

HEAD OF PRESENCE'S INTERVIEW ON ABC NEWS TV

Host: **Sonila Meço**

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Sonila Meço: Good evening, Mr. Wollfarth!

Ambassador Wollfarth: Good evening! Thank you very much for this invitation to *ABC News*.

Sonila Meço: It is a pleasure to have you with us in this studio. With this interview we complete the series of interviews with the famous international troika, in the context of the efforts that ABC News has made to understand better the mission of foreign ambassadors in Albania and the rapport they have established with the political class, and after all, also the popularity that the ambassadors are gaining in Albania.

Mr. Ambassador, you arrived in Albania on 16 September 2010, sitting in the chair of the Head of Presence. Which important pillars in the mission of the OSCE, such as defending the constitutional institutions and promoting democracy and human rights, has Albania accomplished during one year and a half of your tenure?

Ambassador Wollfarth: Albania has indeed made progress over this short time. We see continuous work in the parliament now in the ad hoc committee on Electoral Code reform and we saw the very important election of the Ombudsman at the end of the last year. When I arrived, at that time, the political impasse was still going on and a couple of very important events took place. A happier one was the local elections, but still a very big challenge. So quite something developed and it was interesting. It is still interesting. It is a challenging time, but also with headway. I like to be here in Albania and you mentioned my friends, partners and colleagues the American ambassador and the Head of the EU Delegation. We get along very well and I think we really think in a similar way and we try to help to bring Albania forward.

Question: Which goes to show that the perspective of Brussels, Washington or other decision-making capitals converge at this important moment, as far as Albania's achievements are concerned?

Ambassador Wollfarth: That is true and especially the politicians, but also the people would do good to listen to advices coming from the two capitals you just mentioned. But, they could widen their horizon, they could listen to other places like Rome, like Berlin, like the Hague or Strasbourg or Vienna what they would have to say, because from there, also very important contributions come to help Albania stabilize democracy and help in the functioning of the institutions.

Question: Ambassador Wollfarth, on 27 March 1997, the OSCE began its mission in Albania. 15 years. It is difficult to summarize the dynamics of the work of the OSCE, but on 27 March 2012 what answer would you give to the interest of your colleagues whether Albania is a functional democracy and whether it has made progress regarding the expectations that the OSCE has for its role in South-East Europe?

Ambassador Wollfarth: The commitments a country takes when joining the OSCE and meeting the standards is a complex task. It is not fully fulfilled in these 15 years, but immense headway was made. That was made under different governments led by very different leaders from very different political camps. So the joint track record for the country is a very positive one. The institutions are more stable and some achievements have been made. Some might seem technical to people, like introduction of the probation service – a very important development in the judicial system – the border police is working now much better, the parliament is strengthened also in its capacity in background, not so visible to the people, electoral codes have been modified several times also including expertise coming from the OSCE/ODIHR and other partners and therefore the country incrementally became more and more stable. Albania today is much better functioning than in 1997 when the OSCE Presence in Albania was invited to help Albania as a still young democratic state to live up to its commitments and the international standards.

Question: So, the mission of the OSCE in Albania in these past 15 years can be considered as mission possible, not impossible.

Ambassador Wollfarth: It is a possible mission. It is a very interesting mix that makes our day-to-day work, our day-to-day life when working so interesting – it is finding the balance between impatience and patience. It is a long way Albania has gone. A long stretch lies still ahead, when it comes to achieving it's national aspirations, but also the smaller milestones are quite important and the achievements made since last November are already very remarkable. So, in this respect, I am an optimist and this is also my favourite attitude, seeing the positive side.

Question: I am glad to hear that. You mentioned November, when the ruling majority and the opposition reached the agreement. Dialogue has worked with highs and lows during this time. Do you think it has been easy to maintain this dialogue, or has it been strongly challenged by the lack of will by the parties to drive forward Albania's integration agenda?

Ambassador Wollfarth: The best place for most of the dialogue is in my eyes in the parliament. But it is not limited to the parliament only. The dialogue goes also through the media or, in the ideal case, it is also completed by direct - sometimes behind closed doors - meetings between the leaders. There are no limitations to the dialogue and when you see how the constitutional system of Albania is set up, requiring a 60% majority for key legislation for very important decisions, good dialogue, intensive dialogue, constructive dialogue is needed to come to a solution allowing to reach this 60%. I really wish for that and the national aspirations of Albania require it.

Question: You spoke about dialogue that has been going on behind closed doors. How do you find discussions on the electoral reform in terms of transparency and inclusiveness, which are also important conditions, set by the OSCE for the change of the Code?

Ambassador Wollfarth: It is a very important work they are doing. They are doing their utmost for good transparency. I admire all the members, starting with the co-chairs for their hard work and the experts working in there from the Albanian side. A very good draft so far. It is not complete yet. I see a lot of good will, a lot of good spirit in finding good solutions, and the process so far has also been inclusive. There was a working group the other day, on formal invitation from the parliament. The speaker of the parliament opened it, smaller parties were present, important civil society representatives were present, and they had two

days of experience jointly with the members of the ad hoc committee on electoral code reform. I think that was very important and that dialogue in many cases I understand is continuing. That openness, that transparency is there. Important decisions still have to come and I have the impression that the reporting on what is going on in the work of the ad hoc committee on the media is also a very good one, so transparency is provided.

Question: On 30 April, five days from today, the term of the electoral reform committee will expire. You admitted that important issues have yet to be addressed in the draft Code. Will there be another extension of the deadline, or should we hope for a miracle to happen in these five days?

Ambassador Wollfarth: I would wish for meeting the deadline, but on earlier occasions I said that quality solutions, a very good draft, is more important than strictly meeting a deadline. I have to make a compliment for the ad hoc committee. I have the firm impression that they are doing their utmost in meeting the deadline, but the task is a huge one and they work to their best knowledge up until also physical exhaustion, because they meet in long days and sometimes even in night sessions. They need also some time to rest. If it take a little bit more, I think the country, the electorate, the future elections' voters can live with it. I would at the same time recall at least that other important decisions will come up in this country, so there is no eternal time for preparing the Electoral Code for decision. Staying close to 30 April or some time in May would be good and needed.

Question: So the work of the committee may spill over to the first weeks of May?

Ambassador Wollfarth: That is correct. That is at least realistic when I see the developments. Before becoming too hasty and finish the good work done so far in a rushed way, I would say it is better to take a couple of days more.

Question: You have stated since the outset of the committee's work that it would be good to have the reform ready one year before the election, and for this reform to be sound, to be defined by compromise and consultations, not to be rushed, and naturally, to have a valuable product. Has the work of the committee met all these criteria?

Ambassador Wollfarth: Yes. The very simple answer to that is yes. They are working at their best will and I am very confident that they will come up with a good draft providing a platform for very good elections in this country, in general elections like next year and also the next local elections.

Question: Mr. Ambassador, I will allow myself to be somewhat pessimistic about the work of this committee. Not about of the committee per se, but about the fact that I have followed the work of these committees every time the Code needed to be changed all these years that I have been a journalist. The blame has been put on the procedure, on the law, although every time a committee has completed their work the sides have congratulated one another, but then attacks have ensued. The losers have not recognized the result. Is it possible that this improved draft and this spirit will solve once and for all the problem of recognizing the elections in Albania?

Ambassador Wollfarth: I am tempted to protect the co-chairs from that pessimism, but, Sonila, I understand you perfectly. This is another level. That is then what the next political level makes out of it. That depends on the spirit they bring to an electoral campaign, to

election day and to the time after elections. By far it is much harder for the one not winning the elections in recognizing that. It is tough to lose, but that is politics. ODIHR has made it clear in their reports so often: it depends on the political will, and the will of the voter should prevail. What I see in the Electoral Code reform that the ad hoc committee is developing, is a precise service can be provided and of course that requires also in the end that the top political players stick to the rules and accept what the voters wanted on the election day, not more, not less. Their wishes are left open indeed on what we have seen so far developing in the country.

Question: I hope the Albanian politicians will drop their vices soon then. However, let us dwell on some of the most problematic issues of the Code. The organization of the Central Election Commission has not been addressed yet. This is one of the key recommendations by OSCE/ODIHR also after the 2011 election. Do you personally have a favourite formula regarding the functioning of the CEC from the various options that have been brought to the table?

Ambassador Wollfarth: I would wish for a clearly depoliticized Central Election Commission, because it is basically precise technical work to help to see what voters want exactly on Election Day. With the partisan commissions that is not so easy. It is not impossible. It depends on all levels on the political will. The current system also would provide enough balance to come to a clear and correct result, but then, in real life you have seen the protracted counting, the complication here, the stopping of the counting there, all these things that are not really necessary. In a precise counting it does not matter how long you take: the result, when precise, should be the same. The day of truth then comes and when it is protracted it does not help. It is only frustrating for the voters. It is probably again a matter of touching the Constitution and other 60% requiring regulations in readjusting that again. The former system foresaw a different composition of the CEC than the current one. We have to work with the system we see right now. It is a complicated issue. The mission only becomes impossible when it is a politicized environment taking direct influence on that body that should work independently, strictly along the rules.

Question: The CEC is the highest body when it comes to vote administration, continuing with lower level commissions. For many analysts, the problem is not the administration done by the Central Election Commission, but the fact that such administration, both from a legal point of view and from a human resources one, is in the hands of the two parties, and for these parties it is easier to conflict than to find the will to co-operate. Can a mechanism be proposed in the Electoral Code to avoid the desire of the politics to interfere with the process?

Ambassador Wollfarth: It depends on the personalities on both sides; in the commission and among the political leaders sending such political signals. This is depending on the political will in wanting as a people and also from the authorities sides and also as citizens in wanting to have transparent and fair elections, and not interfering in counting the ballots in the right way; and defining beforehand the rules how the ballots have to be cast. It can be done. If you allow me a more obvious word: when there are no more temptations for any kind of cheating, then the goal is reached.

Question: Can electronic counting be implemented in the 2013 elections? There is a fear that despite its technological advantages, it is still a tool in the hands of the people and if the will is lacking they can manipulate technology as well?

Ambassador Wollfarth: The trust needs to be built between human beings. Elections are also heavily depending on trusting people. As a voter you want to trust a candidate or a list of candidates you vote for, and you trust the system or you hope that you can trust the system that your ballot is correctly counted. The same is true when the ballot is not counted by hand, but by a machine, because the machine is in the hands and operated by people, or what is inside the machine is constructed by people, so it must be verifiable. When the trust in the people that do the counting either by hands or by the machine is there, then you are on the safe side. If the trust in the beginning is not there, you can not delegate the trust you do not have to a machine, because you had no trust in the beginning. So the machines can help but they cannot replace the trust. The machines can help quite a lot in giving a better feeling to democracy, because when I vote, and I voted many times in my life, of course I am among those who want to know: how is the result; where did we go; who won; how is the composition of a body, be it the European parliament or a national parliament, Bundestag or the regional parliament in our regions in Germany. Of course, you want to know that and you like to know that early. And when you have a speedy and correct result you feel better, you are more interested in democracy, because after a couple of weeks you might have forgotten about the election day.

Question: Let us not forget that this issue is closely related to protracted procedures for the declaration of the final result, which has further harmed the process. Will there be electronic counting in the 2013 elections?

Ambassador Wollfarth: It is possible. It also depends how swift the Electoral Code process now comes to closure. Because after that according to what it is decided, the tendering process, the installation of the machines and the training how to operate those machines has to start and the bigger the decision is the more complex and more time you needed to install it. Many other countries have tried similar things. They started with a pilot project that took more time for introduction. That needs to be seen what is finally decided. The important thing is that all sides involved agree to that system and find the confidence to hand over the trust to the machineries that can be installed in that amount of time that is left. It is now getting less than a year and the purchasing process is also a complex one.

Question: In this framework, would the installation of the machineries for the verification of ID cards require the same burden? Is it that complex, as well? How do you see the fact that the commission decided to implement this choice?

Ambassador Wollfarth: The information I have so far is to a certain extent less complicated and it can be done. It is certainly still a major issue, because a same investment in time is needed. You need the machines, you need persons to operate them, and all that it is connected to it, but I see good reasons in using it and I think it is possible.

Question: Today 26 parliamentary and non-parliamentary parties have presented some proposals for the improvement of the Electoral Code. The biggest concern of the smaller parties has been the system, the possibility to correct it, because according to them, the current system has a problem of vote equality. They even declare that this is anti-Constitutional. How would you consider the current Albanian system? Do you share the same concern as the smaller parties?

Ambassador Wollfarth: It is a very important issue starting with the equality of the vote. A solution should be found that gives roughly the similar number of mandates to a certain

number of votes. In the past, that was certainly a challenge. The smaller parties, to my knowledge also want other thresholds when entering the parliament. This that is something to be carefully considered. General experience teaches that it is better not to have too many splinter parties in the parliament, whereas some other countries do have that. This is to be discussed between the party leaders, certainly with the big parties. While saying that, I would like to recall also that an important task parties, and especially bigger parties, can fulfil in having already an internal discussions in solidifying opinions of a larger number of people, which is necessary to prepare bigger decisions, especially when you need what it is often called consensus in the country, when you come to very complex fundamental decisions especially in the European integration process. So this is more difficult when you have too small units, it is better in bigger ones. Then again, it depends on what Albanians want. What is certainly not good in the long run, is solidifying a system with one-person parties and one person only in the parliament. This is too fractioned and complicates decision-making. Then, it would be better to find solutions how to integrate them in larger streams for facilitating reasonably the decision-making process.

Question: Another issue that has generated crises in Albania and that is analysed is the representation scale that the current system provides. Candidates in Albania do not participate in the electoral race. They are selected and represented in closed lists. Do you think crisis is conserved this way?

Ambassador Wollfarth: I have followed this discussion. When you compare the discussion in earlier years and the discussion now, it has really changed. There was a mix in the earlier years; a part of the candidates for MPs was in the list decided by parties and others outside. The discussion was pretty much the same. It would be for the parties recommendable in having a dialogue not only with their members put also with their possible electorate on whom to put on the lists. One issue, I would like to recall when talking about lists, is the gender issue in having one third women on the lists and also in positions that allow them to be represented in parliament in sufficient numbers. So fundamentally, there is nothing wrong with parties deciding who is on the list as long as they stick to the rules. There again, I would invite also for dialogue with civil society and potential followers to see to find the right mix and the right blend of names on that list to a successful policy making.

Question: Electoral reform is one of the twelve recommendations to receive the status. In your perception and prediction, in the little time left till the end of the mandate, can we mark this recommendation as done, like with the recommendation on the People's Advocate and the laws requiring a qualified majority?

Ambassador Wollfarth: On Ombudsman clearly yes. I cannot replace the European Commission, but I can say it from the OSCE view that on the Ombudsman there was a good process and a good selection. That was certainly one out of the many boxes to be ticked off, but many more boxes are still empty and delivering to these boxes needs to be seen.

Question: The parliamentary reform is another box. There are statements by both sides. The public perception is that that work was done, but the parties stayed firmly in their trenches. In your opinion, is the parliamentary reform fulfilled?

Ambassador Wollfarth: It has seen a lot of progress, but it is not complete yet. It would also include consensual rules of procedure and there consensus is not fully reached yet. Important questions are open. Good parliamentary dialogue sometimes includes confrontations in

content. Also it needs to see balance in representation in speaking time. There, some altering needs to be made.

Question: The mandate has expired.

Ambassador Wollfarth: But the questions are still open and need to be solved.

Question: Mr. Wollfarth, we see the fulfilment of these reforms not only in the interest of an improved governance and rule of law in Albania, but also in the framework of the aspiration to receive the candidate status. As the Head of the OSCE Presence, are you more optimistic regarding the status? Do you see the conditions and political will as positive for this aim?

Ambassador Wollfarth: The parliament is functioning, working. This is an important step. We just talked about the election of the Ombudsman and that was another very important step and it is also an institution mentioned in the Constitution. My optimism is growing that there is a possibility, but many other questions are still open. It heavily depends on how quickly and in which quality, hopefully a good quality – the decisions are taken, and also in time. The time also for Brussels to collect that information and the end of that time is running and approaching. So early points scored might lead to a positive recommendation. This is at least my perception from the OSCE point of view. When it is coming too late, after the deadline, it is hard to score a point. It is like in a football match, when the final whistle is over you cannot score a goal anymore. Then you have to wait for the next match.

Question: In this effort to get the results before the final blow of the whistle, has the process for the election of the President been added as recommendation number 13?

Ambassador Wollfarth: It is certainly a very important process. It is about electing in a voting procedure, a series of voting procedures, the number one of the state in the parliament, and sticking to the rules and proceeding in a dignified way is certainly required. It is closely observed from many. OSCE will take a close look to see how procedures go, and I only invite to stick to the Constitution in the good spirit.

Question: This is what I wanted to ask, but you mentioned it yourself, the letter and spirit of the Constitution. Aren't they sufficient to provide trust in Albania, and for the international community, because the word "all-inclusive," which has been repeated for several months by the international factor, sounds like an alarm which seeks to make an appeal. To whom does this appeal go to?

Ambassador Wollfarth: The acting politicians, because parties seem to have one of the leading roles here in the country in nominating candidates, but a future President or a President of Albania has to be above the party level. The Constitution foresees and provides an opportunity to find a consensual candidate or even several candidates that can be looked upon as consensual. The first three rounds require a qualified majority, which means that the majority coalition and the opposition would have to agree to elect a candidate in these rounds, and that is certainly preferable, since the President then, the future number one, will have to represent all of the Albanians. The current Constitution allows, if that is not reached, for a fourth round in having the so-called simple majority, which in other countries would be called the absolute majority, which is more than fifty percent of the votes, to elect the President. This is also possible and keeps the country viable, and the post not vacant. It is preferable to see a good discussion, a good dialogue, looking hard for good candidates, who

could fulfil that really demanding post, that is the number one in the Republic of Albania in the most dignified way. I am sure it is possible, and it should be done with high energy and through dialogue in the circles of all relevant people.

Question: So, it is not necessarily the domain of the politics.

Ambassador Wollfarth: It is not necessarily limited to politics, it is true.

Question: However, you said a few days ago, yesterday if I remember right, that you expect the politics to be clever in this case in order to chose a dignifying figure, who is supported widely by the citizens. Thus, we have here a trinomial; the Constitution, the citizens, and politics. What makes you think that such politics, full of conflict, would allow for consensus or a spirit of compromise to prevail in the elections, which, as a matter of fact, is envisaged in the letter of the Constitution?

Ambassador Wollfarth: It is an election process in the parliament, so it is also a representative way of democracy, and I am sure that a solution can be found, provided that there is good will to identify either a common candidate or several candidates, who meet the criteria, and then select one. It is certainly not easy, given the political track record of the time I have been serving here. The climate was already complicated before I arrived. It is somewhat better now, but it would take an effort from both major political camps to identify such a person. It is not impossible, and that is what I call for. Otherwise, there is at least a risk that the institution of the President is damaged through sometimes harsh discussions, which makes people not even expect any more that somebody can exercise that important state function, because it is discredited through a very tough discussion before that person even starts. I would strongly invite to avoid such confrontations, because this is certainly not constructive. Albania has the aspiration of integrating, and live up to the international standards, live up to its commitments, strengthen its institutions, have a stronger system of checks and balances in place in the future. There, you need also a functioning President, playing that important part in the concert of the important institutions in the country.

Question: How can this consensus be achieved, taking into account that both parties amended the Constitution in 2008 and the election of a President in the fourth or fifth round with 71 votes allows each of the forces or parties in the parliament to put forward their candidate, knowing that the parties have a refractory stance against the other party's candidate.

Ambassador Wollfarth: That needs to be seen. The fifth round that is described in the Constitution also has the opportunity that, when there is no required majority found, which, if I am not wrong, is fifty percent plus one votes, a new election would have to be held within 45 days. You are not there yet. I do not see where the advantage for Albania would be. It is really time to look for good candidates for a dignified future President for the country. This is what Albania merits, what the people deserve, at least in my eyes. Maybe I am wrong, let us see.

Question: The Democratic Party has stated that the next candidate would be from among its distinguished figures, with relevant contributions in politics, while the opposition is of the opinion that a candidate for President from the ranks of the majority would create a concentration of power and it considers this to be a higher concern for the future of the

institution. Can these be considered as clever political stances like the ones you ask for when it comes to the election of the President?

Ambassador Wollfarth: I would wish that there would be discussion to identify a personality that could reach the gap. As the current Constitution is structured in that respect, it is possible that the majority will get their candidate for president in the fourth round, so for the opposition would be better to be open for dialogue, and also be constructive through making good proposals and using one of the three rounds, would send a responsive note, and it would also require in the receiving side, in this case, I mean the DP, being constructive in receiving certain signals, but it depends on the personalities selected and proposed. That is for Albanians to decide, it is not for internationals. The OSCE will certainly not decide, who will be the President. This is certainly for Albanians, and in this case, indeed, it is the parliament which will elect, it is for the politicians.

Question: The historical leader of the left-wing in Albania, Mr. Fatos Nano, has publicly stated his ambition in this regards. He has started a tour of meetings with Ambassador Arvizu, and the Socialist Movement for Integration leader, Mr. Meta. Does this agenda also include a meeting with you, Mr. Wollfarth?

Ambassador Wollfarth: We have met in the past when travelling, but he has not knocked on my door yet. Mr. Fatos Nano got on my radar screen when I was briefed preparing for going to Kosovo, back in 2005. And from that time back, I remember that he has tremendous networking skills. Certainly he was a strong leader. It is up to the Albanians to decide. I am not so sure. One would have to look also in the Constitution. There is an article describing the requirements of the candidates – 40 years old, being born Albanian and having lived in the country for the last ten years. So, if all that applies, he certainly could be a candidate.

Question: The role of the President in Albania, as stipulated in the Constitution, continues to be important when it comes to the relations with the judicial institutions and with the independent institutions in general. How do you assess the performance of the current President, who is still in office?

Ambassador Wollfarth: He is still in office, so this is a dangerous question for a diplomat. But with pleasure I can give you the answer. When I met President Topi, and we had a large series of meetings. One of the days I most like to remember is the election day of 8th of May 2011. We spent practically the whole day together. We had many conversations. What I may say about President Topi is that he is a patriot; he has read the Constitution; he sticks to the Constitution; he likes his country; and he is a fan of checks and balances. The current Constitution, as amended in 2008, limited the possibilities of the President in contributing to these checks and balances, as it would be needed to really help the country moving forward. So he really wished for correction, but that is not in the power of the President. When it comes to nominating judges, I know from discussions with him that he was interested in skilful people and fully manned courts. In some cases that was not possible. So far the Constitutional Court is an example of an ongoing deadlock, which is certainly not good for the country. And the other issue is the High Council of Justice. The vacancy was just filled some days ago after quite some delay. All are issues of great concern for the President. I think his track record is a positive one. He has served in not so easy times for the country, but I am sure he will be in the books with a positive record.

Question: There is an issue in the High Council of Justice; a proposal the President of the Republic has made for the Deputy Chair of this Council. There is a claim by the majority in the HCJ regarding a violation of the Constitution because one of the members of the judiciary has been selected for the HCJ. A decision, which has not been taken yet, is expected. Is the OSCE concerned about the clashes regarding this proposal between the majority and the opposition and the institution of the President?

Ambassador Wollfarth: We observe that very closely and any solution that is found must fulfil the requirements of the Constitution. Otherwise it would not add to what the citizens need most: trust in the system.

Question: There was a proposal stating that since the President will be only for less than two months in office, the election of the Deputy Chair should be postponed for the next mandate of the President given that the Deputy Chair is an administrative member who substitutes the President when the latter is not present, and the Deputy Chair is an important help for of the President within the HCJ.

Ambassador Wollfarth: According to the information I have, that would be against the Constitution, i.e. if the process took that that long. Answering that question and filling that gap is needed before the new President is elected.

Question: Will the election of the President, i.e. the way it will take place, and the product which will be delivered, without prejudice for an election by 84 or 71 votes, be a record which is to be assessed in the future reports of the OSCE, European Union, and European Commission?

Ambassador Wollfarth: You mean the process? I am sure, yes.

Question: We discussed on independent institutions, justice. The scope of your work also includes the monitoring of the justice reform. How do you consider the current situation of this system? Also, seeing it as a personal challenge of the OSCE to improve this system.

Ambassador Wollfarth: It is partly training of judges, and others that work related with the courts, certainly the prosecution. But one of the largest gaps I think so far, is the vacancies in the Constitutional Court. I would wish for a fully functioning Constitutional Court, in order to help to get the system straight through the levels in the country, because they are concerning news repeated and far too frequent regarding the independence of judges, and the influence outside the legal framework on judges being exercised. This is of outmost concern and something the state and the institutions have to strongly work on.

Question: In the OSCE report for the Commission in Vienna, you stated, among other things, that you expect the justice system in Albania to be responsible, accountable, efficient, and transparent. This record I just stated, is it a problem of the system itself, is it a problem of the culture in general, or a problem of the politics? Have you made a division in percentages on which is the factor that affects persons more?

Ambassador Wollfarth: Percentages, that is too mathematic, I would say. It really needs fully abiding to the rules, not falling to temptations, like money, coming with decisions in due time, not protracting, and it is really a large set of regulations, it is a very complicated profession to become and to be a judge. It requires so much, but what really it requires is

independence. We have also seen cases where the performance was in a way that immunities become an obstacle. And this is something that needs to be visited as an issue in the future. It was in the public discussion already, and it is something that needs to be tackled for the system to be straightened, because this is something that is required when you want to approach closer into the EU structures. There is a lot of homework to be done.

Question: In your point of view, where should a deep reform in justice start? According to you, whose mission is that?

Ambassador Wollfarth: I would reckon, since Albania is a sovereign country, and you cannot apply a system like it was at times used in Kosovo when UNMIK was providing that task. I think the best sign would be a top down approach, that is why the Constitutional Court is so important, and then clean the system. Step by step. It can be done.

Question: At which extent does this progress of the justice reform, performance of the justice system in general, define the relations between Albania and Europe?

Ambassador Wollfarth: It is one of the most important conditions. Because the justice system is one of the key pillars, one of the three pillars of the state, and if it is not properly functioning, you do not have a balanced state, and you need to be a balanced state to come closer to your dreams.

Question: An important issue related with justice is also the investigation of the events of the 21st of January. A few days ago, Ambassador Arvizu stated that there will be some new information about the process and the full investigation of this process will serve as a starting point of a curing process for that terrible day. Do you have any information about this new stage of the investigations?

Ambassador Wollfarth: No, no further information. In my view it is very important that the General Prosecutor and her team can work independently, truthfully, correctly, and at a given stage later when the process opens, with all the required transparency in making the case. Any political influence or any other influence on the case is detrimental and it damages the system. We need to see a correctly working system.

Question: The stand of the political parties regarding the events of the 21st of January is now known. We are waiting for a finalization of the investigation and justice for this event. Is the 21st of January another unwritten, but implied recommendation in the reports of the international bodies, in the context of Albania's application for the status of a candidate country?

Ambassador Wollfarth: That is better to ask the European Commission or the representatives. I think they are more important. This was just a one-day event but it can make proof that the judicial system is working correctly, that the political system is working correctly, and that means they have to stay out of it, even though partially it was meant as a political demonstration. Also the other pillar has to co-operate and abstain from interference. So, proper functioning is needed, which is more important than the events of that day, that unfortunate day having seen four victims. This is, I would say, a working parliament, a better working judiciary, a good voting process of the President, peaceful relations with the neighbouring countries, this is one of the pluses of Albania, and good societal development. This is what needs to be seen, then I don't see other obstacles for further headway. But

judicially it is the law enforcing and the case of the 21st of January will be an important one, like Gërdec was an important one, a very long process taking almost four years to come to the first conclusion. That was a long time. Like in elections, truthful and speedier processes are also a performance the state can provide.

Question: And justice has an open issue with the politics. It often becomes a problem in the public perception, and it is not only politics. You mentioned earlier the immunity of the judges, and the immunity of the high officials. You have earlier proposed that this matter could be handled by addressing the Constitution. Do you still stick to this idea?

Ambassador Wollfarth: Yes.

Question: And will Albania's records in its fight against corruption be measures also by the way it will deal with the issue of immunity?

Ambassador Wollfarth: It can be part of that fight against corruption. That depends. Many international organisations and NGOs are observing the performance of Albania on that issue. That depends partially on that issue, but also on how the other authorities work.

Question: I would like to quote you, Mr. Wollfarth. You stated in your last report in Vienna that this year will show where its political leaders will take Albania. You say that it is as simple as that: dialogue and reforms, or stagnation. Where are we? At the beginning, in the middle, or at the end of this path?

Ambassador Wollfarth: Thanks for citing that. I think that is exactly where we are in the current situation. I see a lot more dialogue, not all parts of the dialogue are happy, but it is happening and the Parliament is working and seeing important contributions from the SP side, the DP side, from the SMI, and from smaller parties. And this is extremely important. If the Parliament would still be obstructed, then we would be in a completely different situation, we would not have an Ombudsperson and we would not have probably the other reforms at least started and are being well underway. This is what I call dialogue, this is exchange, this is constructive work, this is common drafting in the case of the Ad Hoc Committee of the Electoral Code reform. So, good tasks are tackled and hopefully most, if not all of them, come to a good end. This is what I call dialogue. I do not call dialogue that old thing, on the same day, the same song from the same song team, and playing consensus. It is about developing a common solution. Another name for that would also be finding a compromise because both sides bring in, or the different teams bring in the important points from their little wish list. It is quite obvious that on a longer list you don't have all your points and you have to prioritize what you want to have, where do you want to go, what can you deliver, what can you sacrifice, what do you have to insist on, and find a balance with your counterpart at the opposite side. Then, the common solution, and a more inclusive solution can be found. One of the big chances the Constitution and the system of Albania offers is that the gap in the aisle is breached when the DP and SP find solutions after a proper dialogue with the outside world, outside the political inner sphere, then good solutions can be found. If that dialogue, which needs to happen in the inner circle, is not expanded, including more of civil society and discussing also laws with the industry, enterprises, and citizens affected, then you do not have the best possible decision-making and then you have to repair the laws shortly after they are being adopted. That is what I also call dialogue; this process that has to start and has to be led by the government, by the parliament, by the committee in the

parliament, including civil society and interested parts of the society. That is developing and that is what would make me optimistic.

Question: So, the same leaders that we have made responsible for being refused the status of the candidate country twice, have become, according to you, better? They are the ones on whom we should rely for taking the status in the light of a functional dialogue.

Ambassador Wollfarth: That is a good question for the voters. That is somewhat easier for me to answer, because I do not elect the politicians; I do work with the ones I find on the ground, be it the leader of the Opposition or the leader of the Government, be it a Minister or be it a Mayor. They are equally welcome because they are there. Whether they deserve their post, this is entirely for the Albanian voters. My duty and my understanding of my profession is working with them, offer what we are invited for: advice. To provide a better service to the citizens and make Albania, helping in making Albania every day more viable. It is better functioning authorities sticking to full set of rules and regulations and bringing the relatively good legal system to full life. This is still a complex task and that is what we, together with other partners are working for day by day.

Question: Could that be interpreted as politics in Albania has become more sophisticated to overpass the international factor?

Ambassador Wollfarth: You mean finding a solution around?

Question: Not only! Let me for example refer to some concrete cases. The Troika is there every time there are conflicts. There often seems to be dialogue, but there is no essential progress in the debate among the parties. And this is where politics seems to be more sophisticated to show the international community that the dialogue is there and functions, but the political wisdom that you called for a few days ago, is nothing but a political game.

Ambassador Wollfarth: I think, and now I am talking from the international side, we managed to offer our advice, trying hard to be helpful and often be ready to help in a certain way, but the solution has to be found and negotiated by and between the Albanian parties. I find it fairly normal that negotiations in content can be tough, and very often are tough, especially on important issues. We only find rare cases when an Opposition is praising the Government. The typical role of an Opposition is constructively criticizing the Government and offering an alternative, trying to convey that. That is what I would invite for. This is normal.

We are not sitting there with a stop watch saying "you have to come to a solution at a certain time limit". That is for what the Albanians are. In theory, there is a lot of time to make all these decisions. But many of nowadays decisions are also driven by the international agenda. So let me perhaps use again the example of European Integration. When you deliver all the points in January than it is probably good for the decision next year. When you deliver earlier and in time, it might be good for a certain recommendation this year. So all that has to be taken in consideration and for every laps of time, there is also a price tag or at least a consequence. Early solutions and constructive work are required at this hour. But this does not mean that it is a push button democracy, that you can find solutions within seconds. That needs sound discussion, that needs constructive ideas, and willingness to come to a common solution. Otherwise in some cases the law is also very clear. You just need majority and then you can decide. That is democracy.

Question: However, we are in a democracy?

Ambassador Wollfarth: Absolutely.

Question: Mr. Ambassador, you have also been on other missions in other countries of the Western Balkans, countries which face even sharper problems than Albania. However, the media does not spare you of being identified as protecting, or favouring one party or another. What do you think when you see such interpretations in the media?

Ambassador Wollfarth: Our mandate in Albania is a mandate for all Albanians and the core is helping institutions, authorities to deliver better services to the citizens. So what really matter are the citizens. It does not matter if you are DP, SP, SMI, or from a minority, not party affiliated, whatever. The services should be provided equally, same justice and so on, same education and so on. It's a little bit stronger than in other countries, but other countries have that too. They try to identify you – you're of that camp or of that camp. May be true, may be not. I would say it is not helpful to do that because our mandate is to help make democracy more viable. To make human rights be respected in the best possible way, full way. To help to see a full rule of law. It starts with also making advertising. Sometimes it is good to look into the Constitution before starting a discussion. Some questions are sometimes already answered there before even needing discussion. The last thing we want to be seen as, is partisan of a political party. I am partisan, and I like to say that, I like to work here in Albania: I am partisan of Albania as a still young democracy with a fast speed of development. I would like to see a faster speed. I would like to see even more progress. And I hope it will be so stable in the future that it would attract also a lot more investors, because that is what people need most here. They need education and good jobs. That is what I wish for and that is what we also try to contribute to – having a good legal system in place, a working legal system.

Question: And the final question. Was it easier or more difficult to work in Albania than what you expected before the 16th of September 2010?

Ambassador Wollfarth: It was challenging. It was not more difficult than expected. Some events, of course, were not predictable as they developed. I was expecting a challenging task. I was not disappointed. I could say at this stage, if asked again, that I would come again. Albania is a wonderful country and I would like to see it improve.

Question: Mr. Ambassador, while we were having this interview I could not resist the temptation to ask you for a prediction of the final result – not regarding 2013 but regarding today's match, Bayern vs. Real Madrid.

Ambassador Wollfarth: It is somewhat complicated. Munich was winning the last match so they are somewhat in advantage. I hope there is enough goals to make it to the finals for them. It would be especially perfect because it would be in Munich and they can play in their own stadium.

Question: In fact, the current result is 2:1 in favour of Real Madrid. I will let you free now because you may be a good-omen for the Bayern team. Thank you, Mr. Ambassador for your presence. Your return to ABC News is a pleasure for us. You visited us a long time ago when these studios were completed in order to witness a new media being born. I am pleased that in

this journey of ours and maturation, you answered the interest of our journalistic staff. [Bayern Munich finally won after a dramatic match and penalty shooting].

Ambassador Wollfarth: My pleasure. I came with great interest and thank you again.

Sonila Meço: Dear all, you just followed an exclusive interview with the Head of the OSCE Presence in Albania, Mr. Eugen Wollfarth. You will certainly be able to watch it rebroadcast later. Thank you for your attention! Good-bye!

Ends