

7 September 2010

**INTERVIEW OF THE HEAD OF THE OSCE PRESENCE IN ALBANIA,
AMBASSADOR ROBERT BOSCH, WITH *ALBANIAN DAILY NEWS* NEWSPAPER**

By Genc Mlloja

You are living Albania at a moment when the Government and the opposition remain firm in their positions and a solution on the last election's transparency seems far away. This despite the repetitious calls of the international community, including the OSCE and you personally. Do you see a solution coming soon? From where? Will the Presence intervene to broker an agreement?

I am a born optimistic also about this situation, and see therefore absolutely no reason why a solution cannot be found very quickly. Of course, as usual this all depends on basically one thing - political will. Yes, it has been disappointing that, so far, we have not seen enough of this to finally put a close on this impasse. The relevant national actors all know that there are simply too many important national strategic objectives to attain for them to continue the impasse much longer. As for the Presence, we will assist if asked, but, this time, I should like to see the political class taking ownership for their own actions, without any external involvement in line with what the EU has said about this. As for the Presence, I should be highly surprised if the Presence is asked anytime soon to broker any agreement. That does not mean to mean we would decline such an offer. However, one persuasive argument is that if we did get involved, as we have done before, how does this help the national political class take ownership for their own actions. Albania is a full NATO member with very strong and well known EU aspirations. A final agreement that is acceptable to all sides would highly strengthen the position of the country in the international arena.

On Thursday, you will be presenting the OSCE Permanent Council with your regular report on political situation in Albania and the Presence's activities. Where does the report focus the most?

My report will provide an overview of the political and programme highlights of the last year. This time we have probably devoted more space to reviewing the political situation, and certainly the political climate relating to the aftermath of the 2009 elections and the rule of law are indeed well featured. On the elections, whatever else is happening, greater political will be needed to ensure that the next local government elections fully meet International standards. A consensual reform process, based on the recommendations from the last OSCE/ODIHR Report, should start soonest and conclude after a proper consultative process, one that is inclusive in approach.

The OSCE's mediator roles have been at times welcomed and asked for and other times criticized by the Albanian politicians. The latest example is that of a few months ago, where you talked about a draft compromise between the parties. Thinking backwards, would you have chosen to have stayed more withdrawn at times or, on the contrary, to have been more actively involved?

My reaction was at the time and still remains, to maintain a more detached approach. Albania is a sovereign country with political leaders quite able themselves to sort things out without any external interference. The EU asked at the time that political parties would solve the problem on their own without outside help as was expected of a prospective EU candidate country. The idea I referred to at the time was not my idea, but was certainly being discussed. I saw it as a good initiative and hoped that it would be taken up, without publicly going in to the details of it. Having said that, when you have lived and worked in a country which such

nice and kind people, as I have for the past three years, one cannot but want to see things go well. Any public comments that I may have made at the time and always were always ever intended to encourage an open national public debate that's all. My motives have always been entirely sincere and well meant. But the fact is that any level of mediation whether its OSCE led or by anyone else, for that matter, will almost certainly end up with one political side claiming that the mediator was in some way biased in favour of the other side, which makes mediation less than easy to put it mildly.

You have stressed in several occasions that parliament is the main place for political debates. How do you see the quality of this parliament? What has the OSCE done to improve it?

Without doubt, the Albanian Assembly has developed greatly over the last twenty plus years. It has certainly continued to develop and to work hard in the interests of the people. In the period since 2005, we have seen many important developments, which have driven things forward in a very positive direction. Much of the detailed work in the assembly, for example in the committees, is developing well at a fast pace and in many cases is highly impressive, as for example in the Assembly's Economy and National Security committees. However, the political stalemate has hampered the approval of a number of very important laws for Albania's European future, and we would like to see the parliament working in a fully-fledged manner. As for the MPs' performance, I think the Assembly plenary is the visual representation of the institution and when the public see some of those they elected last year behave in how shall we say a 'tired and emotional' state, then this can do little to increase the prestige of the institution of the Assembly. MPs of all political colours have an important responsibility to raise the bar of political debate. In the vast majority of cases, this happens and we should not forget this but often the language used during the debates leaves a big room for improvement. In most West European parliaments, one would not offend each other directly but speak in a more elegant way where the truth comes out in a must more acceptable way and gives a more attractive example of behaviour to those who elected them. Our support to the Assembly focused on the modernization of the IT infrastructure, on the strengthening of the work of the Committees, as well as of the work of the Committees and of the management structures. In co-operation with OSCE missions in the region, the Presence organised a meeting for Assembly Secretary Generals to discuss *E-parliament*. We also supported the Assembly in preparing a communication strategy. Recently, we provided the National Security Committee with a former UK Intelligence expert, who will provide recommendations before the bill on parliamentary oversight of the intelligence services is finalized.

How would you describe your work during these three years? What have been the most difficult matters/ideas to convey to the Albanian counterparts?

My three years here have been totally absorbing and I have enjoyed every last minute of it – the many 'highs' and the occasional 'lows'. Trying to understand the complexities and intricacies of Albanian politics has been an education for me. I have finally come to the conclusion that politics here is a bit like a mirage in the desert in the sense that as soon as an International(s) thinks they are getting nearer to what can be defined as 'the reality' it suddenly gets away from you again. That is probably why politics here remains so absorbing. I cannot say that I have ever had any difficulties when speaking with my Albanian counterparts. At all times, I have found that their door has been open and I have appreciated the many courtesies they have extended to me during my stay here. In terms of issues, there is clearly still a need for major reform concerning the rule of law. The Presence has continued to be a stable advocate for reform in these areas.

Albania has applied to receive the OSCE rotating chairmanship in 2014. Will the Presence back the Albanian authorities' efforts? Is it necessary for the Presence to scale down or even close in order for this to happen?

Clearly this is a matter for the OSCE participating states to decide, this is not for us. Should Albania be awarded the 2014 chairmanship then clearly we would want to offer all possible assistance in the run up to 2014 and during the year itself so that Albanian chairmanship is the most successful and most memorable to date.

You have been vocal in asking for an independent judiciary and for new appointments to be based on professional criteria. Has the latest President's nominations at the top courts been fair? How did you consider the recent DP attacks against President Topi on this issue? Have you backed initiatives to lift the judges' immunity?

Yes, we have recommended that there be increased transparency in the selection process for the highest courts – indeed even for promotion to the courts of appeal. Without such transparency, it is difficult to assess whether the nominations have been fair or not. Regarding the attacks on the President's nominees, we have noted that there is a lack of agreement on exactly how much authority the Assembly has to look into these candidates. Nevertheless, there has been at least one instance where a candidate was rejected without having a full opportunity to explain himself, which we consider as a pity. The lifting of judges' immunity is a difficult topic and one on which there are very strong arguments on both sides. On the one hand, judicial immunity can serve as an instrument to protect judicial independence from the intrusion of executive power. It is also possible for such immunity to be abused for corrupt purposes. We have noted that the High Council of Justice recently has begun lifting immunity in such ongoing cases, rather than dismissing the judges and this is probably a sound move, as it allows the prosecution to complete its work before a final decision on the fate of the judge is made. We fully support what the Council of Europe has publicly said on this issue last year meaning a partial lifting. As far as the President is concerned, I have said time and time again that we support the Office of the President as a key defender of the rule of law in this country and for sure, that office can always be further strengthened.

How would you consider the work of the General Prosecution Office during these years?

Clearly the General Prosecution Office has had a very difficult job. You will note that both previous General Prosecutors have been dismissed after procedures that have come under criticism by the Constitutional Court, so this General Prosecutor has come into office knowing that similar attacks against her are not impossible. We have seen some bold steps by the General Prosecution Office in initiating some high profile prosecutions. However, I would like to see the independence of the office further consolidated to enable a more vigorous approach to investigating cases relating to organized crime, corruption and also to the electoral process.

The OSCE Presence, along with other international organizations, have initiated and supported initiatives aimed at increasing women's participation in the public life. How do you consider the current situation? Are you satisfied with women's participation in government, parliament and political parties' leadership?

You have to accept that progress has been made and this has to be attributed to the far sighted approach of the Assembly in agreeing to the 30% gender quota for parliamentary elections. The net result of this was that Albania nearly tripled the number of women MPs. So clearly this is a major advance. Yet we know that the language finally agreed in the Electoral Code allowed for too many women being placed so low down the candidate lists that, far short of regional political earthquakes occurring, they might as well not stand in the first place. In view of the 2011 local elections, I believe it is important to see the Code amended so that as a

consequence all the many talented women that are out there around the country finally get the chance they rightly deserve to get elected. We need to see a greater critical mass of women elected local councillors and why not some more Mayors while we are at it. In terms of our own support to this process, we assisted the Government to implement the legal framework for gender equality and the National Strategy on Gender Equality and against Domestic Violence. Also, in view of the elections, the Presence is running a three-year project called Enhancing Women's Participation in Public and Political Life, which has delivered leadership and advocacy forums targeting women all over the country to increase the visibility of locally elected women officials, civil society leaders and public administration officials.

One of the most tangible-result projects of the Presence is the modernization of Albania's address and civil registration systems. Are you satisfied with the quality of the electronic register, which was also used in the 2009 elections for the production of the voter lists? Can you give a date when each household in the country will have a proper address?

The implementation of the National Register of Civil Status (NRCS) in Albania has been and will continue to be important for compiling quality voter lists. As stated by the OSCE/ODIHR report, significant progress has been made on this issue. So, yes, I am satisfied with the result of the modernization not only regarding the voters lists, but also for the production of biometric ID cards and passports and improving services in general. However, it is equally important to understand that maintaining the NRCS and the data quality is a process that is never completed. That I see as the main challenge in the upcoming period for both the government as well as citizens, as they both have responsibilities on ensuring proper registration of civil status events. Regarding the address system, or better the National Register of Addresses, I can state that the implementation is making a lot of progress. Hopefully, by the end of September, about 215 local government units will have digital maps containing the street names and building numbers, which covers approximately 80% of the registered population. The aim is that, by the end of November, the National Register of Addresses will be completed and connected to the National Register of Civil Status. This connection should in the end provide every registered person with an address. The use of addresses is important to government, businesses and the general public alike in order to provide and receive quality services.

We all were testimonies of what happened in Gerdec also as a result of old surplus ammunition. Recently, the OSCE has helped the Ministry of Defence with the disposal of large ammunition and toxic chemicals. Will your assistance end here?

What happened at Gerdec was tragic and is something that should never be allowed to happen again. The disposal of surplus ammunition is very important to the Government and it is very important for the safety of Albanian citizens. Up to this point, the Presence has very successfully provided assistance in all areas asked of us and we are more than willing to assist more in the future so that together we can rid the country of these dangerous and hazardous materials.