PARLIAMENTARY ASSEMBLY
ASSEMBLEE PARLEMENTAIRE

Council of Europe / Conseil de l'Europe
F-67075 Strasbourg Cedex
Tel : +33 (0)3 88 41 20 00
Fax : +33 (0)3 88 41 27 76
E-mail : pace@coe.int
http://stars.coe.fr

2000

COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Doc. 8771 Amendement 2
27 juin 2000

Respect des obligations et engagements de l'Albanie

Amendement n° 2

présenté par MM Koulouris, Kotsonis, Mme Zissi, M. Christodoulides, Lord Kirkhill, M. Eörsi

Dans le projet de résolution, paragraphe 7, ligne 4, après le mot "notamment", insérer les mots :

"de la situation des minorités et"

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COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Doc. 8771 Amendement 3
27 juin 2000

Respect des obligations et engagements de l'Albanie

Amendement n° 3

présenté par MM. Rodeghiero, Lento, Dolazza, Robol, Evangelisti

Dans le projet de résolution, à la fin du paragraphe 7, ajouter les mots:

"et de la régularité des relations avec les pays de la région".

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Council of Europe / Conseil de l'Europe
F-67075 Strasbourg Cedex
Tel : +33 (0)3 88 41 20 00
Fax : +33 (0)3 88 41 27 76
E-mail : pace@coe.int
http://stars.coe.fr

2000

COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Doc. 8771 Amendement 1
26 juin 2000

Respect des obligations et engagements de l'Albanie

Amendement n° 1

présenté par Mme Squarcialupi, MM. Rodeghiero, Bianchi, Robol, Mme Pozza Tasca

Dans le projet de résolution, paragraphe 9, remplacer les mots: "des résultats" par les mots:

"de la régularité".

~~Subamendement~~

Subamendement :
délète : "de la régularité"

LISTE DES ORATEURS / LIST OF SPEAKERS

Mercredi 28 juin 2000
10 h

Wednesday 28 June 2000
10.00

Respect des obligations et engagements de l'Albanie (Doc. 8771)
Co-Rapporteurs de la Commission pour le respect des obligations et engagements des Etats membres du Conseil de l'Europe (Commission de suivi) : M. Jerzy Smorawinski (Pologne, PPE/DC) et M. Jordi Sole Tura (Espagne, SOC)

Honouring of obligations and commitments by Albania (Doc. 8771)
Co-Rapporteurs of the Committee on the Honouring of obligations and commitments by member States of the Council of Europe (Monitoring Committee): Mr Jerzy Smorawinski (Poland, EPP/CD) and Mr Jordi Sole Tura (Spain, SOC)

Orateurs/Speakers	**Pays/Country**	**Groupe politique/ Political Group**	**Langue/ Language**
Mrs Stoyanova	Bulgaria/Bulgarie	EPP/CD / PPE/DC (on behalf of Group/au nom du groupe)	English/anglais
Mrs Kanelli	Greece/Grèce	UEL/GUE (on behalf of group/ au nom du groupe)	English/anglais
Mr Eörsi	Hungary/Hongrie	LDR (on behalf of group/au nom du groupe)	English/anglais
Mr Dokle	Albania/Albanie	SOC	Spanish/espag.
Mr Polložhani	FYROM	EDG	English/anglais
Mrs Squarcialupi	Italy/Italie	SOC	Italian/italien
Mr Pollo	Albania/Albanie	EPP/CD / PPE/DC	English/anglais
Mr Hegyi	Hungary/Hongrie	SOC	English/anglais
Mr Jaskiernia	Poland/Pologne	SOC	French/français
Mr Saglam	Turkey/Turquie	EPP/CD / PPE/DC	English/anglais
Mr Begaj	Albania/Albanie	SOC	English/anglais
Mr Popescu	Ukraine	SOC	Russian/russe

Tanik ?

ALBANIA

28. 6. 2010
Consejo Europa (plenario)

- Algunos colegas me han hecho llegar su inquietud, pues consideran que nuestro informe es demasiado optimista y no refleja la realidad de Albania. Entiendo bien sus preocupaciones y quiero decir que nuestra posición está para revisar y que la situación de la Zona sigue siendo conflictiva.

- Pero, ~~yo~~ empecé a trabajar en este informe hace tres años. Desde entonces se ha producido la situación de entonces: gran concentración de fuerza política, situación conflictiva en judicatura, policía, inestabilidad política, enfrentamiento en minas, etc.

Alma: lista corregida (punto 2, punto 5).

- Nuestra tarea no ha sido ni es un juicio definitivo: nuestra labor ha sido una combinación de seguimiento y de ayuda. Hemos ~~ayudado~~ hecho tanto como hemos podido y en ocasiones especialmente señaladas de la Constitución y de la Policía para de momento,

PD el Parlamento, etc.

Stoyanov: Necessity of a new generation of diplomats.

Mrs Kaceli: Greeks Albania: Greeks minority. More clear.

Torsi: Problems: a) Tension; b) Past and future.
c) Elections: no to finish procedure.

Lokle: New generations point in Albania en Europe.

Polbeziani:

The role of Albania in the New Area.

Spandidhi:

Polb: We can't vote one by the other

Heysi:

Jazkerais: Naidani case

Refuse by principle of Independence of Albania

Selam:

Bejaj Begaj:

Popescu: Penal documents:

Albania ha aguantado con gran dignidad el terrible problema creado por la guerra de Kosovo, ha respondido muy bien a las exigencias de la comunidad internacional, ha ejercido una fuerza de policía, ha ejercido un sistema judicial.

Quedan por resolver muchos problemas de infraestructuras, la consolidación de las instituciones políticas — especialmente de los partidos políticos, especialmente el PD —. No está resuelta — ni en Albania ni en toda la zona adriática — la problema de los refugiados.

Pero los Albanos de ahora son mejor que los de hace tres años, los problemas son difíciles y se pueden hacer muchas cosas para resolverlos. Nuestra tarea debe ser colaborar, ayudar, contribuir a resolverlos.

Por esto hay que estar en Albania. Es un cambio, pienso, reversible y oportuno. Por esto creo que

Nuria presentará cómo el proceso de representación, sobre todo cuando entran en el horizonte dos posibles corporaciones electrales y acerca por nuestro deber y hacer diario el proceso de representación y nuestra labor de ayuda.

Council of Europe
Conseil de l'Europe

2000

COUNCIL OF EUROPE CONSEIL DE L'EUROPE

DAP/PR/Inf(2000)248
21 June/ juin 2000

With the compliments of the Director General of Political Affairs
Avec les compliments du Directeur Général des Affaires Politiques

INFORMATION NOTE
FOR THE ATTENTION OF THE MINISTERS' DEPUTIES

NOTE D'INFORMATION
A L'ATTENTION DES DELEGUES DES MINISTRES

RE: OSCE
Albania / Albanie

Please find herewith the Activity Report N° 79 of the OSCE Presence in Albania, covering the period from 29 May to 11 June 2000.

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Veuillez trouver ci-joint le rapport d'activités n° 79 de la Présence de l'OSCE en Albanie, couvrant la période du 29 mai au 11 juin 2000.

Ce document n'est disponible qu'en anglais.

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

ACTIVITY REPORT No. 79

29 May – 12 June 2000

SUMMARY

Election issues again prominent. Democratic Party declines to nominate candidate to fill vacant 'parliamentary' seat on Central Election Commission (CEC). President announces intention to convene incomplete CEC on 12 June, after he and High Council of Justice chose candidates to fill two out of three vacant seats. International representatives express concern at Government's intention to introduce boundary changes in advance of local government elections: further clarification being sought. Voter enumeration exercise gets off to 'shaky' start: OSCE-sponsored international observers deployed in country. Democratic Party faction to contest local elections in alliance with United Right opposition grouping. DP leader Berisha persists with plans to visit Kosovo shortly, despite UNMIK warnings. New Albanian Radio and Television Statute passed in Parliament in OSCE-proposed variant. Period of intensive technical-level donor coordination meetings in areas of Justice/Legal Reform, Anti-Corruption, Anti-trafficking, Environment, Health, and Education which were summarised at a Friends of Albania meeting at the end of the week. Weapons Collection Programme gains momentum. Successful conclusion of OSCE-sponsored Rural Women's Conference in Peshkopi. Voter registration, illegal immigration, security and weapons collection among main Field Office activities.

I. DOMESTIC SITUATION

Electoral issues have once again been at the centre of attention, in the run up to the 12 June deadline prescribed in the new Electoral Code for the convening of the Central Election Commission to prepare this autumn's elections. The Democratic Party leadership has formally declined to propose candidates for the vacant 'presidential' and 'parliamentary' seats on the Commission, in the absence of changes to the selection procedures in the Code, and has called for the CEC as a whole to be reconstituted.

On 2 June, President Meidani summoned representatives of the Parliament, Government and Majority and Opposition Parliamentary Groups to a consultative meeting – also attended by the local representatives of OSCE, CoE, UNDP and the US Embassy – to discuss the date of the local government elections (now likely to be 1 October), and to urge the Parliament to fill the vacant seat allocated to the

opposition on the CEC. A similar meeting took place a few days later with representatives of the smaller opposition United Right and Republican Party groups. At the earlier meeting, international representatives expressed concern at a statement by Minister of Local Government, Fino, confirming the Government's intention, foreshadowed in Article 153 of the Electoral Code, to introduce boundary changes before this autumn's local government elections. The Presence and Electoral Assistance Project partners are seeking clarification from the Government of the extent of proposed changes and their implications for electoral preparations.

President Meidani has since indicated that he will convene the CEC, even without its full seven members, on 12 June. On 8 June he announced his choice of a lawyer, Klement Zguri, believed to have the support of the small United Right opposition coalition, to fill the vacant 'presidential' seat; and on 10 June the High Council of Justice elected a private attorney, Mimoza Arbri, from a list of eight candidates proposed by the National Judicial Conference. The Parliament, having failed to select a candidate by the end of last week, is due to meet in plenary on 12 June to review the situation. Democratic Party leader Berisha has described the President's decision to convene the CEC regardless of the outcome as the final stage in the ***de jure*** destruction of the institution of elections, though ***de facto*** the Albanians will have the last word.

23 OSCE-sponsored international observers from 11 Participating States were deployed throughout the country from 5 June to monitor the pre-registration voter enumeration exercise. Although enumeration began officially in some municipalities and communes at the end of last month, the process has been slow getting off the ground in most areas because of the late delivery of materials. The deadline for completion of the exercise has now been extended until 25 June. There are reports from some areas of delays due to disagreement over the political composition of national enumeration teams.

The Democratic Alternative faction within the Democratic Party, led by former DP Vice-Chairman, Genc Pollo, has announced its intention to put forward joint candidates with the United Right opposition coalition in the forthcoming local elections. The group has called on the Democratic Party leadership to reconsider its position on nominating an opposition representative to the CEC. The Democratic Alternative also held a public meeting in Tirana on 2 June, attended by many former members of the Party, expelled members of the Party structures, as well as participants in the 1990 student hunger strikes.

Details have emerged of an incident on 21 May in which the new police chief in Lac was held hostage for two hours by thirty armed men, including suspected members of his own force, until he agreed to release 27 impounded stolen vehicles, which his predecessor had allowed to circulate in the town in return for payment. A Special Forces crackdown on illegal trafficking gangs in the area led to demonstrations by the local Democratic Party, alleging Special Forces brutality against their members, and accusing the local police of continuing collusion with the gangs. Public Order Minister Poci has separately claimed that 2,000 members

of the police force have been dismissed for corruption since he took office a year ago. Police in Berat seriously assaulted a cameraman from an opposition television station, whilst he was filming a report on alleged police brutality against members of the local DP Branch.

A decision by the Government to replace the absentee Democratic Party Mayor of Lushnja with its own (Socialist) nominee three days before the entry into force of new electoral legislation giving the power of appointment to the Municipality has been protested against by the Democratic Party, which has called on the Council of Europe to investigate the case.

On 1 June, the new Statute of Albanian Radio and Television, transforming the station into a public service broadcaster, was passed by parliament. The approved version incorporating OSCE amendments was passed in preference to a rival text proposed by the station's current management.

The Government has announced that Customs revenues reached 97% of the annual target of US$ 120m after only 5 months of this year.

II. INTERNATIONAL RELATIONS

Stability Pact Special Coordinator Hombach paid a three-day visit to Albania from 28-30 May, during which he had meetings with the President, PM, FM and Socialist Party Chairman, Nano. The Joint EU/Albanian Commission held its 4th. meeting in Tirana on 29 May: the Commission last met in March 1999. Public Order Minister Poci met his Montenegrin counterpart in Podgorica on 3 June to discuss the setting up of joint commissions to counter cross border crime. KFOR Commander Ortuño met President Meidani and PM Meta in Tirana on 7 June: illegal trafficking and border security were reportedly among the issues discussed. President Stojanov of Bulgaria visited Albania from 29-31 May. The Luxembourg Deputy FM visited Tirana on 5 June. FM Milo visited Moscow on 7-8 June. The Press has reported that Democratic Party leader Berisha intends to visit Kosovo in the week beginning 12 June, despite UNMIK's apparent insistence that any visit should be of a purely private nature, and that there should be no public rallies.

III. PRESENCE ACTIVITIES

Head of Presence Activities. On his return from discussions with the incoming EU Presidency in Paris and attending the EU COWEB Working Group in Brussels, the Head of Presence opened the conference on 'Challenges Facing Rural Women in Diber' held in Peshkopi on 29 May. On return from Peshkopi he attended a meeting with UNHCR on Trafficking issues. The Head of Presence opened two of five World Bank Donors Conferences (Education and Health) held from 29 May to 2 June. He then chaired the Friends of Albania Meeting summarizing the conferences at the end of the week. On 2 June, the Head of Presence met President Meidani as well as leaders of political parties for discussions on the Election date and the parliamentary nomination to the CEC. On 5 June he briefed the international Enumeration Observers prior to their deployment to provincial centres. He also had meetings with DP Chairman

Berisha and the PM before departing for Vienna to address the Permanent Council on 8 June.

Legal Counselor's Office.

Legal Analysis/Political Support. The LCO, in conjunction with Council of Europe and ODIHR experts, has advised on opposition criticisms of the new Electoral Code, in particular, as regards the composition of local electoral commissions for the forthcoming local elections. The LCO participated in the first meeting of a group working on proposed amendments to the Albanian Criminal Code as regards Minors. The group is composed of representatives of the Italian Bilateral Mission, the WEU Multinational Advisory Police Element (MAPE), and the Ministry of Public Order. At the request of FO Korca, the LCO prepared an analysis on the legislative framework of the social security system and its application to a number of dismissed police officers from the town. The LCO also provided legal advice on extradition issues for the Kukes, Shkodra, and Peshkopi FOs. The LCO received a request from the National Council of Radio Television to comment on its internal regulations.

Human Rights Alert Programme (HRAP). The HRAP arranged and attended meetings for the visiting ODIHR Advisor on trafficking issues with representatives from NGOs, the Albanian Government, and the Albanian Police to discuss trafficking problems in Albania. The HRAP, in cooperation with other sections of the Presence, organized several meetings of a newly formed anti-trafficking working group. Recommendations from the meeting will be presented to the Friends of Albania 'Security and Public Order' plenary meeting on 15 June.

Legal System Development/Reform. The LCO met representatives of the Soros Foundation to coordinate the preparation of a layman's guide to constitutional principles and rights. The LCO is chairing a working group to prepare a draft law on the High Council of Justice (HCJ), in the context of which it is also advising on the HCJ's existing regulations for evaluating the professional capacity of judges. The LCO participated in local donor coordination meetings in the areas of judicial and legal reform, public administration reform, and anti-corruption. LCO is arranging for the publication of a series of lectures on international human rights law taught last year by an ODIHR sponsored expert at the Shkodra Law Faculty. The LCO is organizing a further roundtable with representatives of the police, prosecution service and judiciary in Vlora.

Press and Public Information Officer (PPIO). On 1 June, the Albanian Parliament passed the new Statute of the Public Radio and Television (RTSH). The text was approved by the Majority, with the Opposition abstaining, though praising the outcome as a serious attempt to reform the public media. The vote marked the conclusion of a legislative process initiated by the Steering Council of RTSH in October 1999, when a draft was first submitted to the Parliamentary Committee on Media. The Committee, having examined the text and found it in contradiction with the Law on Electronic Media, decided to prepare a new draft,

requesting the PPI Officer and LCO staff to assist them with technical and legal suggestions. The resulting draft met with considerable opposition from the General Director and Chairman of the Steering Council of RTSH, who tried several times to block the process, in particular those clauses aimed at improving transparency in seeking tenders and awarding contracts. The Parliamentary Committee on Media rejected these moves, and the OSCE sponsored draft was submitted to the Plenary Session for final approval.

Friends of Albania Co-ordinator (FOAC). An intensive series of technical-level donor co-ordination meetings organised by the World Bank took place during the week of 29 May to 2 June in the areas of Justice/Legal Reform, Anti-Corruption, Environment, Health, and Education. The results of these discussions were presented to the Friends of Albania plenary at a meeting on 3 June. An operational framework for the FOA, designed to increase the coherence of the donor co-ordination process, was also launched at the meeting.

In preparation for the 15 June FOA meeting on Security and Public Order, to be attended by ODIHR Director Ambassador Gerard Stoudmann and Deputy Secretary General of the WEU Roland Wegener, FOAC organized two technical-level meetings on trafficking and police reform. It was agreed at these meetings that the Friends of Albania framework provided an appropriate forum for coordinating the various international efforts in the field of trafficking, and for assisting the Albanian Government to develop a national trafficking strategy. Sub-working groups were formed to address the issues of legislation, enforcement, prevention, and protection/welfare. The technical meeting on police reform focused on the current status of the State Police and Judicial Police Laws, and plans for creating a Financial Police. The main issues coming out of these meetings will be presented at next week's FOA plenary session.

Local Government Officer (LGO). LGO coordinated the recruitment and briefing for the International Enumeration Observation Mission, which arrived in Albania on 3 June and has since been deployed to the twelve Albanian Prefectures to observe voter registration between 5-29 June. LGO is now assisting the Swedish Mission Co-ordinator to oversee the Mission and co-ordinate daily reporting of findings. LGO briefed a delegation from the OMiK Human Rights Training Department on Human Rights related issues in the current registration process. In support of the Electoral Assistance Project, LGO and PPIO hosted several co-ordination meetings on public awareness and voter education. LGO represented the Head of Presence at a meeting of the Electoral Assistance Project Management Board at which the progress of the Project was discussed. As regards local government issues, LGO assisted in the preparation of a third series of Decentralisation Roundtables, designed to present the government's draft Law on Local Government to local authorities nationwide.

NGO Officer and Gender Advisor (NGOGA). The 29 May conference on 'Challenges Facing Rural Women in Diber' was successfully concluded. Eighty-

five rural women attended and engaged in lively discussions on the role of Diber women in the family, political participation, domestic violence, and women's health.

Recent meetings with USAID and the US Embassy have resulted in their giving support for political leadership training for women Parliamentarians and for a media campaign to present women candidates running in the autumn local elections. Discussions are continuing with the Civic Education Coordinator of the Election Assistance Program to extend the outreach of the civic education programme to rural women.

Economics and Environment Officer (EEO).

Environment. The international 'Environmental Sector Donor's Meeting', which the Presence organized together with the World Bank, took place on 31 May. Donors greatly appreciated the overview on donor activities, which the EEO presented at the meeting as an aid to identifying overlaps in funding. The Department of Technical Security and Environment in the Ministry of Public Economy and Privatisation has requested the EEO's assistance in the preparation of a draft law on the Administration of Dangerous Substances.

Economics. The EEO assisted in the preparation of a Country Fact Sheet by the Ministry of Economic Cooperation and Trade in the framework of the Stability Pact Investment Compact.

IV. FIELD OFFICE ACTIVITIES

FO Kukes activities during the reporting period have centred almost exclusively on security issues. They have monitored two major incidents on the Albanian side of the Morini BCP where 'traders', objecting to Albanian customs and excise regulations, blocked the road on 30 May and 2 June. On the second occasion the 'Brisku' Enforcement Unit from Tirana was deployed to the BCP. They also report the serious concern of the population living near mined areas at the low priority being given to this problem. **FO Korca** has reported concern over the large numbers of illegal crossings from Albania to Greece and to a lesser extent into the former Yugoslav Republic of Macedonia. Equally, they report a growing number of non-Albanians using Albania to access EU countries. Measures in place in Albania appear ineffective when measured against the size of the problem. However, the general security situation is assessed as good, although there is now a growing soft drug problem emerging in the more populous areas of the Prefecture. During this reporting period, **FO Gjirokastra's** activities have included: monitoring illegal cross border activity on the Greek/Albanian border, where they report a similar situation to that of FO Korca, assessing the local economic and infrastructure situation, assisting an awareness campaign to attract international NGOs into the Prefecture and dealing with human rights issues. Since the official opening of **FO Elbasan**, activities have focused on establishing working relations with the key personalities within the local authority infrastructure. They have conducted a wide range of introductory meetings to raise the profile and awareness of the Presence in the Prefecture. The forthcoming local

elections in Montenegro, and the rise in the political temperature between Serbia and Montenegro are reported by **FO Shkodra** to be causing concern in the Prefecture. Equally, the economic embargo placed on Montenegro by Serbia has led to an increase in Albanian/Montenegrin cross border smuggling. The FO has several times raised the issue of the three Albanian Police speedboats on Lake Shkodra, which remain out of service for technical reasons, and this matter has now been raised at ministerial level. The FO continues to monitor a serious property dispute between the Roman Catholic Church and a restaurant owner. This escalated into a blockade of the main Shkodra/Tirana road by protesters during which four policemen were injured by a hand grenade. The FO have also been involved in finding solutions to the problems of illegal logging and dynamite fishing. **FO Vlora** have continued to monitor the increasing production of cannabis and poppies and their refinement with imported know-how and equipment. The FO reports that despite the police crop destruction campaign, production is increasing. The FO also organised a successful NGO meeting covering environmental, economic development, education, health, and civil society issues. **FO Durres** reports that on 24 May, at a Prefecture meeting on Election Enumeration, Durres Municipality (the second largest city in the country), which had previously held out against using Social Insurance Institute data as the basis for the preparation of voter registration lists, signed an agreement to do so. Nevertheless, the delay has had a knock-on effect on the registration process, and mutual accusations of blame between the Democratic Party Municipality and the Prefecture continue to cause confusion. The FO attended a seminar in Kruja, sponsored by the Hanns Seidel Foundation, a Bavarian Christian Social Union democracy building organization, and the DP run Audelo Foundation, on extending the autonomy of local government. **FO Peshkopi** successfully concluded the Rural Women's Conference, which has done much to bring women's organisations in Diber closer together and also facilitated contacts and cooperation with NGOs in Tirana. The FO also chaired the monthly NGO Round Table, which continues to stimulate coordination within the NGO community. As a participant in the UNDP working group on 'weapons for development', the FO has been closely associated with an awareness campaign in support of UNDP's efforts. Working with the OSCE Spillover Monitor Mission in Skopje, the FO has also helped bring about improvements in cross border cooperation at the local level between the two countries.

PC.FR/16/00
8 June 2000
RESTRICTED
ENGLISH only

Organization for Security and Co-operation in Europe

Presence in Albania

Address by Head of OSCE Presence in Albania to OSCE Permanent Council, Vienna, 8 June 2000

Madame Chairperson, Distinguished Permanent Representatives,

As usual, in my address today I will attempt to give you an overview of the current mood in Albania, and my thoughts on developments in Albania and the Presence since I last addressed the Permanent Council in February.

On this occasion, however, I want to begin by highlighting the fact that the main focus of the Presence and the main preoccupation of the political parties in the country during this period has been the electoral process and the passage of electoral legislation. As a result, OSCE has been even more than usual at the centre of political attention and debate.

In one sense, this is only right and proper, since electoral assistance is one of the core elements of the Presence's mandate in Albania – and without this involvement by OSCE and its international partners, I seriously doubt whether Albania would have on the Statute Book today such a thoroughly debated and comprehensive piece of electoral legislation as the new Code passed at the beginning of May. Moreover, the fact that we were able to bring together the main political parties to discuss electoral legislation at all, and that the body of the provisions of the new Code reflect the proposals that emerged from the OSCE working group is on balance positive.

At the same time, as many of you will be aware, this stage has only been reached with some difficulty, and at the cost of a degree of 'instrumentalising' of the Organisation and other involved parts of the international community by those who disagree with the outcome. I do not need to dwell on this point at this stage, since the Presence has reported on it in detail in Activities and Spot Reports, and I will come back to some of the issues later. However, I have never disguised from you, or my local colleagues in Tirana, my belief that the chances of reaching complete agreement by consensus among all the parties were slim from the outset.

For this reason, whilst I have welcomed on behalf of the OSCE the passage of the Code as a much needed milestone on the road of electoral reform, I have declined to enter into the political debate on certain of its provisions, particularly those introduced at a late Parliamentary stage, preferring to leave it to the international experts themselves to advise on whether the law in its totality fulfils the international criteria for a free and fair electoral process. If their advice is that certain of its provisions should be improved, then I think we should be prepared to say so, particularly if this will result in broader acceptability of the process. Equally, we need to ensure that the basic provisions of the Code itself – most of which reflect earlier international advice - are not also put in question. What is important is that the many uncontested provisions of the law be implemented so that election preparations can proceed: further appointments to the Central Election Commission - whose contested composition the Law has at long last sought to address - must also be made, so that it can start to function: and, above all Albania needs to see, for the first time in its history, a convincing and uncontested voter registration, carried out with the assistance of as many international monitors and advisers as possible.

Before moving on to more general issues, I would also like to record my gratitude for the considerable international support the Presence and its partner organisations have received – and continue to receive - from the international community for our efforts in the area of elections. I include in this our resident and visiting advisers from the Council of Europe, ODIHR and IFES, and also all those national governments who have contributed generously to the Electoral Assistance Project, and those who have recently sent us monitors to observe the voter enumeration process. I also warmly welcome the decision of the Director of ODIHR, announced in the Permanent Council on 11 May, to provide monitors and observers, exceptionally, for this autumns local elections – a decision which I believe is fully justified by the crucial importance of these elections as a test of Albania's growing political maturity. Finally, I would like to express my appreciation for the contribution of my own international and national staff in the Presence, often made, as you are aware, in rather trying circumstances.

I turn now to the situation in the country. Perhaps not surprisingly, given the focus on electoral issues, the mood in the country is beginning to take on an increasingly pre-electoral feel. Indeed there have been times recently, as detailed issues of electoral legislation began to make headline news, when it seemed as though we were dealing with the outcome of the vote itself, rather than the process for enabling it to happen.

On the one hand, this focus on electoral issues is healthy, because it has undoubtedly helped impress on the political parties and electorate the crucial importance of the process for Albania's democratic development, and the keen interest of the international community in seeing it happen properly. On the government side, there is now a greater sensitivity to the need to work more closely with public opinion and other political parties to improve the transparency of the process. On the opposition side as well, despite much rhetoric, I believe there is an underlying conviction that they must participate in the process if they are to achieve their political objectives - though their distrust of their political opponents runs deep, and they remain to be fully convinced as to the commitment of the international element to protecting their interests, as well as those of their opponents.

The less healthy aspect of this growing pre-electoral focus, however, is the surfacing, at a relatively early stage in the electoral process – which will extend through two elections over

the next twelve months - of intolerant party political rhetoric, on the back of electoral preparations. This has had the effect of reinforcing the political polarisation, which the international community has so frequently identified as one of the most destructive and negative elements on the domestic political scene.

As an example of this rhetoric, I would quote the description by Democratic Party Chairman Berisha of the Code in Parliament as the 'funeral of democracy' in Albania, and his warning to the governing majority that they would be 'blown to pieces' before the forthcoming local elections if they did not accept his Party's amendments to the Code. At the same time as these remarks were being made, the mainly Democratic Party Chairmen of Municipalities and Communes were also being called upon not to cooperate with the forthcoming verification of voter lists, and to begin preparing their own parallel lists.

As you know, the international organisations seeking to assist and mediate in the electoral process have not been exempted from opposition criticism. Dissatisfaction with aspects of the Code has been expressed, not only in the Parliament, but also in a series of press articles accusing the OSCE Presence and individual staff members of party-political bias and manipulation. The integrity of UNDP - the organisation responsible for coordinating the internationally sponsored Electoral Assistance Project - has also been called into question; and the US Government, as a major sponsor of the Electoral Assistance Project, has been criticised for presuming that it knows how to help organise elections in Albania.

I see it as an important task of the Presence and the international community, over the coming weeks and months, to do what we can to persuade the political parties that this politicisation of the electoral process is not helpful, and that the international community stands ready to help find solutions where the polarisation of the political forces may make it difficult for them to find solutions amongst themselves. But clearly, the international element is restricted in its ability to exercise such 'quiet diplomacy' if at the same time they are being dragged into the political arena themselves. Nor for that matter is it reasonable or helpful if the concept of impartiality, by which the international community must always endeavour to operate, is used to straightjacket or silence them when abuses occur. Impartiality in such circumstances cannot be confused with indifference.

I am moderately optimistic that progress can be made in this direction, and I am determined that the Presence should continue trying to build bridges wherever it can. I take heart from the fact that at no stage has the opposition ever stated that it will definitely not participate in the next elections, even though they continue to express their opposition to many aspects of the process. I am also pleased to say that, not long after the passage of the new Code, government and opposition representatives managed, without international prompting, to come to terms on the issue of pre-registration enumeration in the municipalities, and the threat of parallel registration was withdrawn. This was no small progress, and I can only encourage those concerned to continue trying to resolve their differences in this way. This will be particularly important as regards the filling of the parliamentary vacancy on the Central Election Commission, which by law should be done on the proposal of the opposition parliamentary groups, and agreed by the Majority. Unless the Parties in parliament can agree on this soon, there is a risk that the CEC might still not be fully constituted by 12 June, when it is legally required to convene.

An equally important and positive development was the outcome of the last months election rally in Vlora by the leader of the Democratic Party. This was an event, which, in the run up, gave rise to much trepidation across the political spectrum because of Vlora's involvement in the events of 1997, which led to the fall of the last Democratic Party Government. In the event, the rally itself passed off without the breakdown of law and order that many - including in the public order system itself - had predicted. The result has been a palpable feeling of relief and quiet satisfaction across the political divide that the state, its citizenry, and the political parties were able to cope calmly and responsibly with such an event. Again I see this as progress, and it has been welcomed as such in public pronouncements by international colleagues and by the Presence.

Another way in which the international community can undoubtedly help depoliticise the electoral process is by ensuring that the focus on reform continues, and that the business of government is not diverted from its proper tasks meanwhile. As I am only too aware from the experience of last year's Kosovo crisis, there is a risk that both the international and national focus on reform can slip when faced with other major preoccupations. With elections due at both local and national level in Albania in the next twelve months this is a risk to which we must be alert.

As I have pointed out on previous occasions, much progress has been made since the end of the Kosovo crisis in the law and order area, and by way of reforming legislation to strengthen the role of key institutions such as the judiciary, public order forces and the civil service. But much of the detailed enabling legislation in these areas remains to be enacted, and I sense a certain loss of impetus in all these areas. This is not to say that there has not been progress in some other areas: the successful privatisation of the Albanian mobile telephone company is one example, as are the recently announced moves to encourage more urgency and professionalism into the rebuilding of Albania's dilapidated road system. But on the institutional front much still needs to be done before we can really consider the civil service and police reforms a reality. Important legislation to regulate the work of police and prosecutors – the new Judicial Police Law - has still not reached the Parliament. The latter is particularly important, to ensure that the greater emphasis on effective policing, which we have all applauded, does not end up, as in the past, with very few successful prosecutions.

The international community, as I have often stated, also needs to do more to assist in addressing the capacity needs of all theses newly-legislated institutions through more intensive hands-on help and training programmes – though this can only seriously be done once all the basis legislative building blocks are finally in place.

In a recent speech in Washington, I attempted to set out in more detail my concerns about some of the problems Albania's new institutions still face in terms of capacity shortcomings, lack of political support, and above all a domestic economy which is still too weak to generate the tax revenues needed to sustain them. I will not repeat what I said in the speech here, though if any of you are interested in reading it, I understand the Secretariat has copies.

I am also acutely aware of the need to maintain the focus on 'business as usual' in the work of the Presence itself - despite our inevitable and proper involvement on the electoral front. For this reason, too, I have appreciated the willingness of organisations such as ODIHR, UNDP and the Council of Europe to intensify their expert involvement and assistance in the forthcoming technical stages of the election process. But if the Presence is to fulfil its mandate

properly, we must ensure that all our other current areas of activity are maintained, and respond to new issues, relevant to the process of democratisation and reform, as they arise

As I have said on previous occasions here, I attach importance to the continuing development of the Presence's work on media, the environment, NGO development and gender issues - in the latter case, with a particular emphasis the social and economic needs of women living in rural society.

Trafficking of human beings, and particularly the trafficking of women, is another area in which I would like to see the Presence more involved. Given the breadth of our mandate, I believe we are well placed to help the Albanian ministries to develop a more comprehensive approach, covering the legal, welfare, gender and prevention aspects of the problem, as well as the more obvious law and order ones. The Government's Anti-corruption programme is hopefully about to see some more concrete results, having recently been brought more closely in line with the regional approach of the Stability Pact Initiative. This is, however, an area, which will require continuing close cooperation – not only between the Albanian side and the resident international experts of the OSCE, EC and World Bank, but also with the external teams of the Stability Pact itself, if it is not to become merely a convenient political slogan.

Last but by no means least, there is the issue of the economy in general, and international investment in particular, to which the Presence has also been giving higher priority. In particular, I am conscious of the tremendous handicap to economic development and investment of the chaotic legislation on land and property legislation that Albania has inherited from successive post-Communist administrations. I see this as an area where OSCE, with its legal, economic and political dimensions, as well as the local knowledge of its Field Officers, might in due course try to reconcile different political approaches– in much the same way as we have sought to do in the electoral area.

The Presence is also seeking to improve the impact and effectiveness of its work through the expansion of its Field Office network - about which I spoke when I last addressed the Council in February this year. With the help of the Secretariat, authority has been given to enable us to open 3 new Field Offices – in addition to our existing 7 – in the current period. At the end of May, I inaugurated a new Field Office in Elbasan, and new offices will be opening shortly in Berat and Fier. These new facilities, in addition to enabling us to bring our regular mandated work closer to the populations of these 3 Prefectures, will also greatly enhance our ability to monitor, on a country-wide basis, the two elections due over the next twelve months, and to service the various election observation teams that will be in country over the period.

I would like to end with some remarks about the mechanisms for the coordination of the international donor effort in Albania, and in particular about the role of the OSCE Presence and the Friends of Albania. As I said when I last addressed the Permanent Council - democracy in Albania is still a fragile and developing commodity, and the need for international attention and support is undiminished. I also drew attention to the need for continuing international support for Albania as a necessary complement to the international community's efforts in neighbouring Kosovo. Whilst there will inevitably be continuing competition between the two for attention and resources, I believe the relevance of stability in Albania to progress in Kosovo is accepted – and the continuing presence and activities of a number of prominent international organisations bears witness to this. As I have also argued in the past, however, the task of meeting Albania's needs in the coming period will, if anything, become more demanding as

the reform process moves from a predominantly legislative to an implementation and capacity-building phase. This will require increasingly close co-operation between the international players, not least to avoid duplication and the waste of scarce resources.

The provision of a flexible co-coordinating framework for international community assistance was one of the purposes for which the OSCE came into Albania, and I believe that purpose remains as valid today as it was in 1997. Since October 1998, the Presence's 'flexible framework' activities have been reinforced by the additional political dimension of the local and International Friends of Albania. The Friends of Albania bring together, on an informal and open-ended basis, representatives of national governments as well as international organisations active in providing financial support, technical assistance and other forms of aid to Albania. Meeting locally in Tirana and internationally in Vienna and Brussels, the group is, as you know, engaged in a regular exchange of information to facilitate and co-ordinate international donor efforts. At the same time it monitors and reports to governments on Albania's progress in tackling key issues of political, economic and institutional development, and draws attention to shortcomings as the occur.

I believe this flexible coordinating framework of the Friends has served Albania and the international Community well: it is by now a well tried formula, matching assistance with reform needs in many areas: and because of its wide membership and ability to speak and act with the political authority of governments, it is recognised by the Albanians themselves as a unique forum for dialogue with those in the international community most interested in helping solve its problems. Indeed, it was no accident that, when the Kosovo refugee crisis took Albania and the international community by surprise in the spring of 1999, it was to the Friends of Albania, as the largest and most representative international donor grouping, that the Government first turned for help.

My reason for explaining this background in some detail is because in recent weeks it has become clear to me that within the international community, and particularly at the level of a number of major international organisations, there is an interest in pursuing donor coordination, at local and international level, outside the framework of the Friends of Albania. This is occurring in sectors such as judicial and legal reform, law and order, and anti-corruption, where the political and donor relationship between government and the Friends is already well established.

A concrete example of this was the week of 'donor sector meetings' at the end of last month, jointly sponsored by various international organisations and the World Bank, in the areas of justice, anti-corruption, environment, health, and education. In my view – and also, I know, that of many of my bilateral colleagues in Tirana - these meetings were put together without any clear context, or reference to recent FOA meetings in the same areas, and, as a result, were confusing to both the international community and the Albanian Government sides.

I want to make it clear that I am not raising this as an issue of 'institutional turf' for the OSCE – though I believe it is relevant to the 'flexible coordinating framework' mandate given to the Presence by the OSCE's participating states in 1997. I do so because I believe there is a need for careful consideration and debate within the broader international donor community before changes are made which could damage the effectiveness of a forum, which not only works, but

is seen by the Albanians as speaking with the authority of the international community as a whole.

On the one hand, I believe there is a strong argument for saying: 'if it works, don't touch it!' Equally, if there are those in the international community who are unhappy with aspects of the existing mechanism, then it makes sense that such concerns are voiced, so that the necessary improvements can be made. At the same time, the international community must not appear to be offering uncoordinated assistance or giving conflicting advice. At its worst, this could encourage a 'cherry picking' approach to international assistance on Albania's part: it would also add considerably to Albania's already serious problems of institutional coordination and capacity overload.

As Head of Presence and Chairman of the local Friends of Albania in Tirana, I can assure the Permanent Council that there is no wish, on the part of the Presence or the Friends, to monopolise or claim credit for the substance of the many valuable initiatives being pursued by other international organisations in Albania. It is simply that donor coordination and project presentation, carried out, as in the past, under the broad 'umbrella' of the widest cross section of international donors seems an eminently sensible and efficient way to proceed.

At the very least, I believe the issue requires a thorough debate at the level of the governments and international organisations concerned, and that the views of the Albanians themselves might also be sought, if changes are envisaged.

OSCE

REPORT

Organization for Security and Co-operation in Europe

OSCE Presence in Albania

Rruga: Donika Kastrioti Villa 6,
Tirana, Albania

Telephone: +355-42-35992 (Amb)
+355-42-35993 (Rec)
Telefax: +355-42-35994/40002
E-mail: osce-tji@icc.al.eu.org

SPOT REPORT: Update on Election Preparations in Albania

SUMMARY

Electoral Code Working Group of national and international experts concludes month-long meetings. Amended draft Code, incorporating proposals of international experts and changes agreed between parties, approved by Council of Ministers and sent for debate in Parliament. Draft includes revised provisions, regulating qualifications and consultation criteria for Central Election Commission appointments and replacements. Successful implementation of international Electoral Assistance Project, including transparent voter registration exercise, essential to credibility of new Code. Request for international monitors, as early as next month, to supervise door-to-door voter enumeration.

BACKGROUND

Preparations for Local Government Elections in Albania, due in the autumn of this year, have been a priority for the OSCE Presence since my arrival here last year. Initially, the most pressing aspects were the technical and legal issues of voter registration and the enactment of a new Electoral Code. Towards the end of last year, however, it became apparent that there was also a political dimension, arising out of opposition complaints of inadequate involvement in the preparatory process, and allegations of political bias in the current composition of the Central Election Commission (CEC).

As election assistance and monitoring are an integral part of the OSCE mandate in Albania, I felt that the Presence should assist both in the technical preparation of the forthcoming elections, and by trying to build a political consensus for the electoral process more generally. The aim was to avoid this year's and future elections being subject to the flaws and criticisms of all previous elections in Albania.

As part of this consensus building effort, the OSCE Presence chaired a Working Group of cross-party and international experts from 8 March to 7 April this year to try to reach agreement on a draft Electoral Code covering all aspects of elections and referenda in Albania. This report details this phase of OSCE's assistance, and looks ahead to the needs of the implementation phase, once a new Electoral Code has been approved by Parliament.

DETAIL

The Working Group of electoral experts was set up pursuant to a decision of both opposition and governing coalition parties at a political-level Roundtable held at the OSCE Presence on 21 February. This meeting was a follow-up to the first Roundtable on the electoral process chaired by OSCE on 11 January (my Spot Report of 13 January 2000). In early March, a comprehensive draft Electoral Code was submitted by the Government to the Presence, and distributed to five representatives designated by the opposition, and five representatives designated by the parties of the governing coalition. Election experts from the OSCE's Office of Democratic Institutions and Human Rights (ODIHR), the Venice Commission of the Council of Europe (CoE), a resident expert from the International Federation of Electoral Systems (IFES), and representatives from the OSCE Presence made up the international component.

Starting on 8 March, the Working Group met on an almost daily basis, chaired either by myself or my Legal Counselor, with all parties free to raise any issue of a technical or legal nature. Experts from the opposition parties took part in most of the discussions, but decided not to participate in a total of 7 sessions, mainly in the final week. This was on the grounds that Socialist Party experts had allegedly failed to abide by a statement of guiding principles, agreed in the Group on 13 March, concerning equality of opportunities, rights, chances, and participation in the electoral process. Work continued with the participation of experts from the governing coalition only, and it was made clear that absent members were welcome to return at any stage up to 7 April, the deadline set by the Presence for the discussions to end.

The Working Group made numerous amendments to the Government's draft Code. Some amendments were agreed by both opposition and governing coalition experts; parts of the Code were not discussed or changed at all, by agreement between the parties; and other parts had to be reviewed without the participation of opposition representatives. Where agreement could not be reached between the Albanian sides, the international experts proposed provisions in accordance with internationally accepted standards, and in a way that they considered fair to all competing parties. At all times, the experts have been guided not only by the principles referred to above, but also by the relevant provisions of the Constitution, and by the internationally accepted concept of 'equal treatment before the law and by the authorities', as formulated in the Document of the Copenhagen Meeting of the CSCE in June 1990.

CENTRAL ELECTION COMMISSION

Although the current composition of the Central Election Commission - most of whose members were appointed as long ago as June 1999 - was not within the technical and legal remit of the Working Group, allegations of political bias against some of the current appointees inevitably overshadowed discussion of the CEC provisions in the draft Code, and affected progress in some other areas. Democratic Party representatives in the Working Group, supported by other opposition experts, maintained that the CEC should be constituted on a basis of 'parity' between opposition and governing coalition nominees, and that proposals for nominations should be forwarded by the respective political groupings to the bodies constitutionally empowered to appoint. They also insisted on the right of the opposition to nominate a Vice-chair of the CEC, with powers equal to those of its Chairman, on the grounds that this was consistent with the principles of 'equality' agreed in the Group on 13 March.

The position of the international experts, supported by representatives of the governing coalition, was that since the Constitution provides for an independent, non-political CEC, the nomination or participation of members on a party political basis is excluded. There could be no question of changing the Constitution, though its principles and provisions could be interpreted and elaborated in the Electoral Code. As a consequence, new provisions for the CEC have been incorporated in the amended draft, which deal specifically with the qualifications to be considered, and the consultation procedures to be used, by the organs constitutionally responsible for appointing CEC members. Governing coalition representatives accepted these provisions as a means of enabling future nominations to avoid some of the criticisms levelled at current appointees - although the draft stipulates that all current appointments remain valid.

The issue of the current composition of the CEC assumed added relevance in the final week of discussions, following the resignation of two of its members. More resignations are possible. These resignations have so far created a total of three vacancies in the Commission - including a vacant Parliamentary nomination - which should be filled in accordance with the new criteria for appointments, as soon as the new Code is passed, so that this important electoral body can begin work. This is yet another reason why an Electoral Code, regulating the criteria for future appointments, needs to be approved with utmost urgency, if the deadlines for local elections later in the year are to be met.

LOWER LEVEL COMMISSIONS

Experts from the Democratic Party also insisted that the opposition and governing coalition should each be reserved one half of the seats in election commissions at zonal and local level, and in polling stations. The two main parties would each appoint Vice-chairs, in addition to one member each. The remaining seats would be filled by the smaller parties within each group, which had won the most votes in the previous

elections. These proposals raised difficulties over defining 'opposition' and 'governing coalition', in cases where there were fewer eligible parties in one group than the other, and risked creating even-numbered commissions, so making the decision-making process more complicated. While Socialist Party experts did not seem opposed to an equal distribution of seats among the alliances, the smaller parties were opposed to this concept and demanded a more favourable system.

Governing coalition experts eventually accepted an internationally proposed variant of the Government draft, in the absence of the opposition experts. This provides for all local commissions to be composed of seven members, appointed by the seven political parties that won most votes in the constituency during the previous elections, with the Chair and Vice-chair appointed by the voting members of the respective electoral commissions.

CONCLUSIONS AND WAY AHEAD

On 10 April, following the conclusion of the Working Group meetings, I submitted an amended draft Code to the Prime Minister, incorporating new provisions agreed with the parties, together with the proposals of the international experts on issues where agreement could not be reached. The amended draft Code was approved by the Council of Ministers on 13 April, and will be passed to Parliament in the week beginning 17 April. In the view of the international experts, if the amended text were to be approved in its present form, it would provide Albania with an internationally acceptable legal basis for the future organisation and holding of free and fair elections.

Although discussions in the Working Group were problematic in many respects, the decision of all parties concerned to meet together to seek agreement on electoral legislation has been unanimously welcomed by the International Community. The fact that such discussions took place, and have enabled such a broad range of electoral issues to be discussed, can, in my view, only be positive. The amended Code appears to have the unanimous support of the governing coalition parties, and may also have the tacit support of elements in the smaller opposition parties. Unfortunately, the main opposition Democratic Party, whilst insisting that it will not boycott the forthcoming elections, seems likely to continue to contest the process, despite considerable efforts made in the Working Group to satisfy many of its more legitimate concerns, including as regards the CEC.

Once the Parliamentary process has been completed, ideally before the end of this month, international efforts will need to be directed towards the conduct of the voter registration process, the provision of reliable voter cards, a civic education campaign, and the organisation of the poll itself.

The successful implementation of the internationally sponsored Electoral Assistance Project, only the first phase of which is at the moment fully funded, will be an important test of whether the new Code and registration and management structures

provide a sufficiently solid technical basis for forthcoming and future elections. It is already clear that these new processes are likely to be implemented against a background of continuing negative political pressures. International observation and monitoring, starting with the door-to-door enumeration process to begin shortly, will be essential to ensure the transparency and international acceptability of the process. For this reason, I would urge international partners to consider their further assistance in all these areas as a high priority - despite the competing demands of other national and local elections scheduled for this autumn in the Region.

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Berisha Blasts at UN for Not Letting Him in Kosovo

PRISHTINA - Former President Sali Berisha reacted harshly against the United Nations administration (UNMIK), which banned him from entering Kosovo on Wednesday.

In the meantime, thousands of Kosovo Albanians gathered in several Kosovo cities to protest at the decision, while top UN administrator in Kosovo Bernard Kouchner gathered his staff for an urgent meeting in the Kosovo capital.

UNMIK prevented on Wednesday Berisha, the leader of the opposition Democratic Party, and his party of five aides, including Deputy Speaker Jozefina Topalli and minority whip Jemin Gjana, from entering Kosovo, turning them back at the border at the Morina-Vrmica check-point, citing "security reasons."

Berisha had been due to visit Kosovo on Wednesday and Thursday, arriving from Kukes to meet Kosovo leaders Ibrahim Rugova and Hashim Thaci, as well as Kouchner, and visit several towns there. Infuriated, he said in a news conference in Tirana late Wednesday afternoon he would also talk to Albanians in Medvedja, Presevo and Bujanovac, the three areas of southern Serbia where Albanians live.

"This is a result of mean arbitrariness and plots of Tirana authorities and certain segments of UNMIK," Berisha said in a 20-minute press conference at the office of the District Council of Kukes. "A level-crossing barrier and an absurd decision cannot keep the Albanians apart."

Berisha, who was Albanian president from 1992-97, has not ruled out unification of ethnic Albanians in a "greater Albania" - a prospect widely seen as destabilising for the Balkan region.

Sources close to political parties in Prishtina said that the Democratic Party had asked Rugova, president of the Kosovo democrats, to issue an official invitation to Berisha, but that he had declined to do so, preferring to work closely with Kouchner and the United Nations.

Berisha said earlier this week that he had not received an official invitation from any authority in the war-torn province, but he would visit Kosovo "at the invitation of its people." The DP leader said he would have called for "tolerance, cessation of violence and the creation of a multi-ethnic Kosovo".

"Perhaps certain circles are not interested in these messages being conveyed to the Kosovar people," he added. Berisha said the ban on his visit violates "UN and European human rights conventions."

"It fuels Balkan extremism," he said.

A UN spokeswoman said late on Tuesday that Kouchner had banned the Berisha visit for "security reasons."

"Mr Kouchner sent a letter to Berisha on Tuesday evening telling him that because of the volatile situation in Kosovo at the moment, this is not the time to come," said spokeswoman Susan Manuel, who noted the letter had recalled Kouchner's previous warm relations with Berisha.