Any Albanian citizen with the right of vote may be appointed a member of the CEC provided that the candidate fulfills the following criteria: . . . has not been dismissed from public administration or any other public function due to a violation.”

I understand the immediate reaction of someone will be:—Why now and not before?

The very simple answer is:—The Parliament reacted as soon as the fact became known. I don’t believe that a surgeon continues the operation with a dull-bladed razor only because he has started with it. It’s easy to guess the result. I believe this Congress has elected and confirmed so many great leaders, but at the same time has impeached leaders when new facts have come up in surface.

Some have asked:—Was the Assembly entitled to make a decision directly, or was it supposed to act only upon a decision of the CEC to recommend the dismissal? The dismissal of the CEC member was made for the reason that his appointment had not been made in accordance with the law, and not for breaches of the law by the CEC member in the conduct of the duty as Art. 18 requires; therefore the Assembly acted directly. This article stipulates the grounds for dismissal of an incumbent during the term. But such grounds are related to his exercise of duty and not to the criteria for the appointment stipulated in Art. 12, which were the ground for the release from duty of the LSI member. Only the dismissal for reasons found in Art. 18 require a recommendation from the CEC, which is made by a qualified vote to protect minority members from the abuse of such CEC competence to their detriment. However, this is not a precondition. If the Assembly is informed of violations of the law of individual members, it can act and should act swiftly. For example, Art. 18 stipulates that a member is dismissed if he/she has been convicted by a final court decision for having committed a crime. In such case, the Assembly has full right to dismiss the member without a recommendation from the CEC. A blocking minority cannot void an important provision of the law by blocking the recommendation.

From whatever angle you analyze this issue, one thing is quite obvious: the Parliament did the right thing, legally and morally, for re-establishing the integrity and ensuring the normal functioning of the Central Election Commission. I have to stress that the government has the responsibility for creating normal conditions and balanced mechanisms for having free and fair elections complying with the OSCE norms and standards, whereas the political parties have moral and political responsibility for playing according to these rules, norms and standards. I believe that Albania has all the pre-conditions to conduct free and fair elections, provided there is a good political will from all sides to do so.

In May 2003 and October 2004, the two main political parties in Albania, the Socialist Party and the Democratic Party, concluded an agreement for having a politically balanced Central Election Commission: three members from the governing majority party/coalition, and three members from the opposition party/coalition. According to the agreement, the seventh member, i.e. the chair of the commission, should always belong to the governing majority, since the government has the administrative responsibility for the preparation of elections. This political agreement was re-confirmed last year as well, when both, the governing majority and the opposition, agreed to format the new Central Election Commission according to the agreement. Based on this political agreement for having a politically balanced CEC, as well as on the Electoral Code, Article 12 (Composition of the CEC) two members belonged to the Democratic Party and one member to the Socialist Movement for Integration (governing coalition); two members belonged to the Socialist Party and one member to the Human Rights Party (opposition coalition); and the seventh member—the chairman, belonged to the governing majority; thus fully complying with the political agreement as well as with the legal provisions of the Electoral Code.

But as I have mentioned previously, since a month ago, we have quite another reality; we witnessed the move of the Socialist Movement for Integration from the governing majority to the opposition, misbalancing not only the Central Election Commission, but also all the subordinate commissions at the regional and local lev-

els. Consequently, we had the opposition becoming ‘majority’ in CEC with 4 members, and the governing majority becoming ‘minority’ with 3 members.

According to the political agreement and the Electoral Code, 50% of all the regional election commissions should have a “4 to 3” ratio in favor of the opposition, and the other 50% a “4 to 3” ratio in favor of the governing majority, thus achieving a perfect balance as the main means of ensuring trust as well as a ‘fair and square’ performance. But, had the CEC remained unbalanced in favor of the opposition, the consequence would have been a distorted ratio within all the regional commissions, i.e. the opposition would control 50% of the regional commissions with a 4–3 majority, as well as the other 50% of the regional commissions with a 5–2 advantage, which would mean no blocking mechanism at all.

My question is: Would this be politically and legally Right and Fair? Are elections a democratic mechanism where the term “democracy” = “the will of the majority of people” is taken seriously to benefit the long term prosperity of the people, or are elections simply considered “a gambling game” where all acrobatic figures are allowed?

I strongly believe that the Albanian Parliament did the right thing, legally, politically, and morally, to bring back the legitimacy of a balanced Central Election Commission, as a guarantee for having a standardized process, as well as free and fair elections. It is of paramount importance that all the Election Commissions be constituted according to and in compliance with the existing legal framework, explicitly fixed in the Electoral Code provisions.

Lastly, I want to throw light on a very important aspect, not only for Albania, but also for the whole region. Much has been said and written about the so-called “nationalistic rhetoric” emanating from Albanian politics last year. I assure you that the Albanian Government has been quite clear and transparent about this issue. In many occasions, formal and informal, the Prime Minister of Albania has clearly stated that Albania is against any change of borders in Balkans. It is an historic fact that Albanians live in many states in Balkans, but it is also indisputable that Albania’s main goal is full EU integration and membership, which fortunately is the main goal of all the countries in our region. I take advantage of this opportunity to congratulate Serbia and Kosova for their recent agreement to normalize the relations, because we believe that Brussels is going to be our common capital city and the final destination of the democratic journey of the Balkan countries. This is the reason why we so strongly supported the Prishtina-Belgrade dialogue, and this is the reason why we continuously urge the Albanian political parties in Montenegro and Macedonia to actively participate and contribute to the integration processes of their countries.

Dear friends, Last year was a very emotional year for Albanians; we celebrated the 100th anniversary of our Independence, and I cannot continue without expressing the deep gratitude and appreciation of generations of Albanians for President Wilson whose principled determination made possible the very existence of the Albanian state. With this, I intend to clarify that what was perceived as “nationalistic rhetoric” was nothing else but “Albanian patriotism”. I assure you that no threat will ever emanate from Albania against our neighbors. On the contrary, we view the Albanians living in our neighboring states, and the minorities living in Albania, only as bridges of friendship and understanding.



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