



**Organization for Security and Co-operation in Europe**  
**OSCE Presence in Albania**

**Report to the Permanent Council**  
**Ambassador Osmo Lipponen, Head of Presence**  
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INTRODUCTION

Albania has now entered a pre-election period accompanied by the issue of electoral reform once again high on the agenda. The next parliamentary elections, due in summer 2005, will be a major test for the country and its developing democratic institutions. Despite many improvements to the electoral framework made last year, the lack of sustained political will brought disappointing results given that international election standards still could not be fully met. This has raised the stakes for the forthcoming elections and has intensified the pressure (both domestic and international) on Albania's political leaders to conduct the next elections in accordance with those standards. It is very clear that Albania's aspirations for closer integration into Euro-Atlantic structures will suffer a major setback should the necessary political will again be lacking.

Despite some improvements, Albania has not yet been able to move beyond elections being a main focus of attention and source for political tension, particularly when there has been noticeable progress in institutional development elsewhere in the country. Moreover, this is an issue that continues to set Albania apart from the other countries of the region, which have largely left election disputes behind. The political system in Albania is still predominantly characterized by polarization.

The Presence has previously recognized that the Albanian Assembly is now the main forum for political exchange, and has itself been working in support of this positive development. The Assembly, with its limited resources, is too often used as a space for publicizing political conflict, while the real challenges facing Albania in terms of social and economic issues are practically overlooked as matters of political debate. Only lately have the first signs of dialogue between the Assembly and civil society interest groups over legislation taken place, but challenges remain with regard to citizens' access to information. Other difficult issues, such as government transparency, the role of civil servants, and corruption, must be tackled. The full independence of the judicial system should be guaranteed.

The lack of credibility in the political system, where the citizens have come to view corruption, criminality, and rule of law problems as ever-present and unchanging constants in their lives, leading to widespread apathy and overall cynicism.<sup>1</sup> A recent survey conducted by the Albanian Institute for International Studies shows that an

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<sup>1</sup> UNDP Albania, *Early Warning Report: Human Security in Albania* (Tirana: April 2004). Survey data shows that 46.3% of respondents were not satisfied with the performance of the Albanian Assembly; 38.8% not satisfied with the courts and 33% not satisfied with government at all. The survey also indicates that 74.4 % believe that at least some or most civil servants are corrupt.

overwhelming 83 percent of their respondents cite politics as the main source of conflict in the country.<sup>2</sup>

Taking into account these factors, the Presence has constructed a programme of work meant to address these challenges, with the key issue being the need to stimulate constructive and, even co-operative, political dialogue on important issues and in a sustainable manner. The current activities of the Presence have been built around its new mandate, approved at the end of 2003, and have been developed through careful study of the complexities of each issue.

The units within Presence's three main departments—Rule of Law and Human Rights, Democratization, and Security Co-operation—assisted by the Head of Presence office have worked to identify the main systemic problems affecting Albania. The projects have been designed by keeping in mind short-term, medium-term and long-term goals and the measurable impacts they can achieve. Often a Presence initiative will contain a political as well as technical aspect.

This report describes the current projects and achievements of the Presence since it last reported to the Permanent Council at the end of February. The sections of the report follow the elements of the Presence's mandate to show how the new mandate is being implemented.

#### PARLIAMENTARY CAPACITY-BUILDING

With the Albanian Assembly becoming a real forum for political exchange and compromise—a major objective of the Presence—the increasing demands being placed on this institution have become clear, especially as it is being compelled to resolve a number of highly-charged and politically sensitive issues. Not only do these pressures require the competent and full engagement of the MPs to tackle increasingly complex legislative issues, but they also necessitate a more efficient parliamentary administration to support the MPs confronted by these challenges, particularly in light of the far-reaching reforms generated by the Stabilisation and Association Process with the European Union.

In turn, the Presence has devoted a significant amount of its resources to support the modernization of the Assembly both through its Dutch government-funded capacity-building project as well as through direct contact with committees on various legislative issues (illustrated throughout this report). Many of the concepts, efforts and initiatives of the Presence's parliamentary project introduced earlier in the project cycle have now evolved into action. Taken together, they represent a serious effort to identify legal, administrative, organizational and infrastructure changes necessary for the Assembly to function more effectively. In the months to come, the Presence will be working with the Assembly to complete a full package of reforms with a view towards their eventual implementation in the next legislature after the 2005 elections.

Considerable progress has been made as regards reform of the Assembly's Rules of Procedure, which envisions not only a new internal structure for the Assembly, but also clarifies its procedures, imposes greater discipline on the deputies and, most importantly, enhances its transparency before the public through the obligatory

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<sup>2</sup> Ibid., 20.

publication of the minutes of its plenary sittings and committee meetings. The leadership shown by the Speaker in pushing for this reform has been the key to its success so far. Assistance in this effort has been provided to the Assembly by the Finnish Parliament and European Parliament.

The Presence has also been working closely with the Secretary-General and his management staff to identify a number of projects needed to reform the parliamentary administration and improve the services provided to MPs in the areas of public outreach, information technology, archiving, preparation of transcripts, legislative drafting and staff development. The Presence will continue to provide parliamentary experts who can lend valuable technical assistance and expertise in support of the Secretary-General's efforts to reform the administration.

A new assessment conducted in connection with the MP outreach component of the project has brought to light further issues requiring serious attention as regards the legal and institutional framework governing the role and status of MPs and the staff in their constituent offices.<sup>3</sup>

Many of the concrete accomplishments of the Presence's parliamentary support project such as clearing the backlog of old transcriptions or the passage of new legislation on the work of the Assembly in Albania's integration process with the EU, meant to increase the role of the Assembly in the Stabilisation and Association Process, would not have been possible without the Presence's partnership with the Assembly underpinning the project. The Presence has been especially encouraged by the Assembly's willingness to share costs and make in-kind contributions to activities as this demonstrates not only a firm commitment to change but also indicates the sustainability of the reforms. The Assembly's true ability to take charge of its own reforms and modernization, however, will only come once it achieves full budgetary independence from the government.

#### ELECTORAL REFORM

It has already been widely recognized that the 2005 parliamentary elections, due next summer, will be an enormous test for Albania. The expectations have grown all the greater since the release of the final ODIHR election observation report on the October 2003 local elections, which described them as a "missed opportunity for significant progress towards compliance with OSCE commitments and other international standards for elections."<sup>4</sup> It had been hoped that the 2003 elections would have shown sufficient progress towards meeting international standards so that much of the pressure surrounding the 2005 elections would have dissipated. Unfortunately, this has not been the case.

As in past elections, the difficulties faced in 2003 were largely due to the lack of political will of Albania's two main parties, even if they had initially demonstrated the will to overhaul the electoral framework in a year-and-a-half-long electoral reform process stemming from the 2001 parliamentary elections. It is very clear that should

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<sup>3</sup> The 100 directly-elected MPs each have a constituent office and aide based in their electoral zone.

<sup>4</sup> OSCE Office for Democratic Institutions and Human Rights, *Election Observation Mission Final Report on the 2003 Local Government Elections in the Republic of Albania*, (Warsaw: 25 February 2004), 1.

the necessary political will be lacking again for the next elections, and thus far it appears that the political will is currently rather tenuous, Albania will suffer a major setback in its democratic development, and consequently, in its aspirations for closer integration into Euro-Atlantic structures.

The ODIHR final report was shortly followed by the release of joint recommendations drawn up by the ODIHR and the Council of Europe's Venice Commission on the Albanian Electoral Code (amended in 2003 prior to the local elections). This report was the first full assessment of election legislation in Albania, and, while reiterating the concerns raised in the ODIHR final report, the recommendations underlined the need for further revision of the Electoral Code and other related legislation. To launch a renewed electoral reform process, the Presence soon after began a round of difficult negotiations in April 2004 with the representatives of the Socialist and Democratic parties to reach an agreement on how to implement the recommendations.

The negotiations conducted by the Head of Presence were protracted until the end of June, mainly due to the very distant positions of the parties. Because the bipartisan agreement reached before the local elections had been only partially implemented, the main challenge was to create confidence and trust in the process. The parties each held a different interpretation of the joint recommendations and expressed divergent views on the agenda and other electoral reform issues outside of the ODIHR recommendations, such as the possibility of changing the electoral system. The negotiations centred on the working methods, time frame, form of consensual decision making and order of priorities. As a sign of political will, the two most difficult issues were put first on the agenda: the composition of the Central Election Commission (CEC) and the improvement of the voter lists (voter registers).

On 1 July, the two parties signed a protocol agreement, witnessed by the Head of Presence, which set out the guidelines for the start and conduct of the new electoral reform process. According to the protocol, the SP and DP agreed to establish a parliamentary ad hoc committee to implement the joint recommendations within two months from its establishment. The protocol stipulated that the composition of the CEC would be taken up as the first issue, followed by the voter registers. It was also agreed that a Technical Expert Group (TEG), tasked with drafting the amendments to the Electoral Code, would be established and chaired by the Presence to support of the work of the ad hoc committee.

The composition of the ad hoc committee, established immediately thereafter by the Assembly, ensures parity of representation between majority and opposition parties. The committee rules also set out a decision-making formula that requires consensus from both the SP and DP to pass any amendments. This has effectively given the right of veto to those two parties. With both the SP and DP taking five seats each for themselves on the committee, leaving three seats reserved for the other smaller parties on either side, the structure and decision-making mechanism prompted a strong negative reaction from some smaller parties. Although the Head of Presence participated in drafting the protocol, the seat allocation and right of veto were alone decided by the chairs of the two parliamentary groups without consulting the Presence.

The Presence-led TEG has worked intensively since its establishment on 14 July to prepare packages of amendments for review by the ad hoc committee on the composition of the CEC, voter registers, middle- and lower-level election commissions, CEC procedures and campaign finance. The TEG is due to complete its mandate on 30 September. Given this short timeframe, due to the delays in starting the reform process, not all issues requiring attention can be realistically addressed. Emphasis, therefore, has been placed on the most crucial.

The TEG presented two options aimed at balancing the composition of the CEC, the first issue of the agenda. Disagreement over the composition of the CEC emerged as a major issue prior to the October 2003 elections when the spirit behind the Electoral Code amendments and the SP-DP pre-electoral agreement broke down as a result of the governing majority filling the remaining seat on the CEC, thus weighing it 5-2 in favour of the majority. The DP has since demanded the relinquishment of one seat to the opposition. The first option offered by the TEG to address this issue envisaged amending Article 154 of the Constitution, which outlines the composition of the CEC and the appointment of its members. A second option sought to balance the CEC by instead amending the Electoral Code. The Socialist Party ultimately rejected both options.

As regards the voter registers, the TEG has proposed revising the whole system established by the Electoral Code, with the aim of decentralizing the process to the local government units—a common practice in voter register preparation—and improving the procedures by adding safeguards to guarantee the voting rights of eligible voters. The TEG also proposed a special law to improve and enhance the quality of data in the civil registers of the country, which are the only legal source of information for the preparation of the voter registers. This law, to be implemented only until 31 January 2005, envisages a large and intensive voter registration operation that will require additional human and financial resources and sufficient will from the government, at both the central and local levels. The Presence will be supporting this registration process through a €800,000 grant from European Commission.

Although the TEG has largely been able to accomplish its task while working under great time pressure, the same cannot be said of the ad hoc committee, whose mandate will soon run out on 5 October. The committee is effectively deadlocked over the CEC issue. The DP strongly insists on balancing the composition while the SP firmly refuses any changes before the next election. Using its traditional form of protest, the DP has consequently boycotted the committee and the SP has in turn threatened to abolish the consensual decision-making formula. This could lead to the unilateral approval of amendments and potentially the end of the committee. A qualified majority of 3/5 (84 votes) of the Assembly is required to change the Electoral Code, however. Negotiations between the Presence and the SP and DP to put the ad hoc committee back on track have resulted in the TEG working to find other compromise solutions that could unblock the situation.

#### LEGAL AND JUDICIAL REFORM

Widespread corruption is seen as one of the main negative factors affecting the judicial system in Albania, and a variety of studies show that the courts are the most

affected institutions by this phenomenon. The public's perception of the courts is highly negative, generating a strong sense of distrust. The results of a poll conducted by the University of Tirana in March 2002 showed that 84 percent of the 671 persons interviewed felt that corruption existed in the judicial system. Furthermore, 66 percent believed that the court system was the point of most corruption.<sup>5</sup> The results of this survey were confirmed by research carried out by the Southeast European Legal Development Initiative (SELDI), according to which corruption encompasses all actors of the judicial system, namely judges, prosecutors, administrative staff and lawyers. The international community has agreed that the weaknesses of the judicial system is a major cause for concern, and is one which impairs Albania's progress in the Stabilisation and Association Process.<sup>6</sup>

### *Fair trial development*

In order to increase the confidence of the citizens in the criminal justice system, the Presence launched a fair trial development project to increase transparency in court practices and raise trial standards, particularly those concerning human rights. The initiative for the project was based on the shortcomings of the Albanian criminal justice system identified in the Presence's *Legal Sector Report*, released at the beginning of this year.<sup>7</sup> In the report, the Presence expressed concern over the practice of appointments to senior positions, case management within prosecution offices and courts, non-systematic publication of court decisions, insufficient internal controls over the performance and ethical conduct of judges and prosecutors and the limited prosecution of serious crimes.<sup>8</sup> The project incorporates not only court observation, but also uses systematic observation to identify problems, which can then be addressed in follow-up projects designed to make practical improvements.

The first phase of the fair trial development project, concluded in August 2004, focused on the first instance procedure of serious crimes cases (homicides, trafficking offences, armed robbery) at the Tirana-based Court for Serious Crimes. The forthcoming report summarizing this phase makes a number of recommendations, including the need for more transparent scheduling of cases, better protection of witnesses, sanctions for prosecutors or defence attorneys who fail to appear at trials and the need for written verdicts to contain more argumentation to explain how the court reached its conclusions.

In co-operation with the chancellor of the Serious Crimes Court, five project proposals aimed at providing assistance in the areas identified from both the technical

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<sup>5</sup> Followed by the prosecution office (35%), advocacy (20%) and notaries (8%).

<sup>6</sup> The *Stabilisation and Association Report 2004* of the European Commission on Albania states that, "...of particular concern are issues central to the rule of law. These include the fight against organised crime and corruption and the functioning of the judicial system." The US State Department's Bureau of Democracy, Human Rights and Labor concludes in its country report on Albania for the year 2003 that, "...because of political pressure, intimidation, endemic corruption, bribery and limited resources, much of the judiciary was unable to function independently and efficiently". Due to the "increased prevalence of state capture" caused by links of organised crime with public officials, Freedom House in its *Nations in Transit 2004* report, decided to downgrade Albania's corruption rating from 5.00 to 5.25. Health services, customs and the judiciary are mentioned as those sectors in which corruption is most widespread.

<sup>7</sup> The *Legal Sector Report* describes the legislative framework and organisational status of key legal sector institutions in order to assess its current status. Based on the recommendations given, judicial reform strategies in the form of projects are to be developed.

<sup>8</sup> Commission of the European Communities, *Albania: Stabilisation and Association Report 2004*, SEC (2004) 374/2 (Brussels, March 2004), 6.

and educational points of view have been drafted and are awaited funding. They are related to computerisation, development of a court webpage, provision of recording equipment, publication of a handbook and training of court clerks. The first step regarding the computerisation of the Serious Crimes Court has already been undertaken with the delivery of computers and printers donated by the Presence to the court in July.

The second phase of the fair trial development project will expand to consider cases related to human rights (domestic violence, juvenile justice, minority rights) and other cases of importance for democratic development (abuse of duty, bribery). This phase will require observing cases not only in Tirana, but also in Durrës, Vlora, Gjirokastra, Shkodra and Kukës.

### *Property reform*

Disputes in Albania over land titles have hindered economic and land market development, hampered much needed foreign investment, undermined citizen confidence, overburdened the courts and even given rise to violence. For these reasons, the Presence took up the issue of property restitution and compensation to reach a sustainable solution in establishing clear ownership of immovable property<sup>9</sup> and to correct past injustices that have arisen from expropriation, nationalization and confiscation. The major accomplishment of this effort has been the adoption of the Law on Restitution and Compensation of Property,<sup>10</sup> more than a year after the Assembly invited the Presence to provide assistance in drafting an integrated law.<sup>11</sup> It entered into force on 15 September.

The Presence-supported Technical Expert Group (TEG), comprised Albanian and international legal and property experts, completed its work on an integrated bill by November 2003 after holding hearings with outside experts and interest groups, including associations of former owners and the religious communities.<sup>12</sup> The Presence continued to follow closely the review process in the parliamentary committees and offered commentaries on a number of difficult issues.<sup>13</sup> It also commented on the draft methodologies for land valuation and for identifying available land for compensation purposes presented by the State Committee of Restitution and Compensation of Property to former owners.

The final version of the bill was presented to the Assembly's plenary in June 2004. Although the Presence had been supporting the process in order to help ensure as wide a consensus as possible on the law, the political co-operation between the SP and DP that had kept the bill alive broke down in the final stages of the debate. Because a compromise solution could not be reached on some of the main points, not least of which was the method for appointing the chairperson of the State Committee

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<sup>9</sup> Immovable property is the land and the structures built upon it.

<sup>10</sup> Law Nr. 9235, dated 29.07.2004, "On Restitution and Compensation of Property".

<sup>11</sup> In spring 2003, the Assembly requested the Presence's assistance in drafting an integrated law based on two competing bills submitted by the government and members of the opposition as the Assembly's own efforts at drafting a law through the establishment of an ad hoc committee on this issue had ended inconclusively.

<sup>12</sup> Before the nationalization of property, the religious communities were some of the largest landowners in the country.

<sup>13</sup> Three parliamentary committees were responsible for reviewing the draft: Agriculture and Food, Economy and Finance, and Laws and Constitutional Issues.

for Restitution and Compensation, the DP walked out and boycotted any further discussions. A number of last minute changes were thus slipped in.

Having been approved by only the governing majority, the law was subsequently vetoed by the President after careful consideration in order to give the possibility of regaining the earlier political consensus and to address some specific concerns, similar to those raised by the Presence itself. Unfortunately, a political compromise could not be worked out and no significant changes were made. With the DP once again boycotting the debates, the slightly amended law was approved on 29 July.

The Presence has expressed its disappointment that consensus could not be maintained and has also noted its concerns over the last minute changes to the law. There are principally two controversial issues: the nomination process for the chairperson of the State Committee and the limitation of 60 hectares placed on restitution and compensation claims for agricultural land. Nevertheless, the fact that such a law has been able to be passed is a great achievement, especially in light of the earlier difficulties that had prevented the Assembly from passing a law in time to meet the constitutionally imposed deadline of November 2001.

Due to the breakdown of consensus, implementation of the legislation might be made more difficult as a result. The Presence will continue to support the implementation of the law and follow closely the restitution and compensation process. It is paramount that this process be fully transparent to avoid further abuse. A recent fact-finding mission to the main coastal areas in the South conducted by the Presence found numerous controversial privatizations of coastal property and government abuses.<sup>14</sup> In this regard, Article 28 of the new law expressly forbids the further privatization or leasing of state land until restitution and compensation have been completed.<sup>15</sup>

A joint working group between the Presence and the State Committee for Restitution and Compensation has been already set up to draft the implementing regulations for the law and the Presence will be providing a national training course for the new members of local restitution commissions and other staff.

In order for the property restitution and compensation to be implemented properly, it is critical that the process of first registration of immovable property be fully completed. Although first registration has been carried out nationwide over the past several years, current international donor support for the project has just ended, leaving many of the priority urban and coastal areas unregistered. As much of this land is highly valuable, the lack of first registration prevents legal investment from taking place since ownership has not been certified and therefore leaves open the possibilities for abuse. To assist the government in completing this process, the Presence will be taking over the completion of the registration project by overseeing a team of qualified legal and mapping specialists to be financed through extra-budgetary funds into 2005.

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<sup>14</sup> The findings of this study were presented to the international community in September 2004 at a donor co-ordination meeting on property.

<sup>15</sup> The law states, "For land that is still in state ownership, the responsible bodies for public administration are prohibited to enter into possession or ownership contracts with third parties until the end of the process of restitution and compensation of property".



## *Human Rights*

According to most international reports, the human rights situation in Albania has been fairly good. Nevertheless, there are a few areas about which the Presence has expressed its concern, most specifically, minority rights, particularly as regards education, the state of the pre-trial detention system, juvenile justice, worker's rights and freedom of the press (covered in the section on Media Development).

*Minority rights* In general, the basic rights of minorities are granted in Albania and there is no active persecution or maltreatment. Even though Albania claims to respect minority rights, however, members of different minority groups do face hidden forms of discrimination. The group most affected by this is the Roma. Given the social and economic realities of the country, which have limited the central government's and local communities' ability to provide targeted assistance, Roma are increasingly marginalized.

The Presence has stated on several occasions that there needs to be a more active investment on the part of the Albanian government to guarantee first access to education and then also education in minority languages and an active integration of certain minority groups into mainstream society. Roma children are particularly at risk since they have a higher incidence of dropping out of school. While the government completed a National Strategy for Improving Roma Living Conditions last year, there is little real ownership of the objectives and implementation is poor. There are currently no governmental programmes targeting the Roma to help raise their rate of school attendance.

In line with the priority the Chairmanship-in-Office has given to education, the Presence is currently working toward improving access to education for various minorities in Albania. The Presence has completed a survey on access to education for members of minority groups and on the basis of the report's findings, to be published by the end of the year, the Presence will pursue working with the government's Committee on Minorities. Future co-operation might include training for school staff or the staff of the education departments that deal with children from minorities, or the possibility of creating pilot courses for members of minorities to teach in their native language to these pupils.

*Pre-trial detention* One of the most acute human rights issues in Albania concerns the pre-trial detention facilities, where prisoners held in remand face intolerable conditions that only seem to deteriorate, particularly as regards sanitation and hygiene. Overcrowding is a major obstacle ensuring a basic normal treatment for the detainees, which then further impacts upon the unacceptable treatment of juvenile delinquents. Convicted prisoners are often held alongside the detainee population and there is no separation according to age or type of crime. In a recent example, a minor, who was being held in the same cell as an adult, died in custody on 8 July, allegedly due to police abuse.

The Presence completed a study of the pre-trial detention system in April, which outlines these concerns in detail and notes that the Ministry of Public Order's regulation of the centres does not meet the minimum international standards for

treatment of prisoners.<sup>16</sup> For this reason, the Presence has been advocating for the swift completion of the transfer of responsibility for the pre-trial detention centres from the Ministry of Public Order, where the police exercise oversight and management, to the Ministry of Justice.

Although the government decided to make this transfer some time ago, progress has been disappointingly slow. The responsibility for only one centre in Vlora has actually been transferred. Since the release of the Presence's report, however, the Albanian government has shown a notable difference in its attitude and has reacted by changing the process of the transfer of responsibilities, by following a plan that better reflects not only the needs of the pre-trial detention system, but also the conditions of the country.

With one of the main hindrances to the transfer being the lack of capacity to hold pre-trial detainees and convicted prisoners, the government has necessarily instituted a step-by-step process of transfer, which will now occur as new sites are constructed. This means that the process may take several years to complete, although there are already efforts underway to find a solution through international support for building new prisons. The Presence has chaired co-ordination meetings on pre-trial detention involving both the Albanian government and international organisations to ensure sufficient attention is given to this important human rights issue.

The Presence will continue to focus on the issue of the transfer of the responsibilities over pre-trial detention facilities in 2005. The Presence will be working to support the Albanian government's efforts to complete the transfer and will continue to monitor the conditions of the sites after the transfer is completed to ensure that they are in line with minimum standards for the treatment of people in custody.

*Juvenile justice* The problem of holding juveniles together with adults, cited above, is only one aspect of a deficient system of providing juvenile justice. Currently, there are no separate or specialised courts for juvenile offenders in Albania and thus they are not treated according to international standards. This also relates to cases where minors are witnesses or victims of crime. Moreover, the current prison system does not provide any "educational institution" for juvenile offenders. Providing rehabilitation and reintegration programmes for minors or children below eighteen contributes not only to the protection of the rights of the child, but also to the overall goal of crime prevention. Therefore, an important element of the Presence's work in the field of human rights is strengthening the capacity of judges, prosecutors, judicial police, social workers and psychologists dealing with juvenile offenders.

The Presence is supporting three phases of projects concerning juvenile justice: amendments to existing legislation; institutional development through seeking solutions to improve conditions in pre-trial detention facilities and prisons; and staff improvement at courts, pre-trial detention facilities, and prisons.

The improvement of staff capacity involving juvenile justice is fundamental to the whole project. The Presence has been preparing a pilot training programme in Tirana to assist the Ministry of Justice in creating new positions for social workers and

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<sup>16</sup> OSCE Presence in Albania Rule of Law/Human Rights Department, *Pre-Trial Detention Situation Survey* (Tirana: April 2004), 8.

psychologists and to provide training, according to the new legislation concerning juvenile justice. The Ministry of Justice has already begun the establishment of an educational institution in the area of Pogradec, as well as twelve pre-trial detention facilities where minors are separated from adults. New amendments to the Criminal Procedural Code include the obligatory presence of social workers or psychologists for juvenile cases, as well as trials through judges specialized in juvenile justice.

The Presence will continue to facilitate the legislative process and the Ministry of Justice to submit its draft legislation in November. Once approved, the Presence will monitor closely the implementation of the amended legislation to ensure proper treatment of juveniles. The social worker/psychologist training will be implemented in 2005 and the Presence will continue to work with the European Commission on the issue of constructing new detention facilities to ensure that international standards concerning juvenile justice are met.

*Worker's rights* Another concern for the Presence, prompted by the intervention of the People's Advocate (Ombudsman), is worker's rights. With the high rate of unemployment and, consequently, individuals willing to work in the black, the violation of workers' rights is becoming more common. There is a relatively high number of employers who do not register their employees and, as a result, do not pay social security benefits. In such cases, employees are also being paid less than the minimum salary provided by law.

Poor working conditions are also a matter of concern. There have been some cases of injuries or deaths as a result of the failure of employers to ensure safe working conditions for their employees. A number of workers's groups and trade unions have approached the Presence asking for support in matters related to their rights. One of the objectives of the Presence will be to seek ways to assist and support the governmental institutions that deal with the inspection of the rights of workers.

While still in the information gathering stage, the Presence and the People's Advocate are working with the Ministry of Labour and Social Affairs to prepare a National Conference on Workers' Rights. The possibility of providing training to inspectors of the State Inspectorate of Labour is also being assessed.

#### TERRITORIAL ADMINISTRATIVE REFORM

Territorial administrative reform is the process launched to redraw Albania's internal administrative boundaries through the amalgamation of local government units. Given the evident political implications of such a reform, the Presence advocated the need for a fully transparent and consensual process based on voluntary, rather than compulsory, amalgamation. Direct Presence intervention facilitated a political agreement between the government and opposition so that the Assembly could take a lead role in the reform. Prior to the summer recess, the Assembly voted to establish an ad hoc committee on territorial administrative reform to review the amalgamation criteria defined in the proposed law and to oversee the process.

The Presence will remain engaged on this issue by providing assistance and expertise to the ad hoc committee. In a forthcoming opinion paper, the Presence is continuing to advocate for establishing the means to conduct sufficient consultations with the

local government units targeted for amalgamation. It is also recommending the establishment of amalgamation grants for local authorities to encourage amalgamation by offering funds to offset the possible loss of financial transfers from the state and to reduce any potential negative impacts of amalgamation.

## MEDIA DEVELOPMENT

At first glance, Albania would appear to have a vibrant media sector offering a variety of choice: 19 daily newspapers;<sup>17</sup> 46 radio and 65 television stations covering a total market of just over 3 million.<sup>18</sup> While the number of media outlets does actually seem to be growing larger, these numbers do not reveal what media analysts have described as an increasingly troubled situation. The main challenges affecting the media sector include inadequacies in the legal framework, a wholly chaotic situation in the broadcast sector due to an overly weak state regulator often ignored by the broadcasters, and encroaching political and economic interference.

The Presence has reported in the past on the growing interrelationship between politics, business and media, through a triangular relationship of mutually reinforcing benefits which has been undermining media independence. The question of freedom of the media in Albania has largely avoided critical scrutiny at the international level up to this point. It is quite apparent now, however, that both politics and business (in search of political and economic gains) are exerting their influence on the media sector.

This influence can be seen when taking into account that advertising, upon which most media are heavily dependent, bought by state institutions and state-owned or partially owned companies, constitutes about 60 percent of total advertising revenue.<sup>19</sup> This provides an effective way for the state to exercise a degree of control, even if indirectly. Another indirect means of control is through the awarding of government-sponsored procurement contracts for goods and/or services to businesses whose media holdings offer the government a sympathetic and less critical voice. Because media outlets generally do not form an owner's primary business interest,<sup>20</sup> but are often part of a larger set of business holdings, they largely do not operate according to viable profit-making business models (due to the lack of sufficiently diversified advertising and other forms of subscription-based income).<sup>21</sup>

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<sup>17</sup> Adrion Distribution Ltd.

<sup>18</sup> A total of 128 public and private broadcasters are licensed by the National Council on Radio and Television: including 3 national television stations; 62 local television stations; 3 national FM radio stations; 43 local FM radio stations; 1 satellite transmitter; 3 television broadcasters with repeaters; 3 radio broadcasters with repeaters; and 10 cable providers. Source: National Council on Radio and Television.

<sup>19</sup> Diana Kalaja, *The Media Picture of Albania: Little Berlusconi Threaten Real Albania Media Freedom*, Media Online Special Report, Albanian Media Institute, 21 April 2003.

<sup>20</sup> In a speech given before the Albanian Assembly on 5 July 2004 regarding the media situation in Albania, Prime Minister Fatos Nano stated that official statistics reveal that 45 percent of licensed television broadcasters' pre-tax earnings comes from advertising revenue, 5 percent from sponsorship, and 50 percent from "other sources". Concurring with the Presence's own opinion, the prime minister further stated that, "...[F]rom what the balance sheet shows, the investments some media owners declare can in no way justify their financial resources."

<sup>21</sup> For example, the 19 newspapers cited above have generally low circulation figures averaging only 4,000 copies daily. Although new dailies continue to appear, the sustainability of the newspaper industry has routinely been placed in doubt by media experts.

Additionally, the government is providing subsidies to media outlets by leasing them state-owned facilities for a symbolic price, which is several times lower than the market price. The government has also provided tax and customs subsidies on imported paper and has introduced a considerable reduction for landline telephone and electricity bills for the newspapers.

More direct means of media control have been seen through the increasing use of lawsuits initiated by politicians suing journalists for libel.<sup>22</sup> Although the Presence recognizes that media ethics remain underdeveloped in Albania and journalistic standards are not always respected, that prominent media personalities have successfully been taken to court for their editorial views serves to threaten basic freedom of expression. While many of the examples cited here reflect government influences on the media, the opposition is not immune from using heavy-handed tactics as the DP's recent barring of News24 journalists from its activities shows.<sup>23</sup>

These threats against the freedom of expression in Albania represent a worrying trend. The key objectives of the Presence's work in the field of media development, therefore, are meant to strengthen media independence and journalistic professionalism and responsibility. This is being accomplished through assistance to the National Council of Radio and Television (NCRT), the state regulator for broadcasting, by working to harmonize Albanian media legislation with European standards and by supporting the creation of self-regulatory mechanisms, such as a Council on Media Ethics.

The Roundtable on Current Albanian Media Issues organized by the Presence and the Albanian Media Institute (7 July 2004) addressed these very issues. The meeting, which brought together over fifty key opinion makers, analysts, media owners and prominent journalists, highlighted the media community's lack of internal dialogue on crucial matters and confirmed the need for viable associations to protect the rights of journalists. Journalists acknowledged that their publishers and owners cannot be the protagonists for establishing fair rules in their profession or protecting the freedom of expression against big advertisers and admitted that legislation, especially pertaining to defamation, should be improved and implemented. Several media analysts denounced the pressure that politicians and owners together exerted on their daily work.

The Presence maintains a close working relationship with the NCRT and the parliamentary Media Committee and is currently providing legal expertise to them on the central issues of concern raised at the roundtable. This assistance was also requested by Prime Minister Nano (June 2004). Legal commentaries are being provided for the law on electronic media, the Charter of the Albanian Radio and Television, legislation on defamation, the law on access to information, the new law on print media and amendments on digital terrestrial broadcasting. Invaluable support for this aspect of the Presence's work has come from the Office of the OSCE Representative on the Freedom of the Media, which has also been able to arrange

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<sup>22</sup> For a more complete illustration of these lawsuits, see the OSCE Presence in Albania *Report to the US Commission on Security and Co-operation in Europe* (Washington, DC: 20 July 2004).

<sup>23</sup> News24 is an Italian-owned 24-hours news channel, which has been alleged by the DP to exhibit an anti-opposition bias.

input from media-related organizations such as ARTICLE 19, the Council of Europe and renowned European media experts.

As regards the law on print media, the Presence has also made recommendations advocating the application of the Labour Code for journalists, the obligation to reveal the ownership structure of media companies, the provision of guarantees of editorial independence so that commercial interest cannot unduly influence media content in the case of government advertising, and some form of government assistance to distribute newspapers to remote areas.

Together with the European Radiocommunications Office (ERO), the Presence has prepared recommendations on digital terrestrial broadcasting, a new and complex issue confronting Albanian legislators.<sup>24</sup> Given that the use of analogue TV bands is not yet normalized in Albania and that digital broadcasting is still in an early stage of development across Europe, the OSCE Representative on the Freedom of the Media has advised the Assembly to approach the issue with caution after careful study accompanied by technical and legal expertise.<sup>25</sup>

In order for the media sector itself to decide on how best to balance the basic right of freedom of expression with journalistic ethics and responsibility and in order to avoid further politicization of the courts in being forced to decide on these issues, the Presence has begun planning the creation of a Council on Media Ethics as a self-regulatory mechanism. One of the first tasks for the council would be the review of the outdated code of ethics for media professionals as a means for the council to play a watchdog role for an accurate, professional and accountable media. Further support for the council is envisaged in the Presence's 2005 budget proposal.

#### GOOD GOVERNANCE AND CIVIL SOCIETY

In the last report to the Permanent Council, the Presence recognized that there had been a "dawning" of civil society. The successes of groups such as Mjaft! (Enough!), the USAID-supported Citizen's Advocacy Office, along with trade unions and business groups in protesting against recent government policies and attracting public support on issues of general concern have shown that public opinion is starting to impact on the decision making process, though in a still limited form. NGOs have also noticeably started to co-operate more in order to increase their voice.

Although the Presence had noted that leading politicians such as the prime minister and the opposition leader have reached out to civil society to show publicly that they are taking civil society's view into account, the results have only been mixed. Twenty-two of some of the most active NGOs recently issued a declaration denouncing what they see as a campaign of government pressure against them. Some NGOs have informed the Presence about the use of the tax police, for example, as a blunt form of intimidation.

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<sup>24</sup> The Presence has prepared, together with ERO, comments for the NCRT on the national digital broadcasting strategy and is in the process of preparing, together with the Council of Europe, comments for the Media Committee on the proposed amendments to the electronic media law related to digital broadcasting.

<sup>25</sup> Letter of Miklós Haraszti, OSCE Representative of the Freedom of the Media to Servet Pëllumbi, Speaker of the Albanian Assembly (10 September 2004).

The growing convergence of political, commercial, and media interests in the country has the potential to slow the course of Albania's evolving democracy. For as much as civil society may be trying to impact upon the system of governance in the country, it is still very weak, and these other more powerful influences, accompanied by strong financial backing, are pushing to ensure that decision-making remains closed, unaccountable and non-transparent. Efforts at reinforcing good governance and stimulating civic engagement in the governing process are still very much needed both at the central and local government levels so that civic groups can fully play a "watchdog" role and lobby for improvements in their quality of life.

### *Good governance*

The Presence has made transparency, as a means of promoting good governance, a cross-cutting issue and has developed a number of projects on this theme. The first is through supporting the regular publication of court decisions, since at the moment, only the Constitutional Court decisions and unifying decisions of the High Court are published in the *Official Journal*. Secondly, the Presence is supporting the goal of building an efficient, independent and sustainable civil service through increasing the transparency in civil service proceedings and by providing some training to civil servants. Necessarily this means protecting the rights of these civil servants in accordance with the applicable Albanian law as well as further improving this law. More specifically, it means ensuring that transparent procedures are followed in selecting and dismissing civil servants. The third project is designed to support a transparent and consultative legislative drafting process together with the Ministry of Justice.

### *Civil Society Development Centres*

The National Network of Civil Society Development Centres (CSDCs) was created to strengthen Albanian civil society through capacity building and community development and to improve the co-operation between civil society and local government. The centres provide a grass roots development programme consisting of capacity building, advice, consultancy, and offering facilities such as a fully equipped conference room, a resource library, internet access and office space.

Now in their fourth year, the CSDC network has matured. The number of CSDC activities has greatly expanded along with the breadth of the consultancy services they provide. Having become well-established in their local communities, the CSDCs have now begun reaching out to rural areas to strengthen the capacity of civil society groups in more remote regions. They have also begun to stimulate civil society interest in the local decision making process through discussing and disseminating information about municipal and regional council meetings. A sixth CSDC was opened in Shkodra in April.<sup>26</sup>

From the beginning of the project, the Presence has sought to ensure the long-term sustainability of the CSDCs. Centre staff have been trained in fundraising, business planning and marketing, for example. A step towards this goal was taken in May when the CSDCs were registered at Tirana District Court as Albanian NGOs. The new status of the centres gives them certain rights and makes the CSDCs

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<sup>26</sup> The CSDCs are located in Durrës, Vlora, Korça, Elbasan, Kukës and Shkodra.

implementation partners of the Presence. The centres are still being financed through extra-budgetary contributions, although their income is steadily increasing.

### *Gender*

The role of women in society is an issue that has become an increasingly important theme of the Presence as most government institutions in Albania largely ignore the question of gender mainstreaming. For example, the National Committee for Equal Opportunities, the main component of the Albanian national gender machinery, had its status downgraded last year and is no longer directly under the Council of Ministers. Moreover, the process of passing a gender equality law in the spring this year without the real participation of most of the stakeholders (including the Equal Opportunities Committee) illustrated the difficulties in this field, not least of which is a split amongst civil society organizations dealing with this issue. The result was an unsatisfactory law, which was turned back by the President and later improved somewhat through amendment. The Presence is working closely to support the Equal Opportunities Committee and is planning joint initiatives.

Participation of women in the political life of the country is an issue of particular concern to the Presence. Not only are women deprived of the right to vote in many parts of the country due to traditional patriarchal patterns of behaviour in which the male head of the household votes for the entire family, but fewer women are being fielded as candidates and even fewer are being elected to representative government at either a local or national level. A report published by the Albanian Assembly on the history of women in parliament confirms this negative trend.<sup>27</sup> Currently, a disappointing nine out of 140 MPs are women (6.4%). In the 2003 local elections, only 70 out of 1949 candidates for mayor were women (3.5%), and of these only 10 were elected (2.6% of 384 municipalities and communes).<sup>28</sup> The problem begins with political parties not respecting their own internal quotas for women as contained in their party statutes, thus reducing the number of women in party leadership posts and further reducing their chances of eventual electoral success. However, a sustainable solution for this problem is needed within the electoral system, as it is more than just a question of political will. In 2005, the Presence will be developing a project to address directly these concerns as the country approaches the election period.

## ANTI-TRAFFICKING AND ANTI-CORRUPTION

The issue of trafficking in human beings has been associated with Albania for many years. The Presence itself first began working on the issue in 1998 by raising concerns over Albania's being both a source and transit country for illegal migrants and human trafficking. Its early efforts urged the police to begin targeting the traffickers themselves rather than the victims, who were being more easily arrested. According to the last US State Department report on worldwide trafficking, Albania still remains a source country for women and children trafficked for the purposes of sexual

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<sup>27</sup> Women's representation in the Assembly plummeted with the dissolution of the Communist regime, falling from 30% to 4% after the first democratic elections. Since 1991, an average of only 6.2% of MPs have been women. Source: Assembly of the Republic of Albania, Research and Library Section, *Women in the Assembly* (Tirana: 2003), 25.

<sup>28</sup> ODIHR, *2003 Elections Final Report*, 17. There are no figures for the number of women represented on the municipal and communal councils, although the Presence is supporting a project to compile these figures.



exploitation and forced labour and it does not fully comply with the minimum standards for the elimination of trafficking.<sup>29</sup>

As this report recognizes, progress has been made, however. The US State Department rewarded the government's efforts by upgrading Albania's status from a Tier 3 to a Tier 2 country in 2002 and has since reconfirmed this ranking. This improvement reflects consistent work by the international community working together in a coordinated fashion with the Albanian authorities.

The government's National Strategy on Trafficking in Human Beings, originally drafted in 2001, has had a degree of success in concentrating the attention of various ministries on their respective roles in combating this crime, such as in supporting shelters for trafficking victims. Practical policing assistance provided by Italy in patrolling the waters of the Adriatic for people smugglers and the US-backed policing programmes at Albania's three main ports (Durrës, Vlora and Mother Theresa Airport) have provided further support to the police with measurable results. Moreover, a number of police operations, including those coordinated regionally by the Southeast Europe Cooperative Initiative (SECI), have disrupted trafficking networks and netted a large number of traffickers.<sup>30</sup>

In spite of these improvements, trafficking remains a relevant issue and recruitment still takes place in Albania.<sup>31</sup> The tragedy occurring last January, when 21 Albanian illegal migrants lost their lives in the Adriatic Sea, and some additional cases over the summer show that smuggling networks still exist, or at least can come together relatively quickly. Such cases also illustrate that the demand to leave also exists. So while the international community's efforts to support anti-trafficking initiatives by planning training and providing expertise and technology and financial assistance can be regarded as having some success, a more holistic or systematic approach is still needed.

Such an approach would not only prioritize the repressive dimension of solving the problem through law enforcement, but would also take into account the social and economic situation of the country, which provides the breeding ground for trafficking in human beings and people smuggling.

There is also a judicial dimension to this issue. While police actions have resulted in sizeable arrests, appropriate sentencing has been lacking. Therefore, properly functioning special courts to handle these cases accompanied by a workable witness protection scheme are essential for achieving successful prosecutions. Robust public awareness-building measures should necessarily underpin these efforts.

#### *Witness protection*

The Presence has been leading the Task Force on Witness Protection, composed of governmental and international agencies, for the past three years.<sup>32</sup> While the task

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<sup>29</sup> US Department of State, *Trafficking in Persons Report* (Washington, DC: June 2004), 116.

<sup>30</sup> In Operation Mirage 2003, organized by the SECI Regional Center for Combating Trans-Border Crime in September 2003, the Albanian police succeeded in arresting 125 traffickers, representing the highest number of arrests out of any country in Southeast Europe.

<sup>31</sup> SECI Regional Center for Combating Trans-Border Crime, *Operation Mirage 2003: Evaluation Report* (Bucharest: February 2004), 3.

<sup>32</sup> The task force is composed of the Ministry of Public Order, Ministry of Justice, Ministry of Finance, Minister of State's Office, Prosecutor General's Office, IOM, Save the Children and the Presence.

force was set up to handle individual cases of witness protection using international resources, it also provided the government with the technical assistance to prepare the Law on Witness Protection so that the Albanian authorities could establish their own workable protection system. The adoption of the law on 15 March 2004 represented a major accomplishment.

The task force is now following the process of drafting the secondary legislation necessary for the law's implementation. Despite the efforts of the government and Prosecutor General's Office, it appears now that the secondary legislation may not be completed before the 1 November 2004 deadline set in the law.

Accompanying the legislative drafting assistance, the Presence has also provided training on counselling victims of trafficking and victim-witnesses to government shelter social workers. This training is also foreseen for 2005. The task force will continue to assist the process of adopting the secondary legislation and will follow the implementation of the law in practice in the period to come to offer advice based on its three-year experience for overcoming problematic situations.

#### *Women's Rights and Anti-Trafficking Education and youth entrepreneurship*

The Presence's Women's Rights and Anti-Trafficking Education (WRATE) project aims to raise awareness about the rights of women under domestic legislation and international human rights conventions that the Republic of Albania has ratified. It is a tool for supporting and empowering women as well as to advocate and lobby for women's rights. The second phase of the project that ended in June 2004 targeted high school students and women from northeast Albania, the most disadvantaged part of the country, as well as the Roma community throughout the country. It played an important role in building the capacity of the participants toward assisting the victims of trafficking and domestic violence.

The Presence has also had a positive experience with its two youth entrepreneurship projects (YES 1 and 2), implemented jointly with World Bank/Southeast Europe Enterprise Development (SEED). Since poverty is a root cause of trafficking, this programme was organised to empower young people with entrepreneurial skills to improve their opportunities for self-employment and possible development of small and medium enterprises (SMEs). Based on this success, SEED has committed itself to co-finance a third phase (YES 3) to be implemented from October 2004 in eight districts throughout the country targeting young Roma and victims of trafficking. The Presence also agreed to co-operate with the German organization GTZ<sup>33</sup> to enable young people in remote areas of northeast Albania to start businesses by providing start-up capital. The initiative will target young women from Shkodra, Kukës and Peshkopi who participated in YES 1 and YES 2.

#### *Pre-screening of Asylum-seekers and Migrants*

Potential migrants, asylum seekers and victims of trafficking upon arrival in Albania should receive assistance initiated by the police through the use of pre-screening procedures and specific referral mechanisms. To strengthen the capacity of the government to develop and implement migration policy according to international

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<sup>33</sup> Deutsche Gesellschaft für Technische Zusammenarbeit

standards and to assume full responsibility for managing an asylum system in the context of irregular migration, the Presence is carrying out a two-year pre-screening project funded by EU CARDS together with UNHCR and IOM. The project is aimed at consolidating and developing the existing procedures for the referral of trafficked persons, irregular migrants and asylum-seekers and providing training to ensure the overall sustainability and eventual handover of the project to the Albanian authorities.

In June and July 2004 the Presence conducted joint awareness raising and preparatory visits with the implementing partners at border points and police directorates around the country to inform them of the future role of the Presence's pre-screening officers who will soon be deployed. The pre-screening officers will maintain regular contact with police officials along the borders, assist in training and be responsible for ensuring that the renovated reception facilities are being properly used and maintained.

### *Money laundering and asset seizure*

The disruptions to the networks of people smuggling and trafficking has raised the costs of this criminal activity, leading to a search for easier profits. In turn, this has produced an increase in drug trafficking from and through Albania. According to the *World Drug Report 2004*, recently released by the UN Office for Drugs and Crime, Albania has become the most frequently cited source country for cannabis in Europe<sup>34</sup> and is an increasingly important transshipment point for heroin coming from Afghanistan.<sup>35</sup> The prominent rise of heroin trafficking in Albania poses a serious threat to overall security, as has been seen in a number of other countries.

Drug trafficking and the money laundering that accompanies it also pose risks for the financial system, which still overwhelmingly remains cash-based, by increasing the black economy. The fight against money laundering is important because although there has been new legislation adopted on this issue, implementation needs significant improvement, which can be seen in the continued existence of an open-air exchange market on the streets. The economic and financial surveillance systems in general do not yet function properly. As a consequence, the black economy contributes to the flourishing of the grey, or informal, economy, which is estimated to constitute at least one-third of GDP.<sup>36</sup>

The Presence has been the only international agency implementing a project specific to combating money laundering by providing technical assistance to the Directorate of the Fight Against Money Laundering within the Ministry of Finance. The project trained the directorate staff in improving their analytical skills and provided specialized software to enhance the directorate's capabilities to analyze the large amounts of data contained in the daily reports banks are obliged to send by law. The software has increased the directorate's efficiency, in terms of both data collection and analysis in line with the work of other financial intelligence units (FIUs) in the region and in the Egmont Group.

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<sup>34</sup> United Nations Office on Drugs and Crime, *World Drug Report 2004*, Volume I, (Vienna: 25 June 2004), 126.

<sup>35</sup> *Ibid.*, 85.

<sup>36</sup> Jan-Peter Olters, "The Informal Sector: Impeding Economic Development?" (Paper delivered at the 4<sup>th</sup> International Bank of Albania Conference on the Albanian Economy: Performance and Policy Challenges, Saranda, Albania, 11-12 October 2003), 2.

The Presence will continue to provide direct technical support by training the staff on how to identify suspicious transactions and facilitate the co-operation between the FIU and the tax and customs directorates in the Ministry of Finance, as well as indirectly by supporting the Bank of Albania in its nationwide campaign to reduce the use of cash.

The Presence also recently completed an evaluation of the current legal framework of asset seizure procedures and its practical application for serious crimes in order to identify the areas for further Presence assistance to support the government's work relating to the prevention of money laundering. The study evaluated cases of sequestration and confiscation since 2001 for serious crime charges, with a special focus on cases of money laundering. As there have not been many cases of money laundering charges, the work necessarily covered a broader area.

The evaluation shows that, in part, prosecutors, courts and police lack an understanding of the procedural rules governing the application of asset seizure measures in practice. There also seem to be difficulties in identifying the elements of the crime of money laundering. Moreover, the administration of confiscated assets after the final court decision is problematic, as little is known concerning the fate of confiscated goods after they are sent to the State Reserves. Based on the results of this study, the Presence will be training police and prosecutors on the problematic areas identified.

#### POLICE ASSISTANCE

Closely related to the Presence's work in the field of anti-trafficking are its activities in support of the border police. The Presence continues to play a crucial role in supporting regional cross border co-operation and integrated border management. The important nature of the Presence's role in organizing the regular joint border co-operation meetings (JBCMs) between the Albanian border police and UNMiK/KFOR is strikingly evident when comparing the manner of cross-border communication following the outbreak of unrest in Kosovo/Serbia and Montenegro in March 2004. As a result of these events, co-operation between the two sides was virtually suspended due to the lack of opportunity for multilateral exchanges.

With the Presence also necessarily suspending its participation, the sporadic meetings that did take place, based largely on informal contacts, showed that the cross-border process quickly lost focus and direction outside of the routine framework established by the Presence. The Presence's resumption of its role since then has put the co-operation process back on track at a critical time when direct communication clearly continues to be a problem, particularly in light of the personnel rotation policy on both sides of the border, linguistic barriers and equipment deficiencies. It can be concluded that while some success has been achieved in cross-border co-operation, the results are not yet sufficiently sustainable without the Presence's continued intervention. With these initiatives, the Presence is also closely co-operating with the different programmes sponsored by the European Commission related to integrated border management.

The JBCMs serve as a practical and useful framework for cooperation, co-ordination and the sharing of information between the respective border authorities. Although

distancing itself from the exchange of confidential and sensitive police information, the Presence can report the successful conclusion of a number of policing operations resulting from the ongoing co-operation process. The number of illegal border-crossing incidents has decreased as result of the Presence-facilitated joint patrolling of the green border, and in July, the NATO-led Balkan Star Exercise conducted with the Albanians in the Kukës area tested the flow of communication between the border authorities and related agencies with satisfactory results.

The success of the monthly mayoral meetings between the communities of Zapod and Shishtavec (Albania) and Dragash/Dragaš (Kosovo/Serbia and Montenegro), essentially an outgrowth of the cross-border process, is also evident when taking into account the effect of the hiatus imposed by the March events. This community-based confidence building exercise, which has established regular contacts between two communities that have long suffered from mutual distrust, has reduced the incidence of illegal border crossing, cross-border woodcutting, livestock grazing and petty crime. The involvement of the Kukës police in community policing efforts, upon the request of local authorities, has had a positive impact in this regard. With the resumption of the meetings in the months after March, the local Kosovar authorities officially declared that the incidence of illegal cross-border activities noticeably decreased during the periods of direct and regular contacts.

The Albanian border police suffers from a poor communications system that impedes its efficiency in tackling cross-border crime. Although these deficiencies have been well recognised, the Presence has not been in a position to respond positively to the practical needs of the border police until this time, despite repeated requests for assistance. As from January 2005, however, the Presence will be upgrading its current terrestrial radio communications network to a satellite-based system. As part of its policing assistance project, therefore, the Presence has proposed to donate its entire radio communications network and ancillary equipment and facilities to the Albanian border police. This will immediately enhance the police communications network nationwide and will assist in speeding up their response time in tackling cross-border crime.

As an additional practical solution to the numerous challenges faced by the border police, the Presence is currently elaborating a project to install solar panels to provide electricity to the Albanian border posts. With the goal of increasing the capacity and the capability of the border police to perform their tasks, such as computerised passport checks, as well as to improve communications between the border posts and the regional and central police authorities, these panels will act as backup systems for the border posts and police stations suffering from frequent power cuts. Apart from requiring little maintenance and reducing the long-term overall cost of purchasing fuel for generators, the project also has an obvious environmental component. The viability of using solar panels in this way grew out of one of the Presence's earlier projects, which saw the installation of solar-powered water pumps in some farming communities near Lushnja with very successful results. The project will initially be implemented in the northern part of Albania.

## CONCLUSION

With the next parliamentary elections now on the horizon, Albania finds itself at a critical juncture. These forthcoming elections will stand as a test for the depth of its institutions and maturity of its political class. For this to occur, the country's political leaders must demonstrate sustained political will to support the ongoing electoral reform process and to ensure that international electoral standards are at last met. The international community must also remain collectively engaged to help this process and provide assistance as necessary.

For Albania to be able to manage its significant socio-economic and rule of law problems in order to meet the needs of its citizens and guarantee them a secure future, Albania must move towards having a normally functioning parliamentary system built on constructive debate and dialogue. Government-opposition interaction should put governance issues first rather than continue to focus on divisiveness.

The Presence's projects described at length in this report, based on the current mandate, illustrate the varied ways the Presence is working to address the abovementioned challenges it sees Albania facing. In many cases, a Presence project will have both a political as well as a technical goal, as illustrated in many of the examples cited. In all cases, the project-based work of the Presence is designed to have measurable impacts and identifiable outcomes. While the Presence often draws attention to current problems in its reporting, the Presence is constantly evaluating the ways to solve them, whether through its own projects or through co-operative intervention with another international organization or national agency.