

**INTERVIEW GIVEN BY THE HEAD OF PRESENCE,
AMBASSADOR ROBERT BOSCH,
SHQIP, 1 SEPTEMBER 2008**

Mr Ambassador, today the Assembly Ad Hoc Committee is due to resume its discussion over the Electoral Code. Let us begin by discussing the whole issue of electoral reform. How do you view the goals announced by the major parties regarding the future Electoral Code? What will your role in this process be? What are your suggestions on this Code, keeping in mind the Constitutional changes?

Let me first of all, that the Presence welcomes the resumption of the Ad Hoc Committee. We now urge all political actors to undertake a comprehensive discussion and look to get the widest possible consensus at the end of the process. We also need to see an agreed package that allows enough time, for those involved in the implementation of the code i.e. the Central Elections Commission, to do their job. Any delays in the process and any repeat of the impasse we saw in 2006/2007 will only result in long-term problems. We would strongly recommend that all political actors follow the recommendations from the 2005 and 2007 Final ODIHR reports. If they do that, they will be helping greatly to achieve successful elections in 2009.

Clearly the role and nature of the Central Election Commission will be a key plank of any final package of reforms. The notion of moving towards a fully professional and non-partisan CEC obviously has a lot of merit. However, I do not see this as being realized before the elections of next year. Should the CEC keep its broad role, as it is at present, then it will be important to strike a sensible balance between the manageability of a smaller body on the one hand, and the need to offer political confidence in the process, by not limiting the breadth of representation, on the other.

In terms of the scope of the CEC, we are interested in seeing a formula agreed that will promote the sound administration of the next and subsequent elections. We encourage the domestic actors to come up with a sound plan and then stick to it. In all countries, not least here in Albania, one needs time to let institutions and practices fully mature and not keep changing the Electoral Code at every election. Moreover, assuming that a consensus over the reforms and even if the CEC is given enough resources to manage the process, and even if internationals provide timely advice, if there is still insufficient political goodwill running into the next elections then the mantra of manipulated elections, will be heard and the Albanians will not have the kind of elections they deserve.

We have the ability to offer technical expertise in this process - although to date we have not received any such requests. Either way, whenever asked, we will continue to provide advice when we feel the process could be further improved and we have already done so on many occasions. Let us be clear here – the OSCE/ODIHR does not wish to express any opinion on which electoral system is better than the other. During the debate that ended last spring, over which system was to be chosen, we provided a series of seminars to relevant national actors over various different options. Under my stewardship, we will

certainly not be getting entwined in the cobbling together of any political deals between local actors. What is needed is for my organization to say what the standards are.

You were seen to show euphoria regarding the so-called reform of the Civil Registry Offices, which provided for the printing of certificates, but problems remain. What is your suggestion on this aspect?

Let's not exaggerate here. We believe that the civil registration modernization project is on track but that's all. On the issue of ID cards, from what we can observe, as the Presence is not involved in this part of the project, the Government has publicly said that the first cards will begin to be distributed in January next year. That said, the ID cards will only ever be as good as the data they contain. With substantial funding from the European Commission, we are currently implementing a technical assistance project to modernize the Albanian civil registry system. The first phase of the project was to computerise the existing fundamental register books and create a national civil status database. This task is completed and the data collected will be updated by Civil Status Offices. The data will be available for the production of ID cards. Also the existence of the national civil status database will enable a preliminary voters list to be extracted, thus hopefully putting an end to the perennial problems associated with the production of a voter list.

Mr Ambassador lets us turn to judicial reform. Since you last spoke publicly, the impasse over the appointment of High Court judges has ended. Are you helping in anyway with the whole judicial reform process?

The creation by the President of a commission to create appropriate criteria for the candidates calmed down the situation. I think much credit should be directed to the Office of the President, who introduced this idea. As a result of this process, as we now know, the final list of candidates sent to the Assembly was seen as more acceptable and the matter was closed. Let us hope that we do not revisit such affairs in the future, as the whole matter was an unnecessary distraction. All I would like to say on this is that it is important that all actors respect the separation of powers that underpins the current constitution.

Certainly we have played an active role in assisting the national authorities over the whole judicial reform process. Much of our work is aimed at reducing corruption by looking for its root causes and making recommendations for improvement. In December 2007, an analysis of Criminal Appellate Proceedings focused on the practices of the criminal appellate courts and gave recommendations for increasing fairness. Previously a similar report on district courts was published - now we are working on a report with recommendations on how to improve civil trials. To increase professionalism among judges, we are working to improve awareness of judicial ethics and have received excellent co-operation from the Ethics Committee of the National Judicial Conference. We have been training lawyers, judges and others on implementing domestic violence legislation. We are very concerned about the need to create a probation service, not only to avoid sending less dangerous convicts to prison, but also to avoid having lighter

sentences suspended without any sanction at all. For this reason we have been assisting the Ministry of Justice in creating a National Probation Service. Over the past months we have participated in working groups and prepared comments on draft amendments to the Notary Law. We were also involved in working groups that drafted new disciplinary regulations and new personnel regulations under the State Police Law and on a new Law on Internal Control Services for the police and for the Ministry of Interior.

Ambassador Bosch, what is your view over the post Gerdec reconstruction process and over the ongoing legal investigation led by the Prosecutor General? What do you think will be the conclusions of the investigation?

In terms of the ongoing Prosecutor General's investigation, all national actors have an important responsibility to allow Mrs Rama and her team to continue their enquiries without any political interference, in order for the public and those most closely affected by the tragedy, finally to know what happened and why. This also means political actors, be they from the left or right, avoid giving 'advice' to the Prosecutors Office as to what her terms of reference should be. Sadly the role of the Prosecutor General has been an ongoing 'hot political potato' for many years now and I think this has to stop, if we are ever to develop truly independent state institutions. Considering the magnitude of the tragedy, to say that major lessons need to be learnt by future governments from this disaster is probably one huge understatement. After a slow start in terms of co-ordinating a response, I believe that the Government has made major strides in developing a coherent strategy. I know that the Government now realizes that in any future civil emergency it will need to speed up its procedures in order to benefit from donor money before this money is lost to some other disaster elsewhere in the world. In terms of the much publicly discussed safety of the area, as both you and your readers know, the International community has repeatedly said that the 800 metre safety perimeter around the site should be respected as an exclusion zone, until such time as it is certified as safe by international experts. It had been worrying to hear of instances where local people have been allowed to return and build new homes. That is why it was extremely positive to read of recent comments made by the Minister of Defence, Mr Oketa, about the need to respect the 800m safety zone.

At the end of the political season, you made a critical pronouncement concerning the draft law on lustration. It came when it appeared that the Government would approve its own draft. Don't you think that you intervened late?

First of all, I did not intervene, I just advised to take sufficient time to discuss not only by the Parliament but also with the whole of civil society as the draft is very sensitive and many emotions are involved. So rushing it through seemed not the most appropriate way to go – especially in this case but also in all other cases when draft laws are presented. I seriously hope that this advice will be taken up again when we restart discussing the draft.

What concerns do you have about the nature of the civil service in Albania?

I think it is fairly clear that under this Government, there has been a huge turnover of staff within the civil service. That said, we have to accept that not all hiring under the previous Government was done in a transparent and professional manner. Thus the problem is systemic rather than having to do with one political party or another. In particular, while many of those dismissed have complained to the Civil Service Commission and won their cases there and even had these decisions confirmed by the Court of Appeals, we have heard of only a very small number of cases where those persons were actually reinstated. Within the police, although many of the dismissals may have been justified, some of the procedures used to remove them were not transparent. We have seen significant levels of donor money being spent training large numbers of police officers and other public officials, only to see them dismissed and replaced by new persons who then need to be trained from scratch. Such practices are a waste of resources. We have not seen any effort by any party to seek a real solution to this problem. One recommendation would be for all political parties to pledge that, when in government, they would strive to produce an independent and impartial system of public administration that strives for continuity. The level of partisanship used in the recruitment for public administration posts continues to spiral, but at some point, sooner rather than later, Albania has to turn this page, so that it can boast a system that matches systems prevalent in other EU countries. This, by the way, is also a minimum requirement for potential EU members.

On the matter of property, does the manner in which Albanian authorities have decided to compensate former owners appear normal, considering that with today's pace it will take hundreds of years to be completed? What is your role in the restitution and compensation process for property? What part of the law reflects your contribution?

The process is very difficult and highly politicized. It is not for me as an outsider to say what is right or what is wrong. In terms of our own involvement in the restitution and compensation process, we have followed our mandate and provided the PRCA with technical assistance and advice to assist it to better manage its claims data, so that it can work more efficiently. This assistance was provided in two phases between 2006 and 2008. During the first phase, we assisted the PRCA to digitalise some 350,000 documents from nearly 43,000 claim files and entered the digitalised data into a database accessed by a search engine. In the second phase, the digital database was provided with Geographic Information System Technology. The GIS technology was requested by the PRCA because it was difficult for the agency to determine the location of the former owners' properties which made it difficult to process claims efficiently. Under this phase, hundreds of maps from the military, the State Geodetic agency and the IPRS were obtained to create a co-ordinated GIS support base layer map. On this base layer, more than 2,000 maps submitted by former owners, mostly from the southern coastal area, were geo-referenced to determine the location of the claimed property. In short, we do provide assistance as much as we can within our mandate.

Mr Ambassador, your website says that the OSCE aims to provide equal opportunities for women and men, as well as to integrate gender equality into

policies and practices, both within participating States and the Organization itself. How do you view the progress made in Albania to date in this respect?

For the OSCE, gender mainstreaming is one of the most important areas. Gender will remain a key issue for the OSCE and is in line with the OSCE Gender Equality Action Plan that is fully embraced by all OSCE Participating states, including Albania. When one looks at some international reports and indexes, the overall picture in so far as Albania is concerned is not as rosy as it should be, at least not for a country that has serious EU integration aspirations. I think it's fair to say that much greater reform is required. Women remain under-represented in senior levels of government and the political process. Only 7% of parliamentary seats are held by women, and only 2% of mayors are women. In fact, the 2007 election saw even less women running for office than in the previous local election. Even though a quota has been introduced in terms of women's representation in some political party structures, no such quota yet exists regarding elected women's representation. An alternating list of female and male candidates could be considered while finalising the electoral code. This would provide the best safeguard for securing adequate female representation. My understanding is that there is some level of support for this concept amongst the parties. So I am optimistic that the Electoral Code in its final form will promote more equal representation.

Providing the legal framework, however, would be a first step. I urge all political party leaders to make strenuous efforts to ensure that the many strong and capable women within each of their parties run as candidates and become Members of Parliament. I don't buy into the argument that I have heard from some, that quotas will promote women irrespective of their ability. Equal opportunities are, however, not only a question of political representation; although women have equal access to education, they have a more limited access to the job market and employment opportunities. We now expect that the recently passed Gender Equality Law is fully implemented so that we can start to see some early tangible results. I think that the National Strategy on Gender Equality and against Domestic Violence that the Government approved at the end of last year is a good instrument and guides the way in this respect. Co-ordinated by the Ministry of Labour, Social Affairs and Equal Opportunities, a wide group of international partners, including ourselves, are providing assistance to transform the content of the Gender Equality Law and the Strategy into an every day reality. Unfortunately, due to the late approval of the strategy last year, the ambitious aims of the strategy were not equally reflected in the 2008 State Budget. But I do think that this gap had been identified and the implementation of the Gender Equality Law and the National Strategy on Gender Equality will be duly considered when planning for the 2009 budget.

Let us move to your mission in Albania. Summer, which generally is dry and also barren of political news, was characterized by polemics about the continuation of your mission here, on which it appears that Tirana officials have objections. If Tirana officials do not want your presence, why should you remain? In other words, what is your mission here which cannot be interrupted in midstream, despite the objections of Albanian authorities? What is the interest of the Organization that it insists on remaining here?

I am not totally sure that a discussion about our mandate really falls into either of these categories. However, from your question, it would suggest that all 'Tirana officials' want to see the Presence leave. I can however tell you that I have not spoken with or heard any Albanian politicians who have said that we should leave. A vast majority have supported the retention of our current mandate, whilst a few others have asked for a more restricted mandate. Anyway, the actual decision on the mandate taken in Vienna within the Permanent Council of the OSCE.

In terms of our direct relevance, I can tell you that while much progress has been made since the Presence was set up, there is still much work to be done. Judicial and legal reform has a long way to go. Corruption remains very high. The trafficking of human beings remains a continual concern, as the latest US State Department report confirmed. On the issue of gender, this country has a long way to go in order for the gender imbalance to be better addressed. Other than a few NGOs, civil society remains uncoordinated and under developed. The media has been a continual concern for the international community in terms of media standards and media ethics. Given this, I would say that there is a job to be done and that we are currently working effectively in these areas to help Albania move even further forward in an efficient and cost effective manner.

Let us talk a bit about a few terms of your mandate. You direct a staff of around 100 persons, a considerable number in comparison with other countries where you have a presence. What changes have occurred in this number in comparison with 1997, the extraordinary year in which your mission was placed here? How are the Euro 10 million, which are the expenditure of your presence here, including the costs of projects, justified?

First of all, as I have already mentioned, changes for the better have clearly taken place within the country since we began our mission in 1997. As a result of these changes, our mandate was revised in 2003. In terms of our staffing, during the first stages of the mandate, I believe we employed some 190 staff. By 2003, this figure went down to around 140. The figure is now 106. So since 1997 we have seen our staff decrease by about 50%. Indeed, with the exception of Montenegro, the Presence has had the lowest number of staff in the region during these years. In terms of the budget of the Presence, we have an annual budget from Vienna of some 3.7 million Euros and on top of this; we receive in the region of some 3 million Euros from participating nations who wish to fund major strategic projects through the Presence. For example, a 2.5 million EUR EU-funded project, with additional funding from the United States' Government and complemented by substantial Norwegian funds, is providing technical assistance to the Government on the afore-mentioned modernization of civil registration and address book systems, spent over a period of three years.

Is there a conflict in your mission between the objectives and the reports that you issue? In other words, if you report that there is progress in all fields, then there is no reason for you to remain, especially with such a large staff. That is, it seems as if you are interested in reporting problems in order that your continued presence here

is justified. Is there not an overlap of the areas of action of your Mission with those of other international bodies? If one looks at the list of your engagements, it appears that there are many, and the objectives seem to be ambitious, whereas the financing does not seem so convincing?

First of all, next to the fact that the staff is not that large as compared to other missions in the region, as I have previously mentioned, the reports that we issue from time to time, simply reflect what we see is happening irrespective of whether this has any effect on our own stay here or not. When you look at our published reports, you will notice that we have acknowledged the progress in country whilst also noting that there is still a lot to be done within our mandate. You will find that this is exactly what all international organizations do. Of course, the danger of overlap with other international partners exists. That is precisely why we work closely with its international colleagues to reduce such scenarios. Within every sector that it is covered by our mandate, there are possibilities for many niches to be filled. And sometimes this will not require multi million Euro funds to achieve success. Our physical presence in four Project Offices also allows us the unique capacity to deliver project activities based on the local reality 'on the ground' and to support other international partners in their work.

Has this role of the OSCE here gained any qualitative change from the recent pressure applied by the American authorities, which considered unacceptable the Albanian authorities' stance against the continuation of your mission here with your present mandate? Do you see an increase in your authority because of the American pressure? (Recall the American diplomats who publicly criticised the Albanian authorities' request that the OSCE depart or change its mandate.) But if you do not have a role concerning the Electoral Code or on property matters, where is your role then?

Again, the debate over the mandate will be conducted solely in Vienna through the usual institutional mechanisms. As Head of the Presence in Albania, I can only focus my attention and those of my team on our project activities and in providing advice to local partners when needed. What others say about us is for them. I would like to mention here that the Albanian authorities have always appreciated the important role that the OSCE has played in recent years and they are confident that we will also be able to continue to play a positive role in the coming years. In terms of our relevance, I would suggest that if your readers review my earlier answers you will see that we certainly have an important role to play both in making public statements when needed and in delivering projects, at the request of the Albanian authorities, and in partnership with the national authorities, which goes for wider than just the electoral code and property projects.

Dear Mr Ambassador, You are the second Head of the OSCE Presence who comes from the Netherlands. Is it believed that you Dutchmen manage to have an easier time creating confidence in a country such as ours or are the superpowers unable to reach an agreement with each other and therefore a representative of your country is selected? In fact, there is a good tradition of Dutch officials in Albania, which has

its roots in the history of the founding of the Albanian state. What do you know about this tradition?

I think we should probably leave questions of nationality at home so to speak and also I don't feel that I should be giving history lessons to Albanians. However, you have asked the question so....

First of all, I am not representing the Netherlands here in Albania and I suggest you contact the Netherlands Embassy here if you require a Dutch view on the historical role of the Netherlands in this country. I have simply been a serving diplomat of the Netherlands for almost 30 years and I am currently charged by the OSCE to lead the work of the OSCE Presence in Albania in pursuance of the mandate. As you say, my role is to help build confidence in democratic institutions in the country and that is what I am focused on doing, to the best of my ability. I think if you actually take a look at the Heads of Mission throughout the OSCE system I think you will find that it is made up of Ambassadors from all different nationalities, so maybe your analogy is not right.

To answer to your question on why someone from the Netherlands has been appointed here, I cannot leave out without mentioning that although, in this position, I do not represent my own country, the Netherlands is very active in the international affairs. They are one of the six countries who first created the EU. The Netherlands are among the most net contributors in the budget of the EU and have more influence in the EU than the size of the country would justify. However, I should stress that I am no historian and so I would strongly advise all your readers not to take my word for it and to read up what Albanian historians have written.

E.o.T.