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Addendum I
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Addendum I to the Progress Report [1]

Second tri-parliamentary mission to Tirana, Albania (29 and 30 June 1998)

Rapporteurs: M. René van der Linden, Netherlands, European Democratic Group and Mr Jordi Solé Tura, Spain, Socialist Group

I. INTRODUCTION

Tri-Parliamentary Mission in January 1998

1. It is recalled that in the framework of the Tri-Parliamentary Co-operation (Parliamentary Assemblies of the Council of Europe and the OSCE and the European Parliament), a Mission was sent to Albania on 22 and 23 January 1998, consisting of members of each of the three Assemblies. The Council of Europe Parliamentary Assembly was represented by its President, Mrs Leni Fischer and MM René van der Linden (Netherlands, EPP) and Jordi Sole Tura (Spain, SOC), rapporteurs on Albania of the Monitoring Committee.

2. The objective of the January mission was to press for progress in the elaboration of the Albanian Constitution based on genuine political dialogue of all Albanian parties in a spirit of national reconciliation.

[1] Publication of this report was authorised by the Bureau on 14 September 1998.

3. The Mission drew up a Declaration, containing a number of recommendations to both Majority and Opposition. The Council of Europe delegation reported on the Mission in Doc 7978 (Addendum IV to the Progress Report of the Bureau of the Assembly and the Standing Committee).

Follow-up to the January 1998 Mission

4. On 24 April 1998, the Bureau authorised a new mission to Albania in the framework of the tri-parliamentary co-operation (Parliamentary Assembly of the Council of Europe, Parliamentary Assembly of the OSCE and European Parliament), and designated MM van der Linden and Sole Tura representatives of the Parliamentary Assembly.

The Declaration adopted by the Second Tri-Parliamentary Mission appears in Appendix 1 to this report ; the Declaration made in January 1998 by the preceding Mission is reproduced in Appendix 2.

II. ORGANISATION

5. The OSCE Presence in Albania was informed of the intention to send a second Mission to Albania and immediately undertook to assist in its organisation. The programme of the Mission appears in Appendix 3 to this report.

6. The OSCE Parliamentary Assembly and European Parliament reacted favourably on the decision of the Bureau and designated the following members to take part :

- Mrs Tana De Zulueta (Italy), Rapporteur on economic affairs of the OSCE Parliamentary Assembly ;
- Mr Tekim Enerem (Turkey), OSCE Parliamentary Assembly General Committee ;
- Mr Renzo Imbeni (Italy), Vice President of the European Parliament ;
- Mrs Doris Pack (Germany), Chairperson of the European Parliament Commission for relations with the South-East.

7. Because of the various sessions of the respective Assemblies in June and July and other commitments which their designated representatives had already made, the only dates acceptable for all participants appeared to be 29 and 30 June, ie after the June 1998 part session of the Council of Europe Parliamentary Assembly.

8. On request of MM van der Linden and Sole Tura, the Albanian Government, the Parliament, the parliamentary majority and the opposition presented their written observations on the follow-up that had been given to the recommendations contained in the January Declaration. These observations were circulated to the secretariats of the OSCE Parliamentary Assembly and the European Parliament before the Mission started.

9. Moreover, the Head of the OSCE Presence in Albania, Ambassador Daan Everts, circulated on 22 June, to each of the three Assemblies, copy of a background report on follow-up given to the January Declaration.

III. REPORT

10. The Mission was headed by Mr Renzo Imbeni, Vice-President of the European Parliament.

11. The programme was respected and the discussions were intensive, frank but courteous, even if some of the questions put by members of the Mission were direct.

12. The discussions centered mainly on the following issues :

- drafting of the new Constitution ;
- independence of the judiciary
- access to the media
- recruitment and appointment to the civil service
- democratic standards of parliamentary procedure

Drafting of the new Constitution

13. The Mission noted that the Constitutional Commission had become operational and that part of the opposition participated in its work. The Mission commended the Commission on the important part which it had already drafted, in co-operation with the Council of Europe's Venice Commission and the OSCE.

14. The Mission regretted the absence, in the Constitutional Commission, of representatives of the Democratic Party and rejected their condition to be enabled to form a « blocking minority » within that Commission. Instead, most members of the Mission recommended that minority views on fundamental issues supported by at least one-third of the Commission members, be presented to the full Parliament and, if still supported by that one-third of Commission members, subsequently proposed as an alternative text in the Referendum.

15. On that basis, the Mission urged the Union for Democracy – including the Democratic Party – to take part in the final reading of the draft text by the Constitutional Commission, before its submission to Parliament.

16. Finally, the Mission agreed to establish the international advisory group – suggested in the January Declaration – which would consist of members of the three Parliamentary institutions and would be ready to supply, on request, advice on any political issue before the final vote on the draft Constitution in Parliament.

Independence of the judiciary

17. The Mission welcomed progress made in the drafting of new laws and amending existing laws, such as the Law on the organisation of justice, the Bill on the administrative budget of the courts, the Bill on the organisation and functioning of the Court of Cassation and the administration of the judicial services, which would contribute to improving the independence of the judiciary.

18. As for the conflict between the Constitutional Court and the majority in Parliament, most members of the Mission regretted certain procedures employed in the removal of the former President, but agreed that, seen from the political angle, this issue should no longer be used to block the political dialogue in Albania.

Access to the media

19. The Mission welcomed the elaboration of a draft law on electronic media which had been drawn up with assistance of the Council of Europe and the OSCE Representative on Media, to replace the Law on private and public radio and television which had been adopted in haste in May 1997.

Recruitment and appointment to the civil service

20. The Mission noted that progress was being made in respect of the recruitment and appointment of the civil service, armed forces and police, including reform of public administration, training of magistrates and reorganisation of the police, but emphasised the need to continue these efforts.

Democratic standards of parliamentary procedure

21. The Mission expressed repeatedly its satisfaction that following the January Declaration, the Union for Democracy – including the Democratic Party – had taken their seats in Parliament and had resumed participation in the parliamentary process.

22. The Mission also noted that Rules of Procedure had been adopted by Parliament and that their implementation had considerably improved the parliamentary practice, including respect for the rights of the opposition, as confirmed by the reports of the international observers in the Albanian Parliament.

IV. DECLARATION

23. At the end of its visit, the Mission adopted a Declaration, which it distributed at a press conference on 30 June at 1.30pm. The text of this Declaration appears in Appendix 1 to this report.

24. Although in various discussions reference was made to the crisis in Kosovo and the situation in the Federal Republic of Yugoslavia, most members of the Mission agreed that it would not be opportune to express their concern in the Declaration.

25. On the other hand, in the light of the assessments, by the OSCE and the observers of the Congres of Local and Regional Authorities of Europe, confirmed in the discussions with various Albanian personalities, the Mission recognised that the recent local elections had been conducted in a generally fair manner and had demonstrated further progress in the consolidation of democratic processes.

26. In reaction to the complaints made in particular by representatives of the Democratic Party on the climate of insecurity and intimidation which prevented the opposition from participating in the democratic process, the Mission observed that a climate of distrust continued to impede constructive political dialogue, and called for more emphasis to be put on measures improving the security situation through strict enforcement of the law.

27. Finally, the Mission appealed to all political parties to continue their efforts to implement the recommendations made in the January Declaration.

V. DEVELOPMENTS SINCE THE 29 – 30 JUNE VISIT

28. On Tuesday 7 July, the Democratic Party decided to start a new, indefinite boycott of the Albanian Parliament. This decision was confirmed on 8 July by the OSCE Presence in Albania, which published, jointly with the Council of Europe Secretary General's Special Representative a statement (Appendix 4).

29. When informed of the news, the Parliamentary Assembly's co-rapporteurs drewup a short statement to comment on the boycott and proposed that this statement be made on behalf of the Tri-Parliamentary Mission as a whole.

30. The draft statement was revised by a drafting group of the OSCE Parliamentary Assembly – in which the President of the Council of Europe Parliamentary Assembly participated – and approved by Mr Imbeni of the European Parliament. It was distributed as an information note in the afternoon of Friday 10 July. At the same time, it was translated into Albanian by the OSCE Presence and released in Tirana.

The final text of the statement made on behalf of the second Tri-Parliamentary Mission appears in Appendix 5.

APPENDIX I

OSCE COE EU

Parliamentary Assembly of the Organization for Security and Co-operation in Europe

Parliamentary Assembly of the Council of Europe

European Parliament

30 June 1998

DECLARATION

BY THE

TRI-PARLIAMENTARY MISSION TO ALBANIA

A delegation composed of six members of the Parliamentary Assembly of the OSCE, the Parliamentary Assembly of the CoE, and the European Parliament, in Albania on 29 and 30 June 1998:

Met with a broad range of national leaders and explored developments since the visit of the first Tri-Parliamentary Delegation to Albania in January 1998;

Noted with satisfaction that the Union for Democracy has ended the boycott of the Parliament and resumed participation in the parliamentary process;

Welcomed the adoption of new Rules of Procedure for Parliament and the general improvement in the parliamentary practice, including respect for the role of the Opposition;

Recognized that the recent partial local elections were conducted in a generally fair manner, demonstrating further progress in the consolidation of democratic processes;

Observed that a climate of distrust continues to impede needed, constructive political dialogue;

Expressed continued concern about the security situation in Albania characterized by high levels of violent crime and corruption;

Acknowledged that efforts are being undertaken to improve the legal framework

On the constitutional process, the delegation:

Welcomed the progress made by the Constitutional Commission of Parliament in drafting the text of a new constitution and the open, transparent manner in which this work was conducted;

Commended the Commission for its broad-based consultations, drawing upon a wide variety of domestic and international opinion and expertise;

Stressed again the need for the drafting process to include all political parties so as to achieve widespread public support for a new constitution;

Called on the Union for Democracy to participate in a final reading of the draft Commission text in a meeting of the Constitutional Commission prior to its submission to the full Parliament and subsequent proposed referendum;

Took note of the fact that this final reading will take place in the presence of the Venice Commission;

Pointed out that the Rules of Procedure for the Constitutional Commission provide that minority views on fundamental issues may be presented to the full Parliament with the support of one third of the Commission members;

Urged that any alternative that continues to enjoy the support of one third of the Commission members following its discussion in the full Parliament be presented in the proposed referendum; therefore, rejected the notion of a "blocking minority" in the Constitutional Commission as not conducive to consensus building;

Agreed to establish the international advisory group, as suggested in the first declaration of the Tri-Parliamentary Mission, to advise, if requested, on any fundamental political issue before a final vote in Parliament.

The delegation also:

Emphasized the need to continue efforts to improve procedures employed for the recruitment and appointment of the civil service, armed forces, and police, noting with approval the recent public administration reform initiative with the European Commission;

Urged that principles of judicial independence be strictly observed, expressing regret about the procedures employed in the removal of the former Chief of the Constitutional Court;

Called for increased emphasis on measures to improve the security situation in Albania through strict enforcement of the laws;

Proposed that all parties maintain efforts to fully realize the recommendations of the January declaration.

APPENDIX II

Extract of the document 7978 -Addendum IV- to the progress report
Tri-parliamentary Mission to Albania
22-23 January 1998

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Annexe II

Parliamentary Assembly of the Organization for Security and Co-operation in Europe

Parliamentary Assembly of the Council of Europe

European Parliament

23 January 1998

DECLARATION

BY THE

TRI-PARLIAMENTARY MISSION TO ALBANIA

A delegation composed of seven senior members of the Parliamentary Assembly of the OSCE, the Parliamentary Assembly of the CoE, and the European Parliament, in Albania on 22 and 23 January 1998:

Met with a broad range of national leaders and explored ways to overcome the troubling impasse in the constitution drafting process;

Expressed serious concern about the difficult and fragile political, socio-economic, and security situation in Albania;

Reaffirmed the acceptability of the 29 June 1997 elections and the legitimacy of the current Parliament;

Rejected the suggestion of early parliamentary elections; and

Sought ways to end the disturbing lack of proper political dialogue, and called upon all parties to seek compromise and work together in a spirit of national reconciliation.

On the constitutional process, the delegation:

Underlined the need, as expressed by all political parties, for a new constitution as the basis for enduring political stability;

Agreed with political parties that a new constitution would open the way for other needed legislation and sustain international support for Albania;

Observed that the Constitutional Commission of Parliament is a legally valid mechanism for drafting a new constitution, as also noted by eminent constitutional scholars;

Urged that all parties put the drafting process back on track by participating constructively in the work of the Constitutional Commission;

Acknowledged the willingness of members of the Constitutional Commission to review its composition and procedures if needed;

Pointed out that the new constitution should be based on broad political consensus, and the necessary public endorsement for the new constitution will be established through the referendum that will follow the adoption of a draft by Parliament;

Called on the Union for Democracy to promptly end their boycott of the Parliament and to participate in drafting the new constitution; and

Proposed that an international advisory group, representing European parliamentary institutions, be established to complement existing consultative groups working with the Constitutional Commission, such as the Venice Commission of the Council of Europe, the Administrative Center for the Coordination of Assistance and Public Participation (ACCAPP); and domestic civil society organisations.

The delegation also:

Urged safeguarding of the independence of the judiciary and the finding of a rapid solution to the conflict between the Constitutional Court and the Parliament;

Called for fair implementation of agreements regarding the public media;

Stressed that the recruitment and appointment of the civil service, armed forces, and police should be based upon merit and professional qualification;

Emphasized that democratic standards of parliamentary procedure be observed, including respect for the rights of the parliamentary opposition; and

Proposed that parliamentary practice be monitored by international observers on a systematic basis.

Concluding its mission, the delegation hereby expresses its hope and expectation that its visit has provided the needed impetus for progress towards political and parliamentary cooperation. The delegation reconfirms the interest of the international community in the consolidation of the democratic state based on the rule of law in Albania.

The delegation members are:

- **Leni Fischer (Germany), President of the Council of Europe Parliamentary Assembly;**
- **Frank Swaelen (Belgium), President Emeritus of the OSCE Parliamentary Assembly and President of the Belgian Senate;**
- **Renzo Imbeni (Italy), European Parliament Vice President;**
- **Tana De Zulueta (Italy), Rapporteur on Economic Affairs of the OSCE Parliamentary Assembly General Committee;**
- **Doris Pack (Germany), Chairman of the European Parliament Commission for Relations with Southeast;**
- **René van der Linden (Netherlands), Rapporteur of the Council of Europe Parliamentary Assembly on Albania;**
- **Jordi Sole Tura (Spain), Rapporteur of the Council of Europe Parliamentary Assembly on Albania.**

APPENDIX III

SCHEDULE

Joint Delegation of the
Parliamentary Assembly of the Council of Europe, the Parliamentary Assembly of the Organization for Security and Cooperation in Europe, and the European Parliament,
Tirana, Albania

MONDAY June 29		TUESDAY June 30	
P.M.	Arrival at Rinas Airport, check in at Rogner Hotel	07:45 - 08:25	Breakfast with MFA State Secretary for Euro-Atlantic Integration Ilir META; Rogner Hotel
15:00 - 15:50	Briefings at Rogner by OSCE Presence, CoE Presidency, OSCE Chairman-in- Office Representative, and selected embassies	08:30 - 08:55	Meeting with President of Mayors' Association and Mayor of Tirana, Albert BROJKA; Rogner Hotel
16:00 - 16: 45	Meeting with President Rexhep MEIDANI; Presidential Palace	09:00 - 09:45	Meeting with co-chairmen of Parliamentary Constitutional Commission, Sabri GODO (RP), and Arben IMAMI (DAP); Palace of Congress
17:00 - 17:40	Meeting with Fatos NANO, Prime Minister and SP leader; Council of Ministers	10:00 - 10:30	Meeting with Deputy PM and Minister for Local Government, Bashkim FINO (SP); Council of Ministers
17:45 - 18:25	Meeting with DP Chairman Sali BERISHA; Rogner Hotel	10:35 - 11:15	Meeting with Minister of Justice, Thimio KONDI; Ministry of Justice
18:30 - 19:00	Meeting with Speaker of Parliament Skender GJINUSHI (SDP); Vila 31	11:20 - 11:40	Meeting with President of Constitutional Court, Fehmi ABDIU; Hotel Rogner
19:00 - 20:00	Reception given by Speaker of Parliament Skender GJINUSHI; Vila 31	11:40 - 12:00	Meeting with Chief Justice of Court of Cassation, Avni SHEHU; Hotel Rogner
20:00 - 21:00	Meeting with senior parliament representatives Haxhi ALIKO (SDP), Ridvan BODE (DP), Namik DOKLE (SP), Pandeli MAJKO (SP), Fatmir MEDIU (RP), Genc POLLO (DP), Vasil MELO (AHR), Prec ZOGAJ (DAP), Musa ULQUINI (SP), Vili MINAROLLI (DP), Zef BUSHATI (DChP), Teodor LACO (USDP) at Rogner Hotel, followed by:	12:00 - 13:00	Delegation internal consultations; discussion of statement and press release; Rogner Hotel
21:00 -	Working dinner hosted by Vice President of the EP, Renzo IMBENI	13:00 - 13:30	Delegation statement and press conference at Rogner Hotel
		12:00 - 14:30 latest	departure for Rinas Airport

Christian Democratic Party (CDP), Democratic Alliance Party (DAP): Democratic Party (DP): Republican Party (RP); Social Democratic Party (SDP); Alliance of Human Rights Party (AHR), Demochristian Party (DChP): Union of Soc. Dem. Party (USDP) and Socialist Party (SP).

APPENDIX IV

OSCE

Council of Europe
Conseil de l'Europe

Organisation for Security and Cooperation in Europe
OSCE Presence in Albania

Council of Europe
Special Representative of the Secretary General

JOINT STATEMENT

Tirana, 8 July 1998

The OSCE Presence and the CoE Special Representative in Tirana are deeply concerned by a decision of the main opposition party to start a new, indefinite, boycott of the Parliament and strongly call upon it to reconsider its decision.

Considering the steady progress made following the visit of the first Tri-Parliamentary Mission to Albania in January 1998, and since positively confirmed during a second, recent visit, the OSCE Presence and the CoE Special Representative see such a move as being counterproductive to the consolidation of a democratic state based on the rule of law, for which all parties have a responsibility.

The OSCE Presence and the CoE Special Representative recall the Tri-Parliamentary Mission's appeal for efforts to be made by all parties to overcome the climate of distrust, and to build a more positive and constructive political debate on the priorities that face the future of the country.

APPENDIX V

Statement on Albania by

The Parliamentary Assembly of the OSCE, The Parliamentary Assembly of the Council of Europe and the European Parliament

July 10, 1998

The Parliamentary Assembly of the OSCE, the Parliamentary Assembly of the Council of Europe and the European Parliament are surprised and disappointed by the decision of the Democratic Party to no longer participate in the work of the Parliament of Albania. This is a setback to the consolidation of democracy. Today, above all, Albania needs reconciliation, not confrontation. More than ever, the country needs an effective and representative Parliament.

The three Parliamentary Institutions urge all political parties, in the interest of the Albanian people, to work for reconciliation. They call upon the Democratic Party to reconsider its decision and to assume its parliamentary responsibilities.

In its Declaration the Tri-Parliamentary Mission of January 1998 appealed to all parties to participate in Parliamentary process. They were pleased to learn that after that Declaration all parties worked together and there were improvements in parliamentary procedures and practices. In the Declaration of the Second Tri-Parliamentary Mission of June 1998 all parties were urged to work for reconciliation and to proceed with vitally needed reforms. Today the three Parliamentary Institutions want to reiterate both of these Declarations.

The three Parliamentary Institutions also remind all parties of their appeals for measures to improve the security situation in Albania, the need to further improve parliamentary procedures, including the rights of the opposition, and for the need to strengthen the independence of the judiciary.