COMMITTEE ON THE HONOURING OF OBLIGATIONS AND COMMITMENTS BY MEMBER STATES OF THE COUNCIL OF EUROPE (MONITORING COMMITTEE)

ALBANIA

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2. The co-rapporteurs wish to thank the representatives of the diplomatic community in Tirana and of the OSCE Mission for their briefings and in particular the Chargé d'Affaires of Hungary, who organised the briefing in February 1999 in his capacity as representative of the Chairman-in-Office of the Committee of Ministers and the Special Representative of the Secretary General of the Council of Europe, Mrs Reyhan Akant, who hosted the briefing in July 1999.

INTRODUCTION

Albania acceded to the Council of Europe on 29 June 1995, following Opinion N° 189 (1995) of the Parliamentary Assembly and Resolution (95) 8 of the Committee of Ministers.

The Committee on Legal Affairs and Human Rights opened the monitoring procedure under Order N° 508 (1995) on 6 November 1995. The Monitoring Committee continued this procedure under Resolution 1115 (1997).

Since Albania's accession, a great number of visits have been made, by rapporteurs and other members of the Assembly, to discuss the political situation, to monitor the honouring of commitments or to observe elections or referenda:

3 – 5 January 1996: rapporteurs of the Political Affairs, Legal Affairs and Non - Member Countries Committees;
27 – 30 August 1996: ad hoc Committee of the Bureau and rapporteurs;
17 - – 22 October 1996: ad hoc Committee to observe local elections;
25 – 28 October 1996: idem;
6 – 7 March 1997: rapporteur of the Political Affairs Committee;
4 – 5 April 1997: rapporteurs of the Political Affairs and Monitoring Committees;
4 – 5 May 1997: chairmen of the political groups
11 – 12 September 1997: rapporteurs of the Political Affairs and Monitoring Committees;
22 – 23 January 1998: Tri-Parliamentary Mission (PACE, OSCE-PA, EP) including the co-rapporteurs of the Monitoring Committee;
12 – 15 March 1998: co-rapporteurs of the Monitoring Committee;
29 – 30 June 1998: Second Tri-Parliamentary Mission including the co-rapporteurs of the Monitoring Committee;
21 – 23 November 1998: ad hoc Committee of the Bureau to observe the referendum;

24 – 26 February 1999: co-rapporteurs of the Monitoring Committee.
5 – 7 July 1999: co-rapporteurs of the Monitoring Committee, accompanied by the rapporteur of the Political Affairs Committee

A list of the texts adopted by the Parliamentary Assembly on the subject of Albania appears in Appendix I to this report.

The first fact-finding visit under the new monitoring procedure ex Resolution 1115 (1997) was made on 12 – 15 March 1998 by the co-rapporteurs Mr Jordi Sole Tura (Spain, SOC) and Mr René van der Linden (Netherlands, EPP/CD). Provisional notes on this visit were presented to the Monitoring Committee in Doc AS/Mon (1998) 24 rev. 1. The Committee examined these notes, but did not transmit them to the Albanian authorities for their comments.

On 28 January 1999, the Committee designated Mr Jerzy Smorawinski (Poland, EPP/CD) to replace co-rapporteur Mr van der Linden who had left the Assembly.

On 24 – 26 February 1999, the co-rapporteurs Sole Tura and Smorawinski visited Tirana. They agreed to bear in mind the provisional notes on the March 1998 visit, when drawing up an information report on this second visit under the new monitoring procedure. The programme of this visit appears in Appendix II.

In the light of the subsequent Kosovo crisis and the ensuing flow of refugees, which changed considerably the political environment and the priorities in the government's policy, the co-rapporteurs decided not to distribute their report on this second visit, but to wait until the situation would have returned to normal.

On 24 June 1999, the Committee authorised the co-rapporteurs to return to Albania to assess the situation after the return of most of the refugees; this visit took place on 5 – 7 July 1999. The programme of this visit appears in Appendix 3.

This visit was combined with a visit of the rapporteur on Albania of the Political Affairs Committee, Mr Matyas Eörsi (Hungary, LDR), who is also a member of the Monitoring Committee. Mr Eörsi attended all meetings held in the framework of this visit.

This preliminary report is therefore based on the fact-finding visit made in November 1998 and covers the conclusions of the co-rapporteurs drawn from their visits in February and July 1999.

REPORT

A. SITUATION IN GENERAL

Council of Europe Office

On 5 July 1998, the newly appointed Special Representative of the Secretary General of the Council of Europe, Mr Andreas Papaconstantinou, took office in Tirana, in the Headquarters of the OCSE Presence. The mandate of the Special Representative is to establish a political presence of the Council of Europe in Albania, to increase the Organisation's visibility and enhance the implementation and co-ordination of co-operation programmes. A Memorandum of Understanding concerning the Council of Europe secretariat offices in Tirana has been concluded with the Albanian authorities, by which the Office has been granted the status of a diplomatic mission.

Mr Papaconstantinou's term of office came to an end on 31 March 1999. He has been succeeded by Mrs Akant from Turkey.

During their fact-finding visits in February and July 1999, the co-rapporteurs were briefed by the respective Special Representatives on the situation in Albania.

Friends of Albania

Apparently on the initiative of President Clinton and, in any case, pushed by the OSCE, a Group "Friends of Albania" was created in March 1998 in Brussels, to co-ordinate action in favour of Albania undertaken by the international community and individual countries. The Group was created without any preceding consultation of the Council of Europe, its statute does not refer to the Council of Europe and the Organisation has not been given any specific responsibility. Nevertheless, the Committee of Ministers has welcomed this new structure and pledged full co-operation with it.

"Friends of Albania" is chaired by the European Union and the OSCE, although the co-rapporteurs have the impression that the driving force behind the Group was the then Head of the OSCE Presence in Albania. The Council of Europe participates in the Group's activities through the Director of Political Affairs and the Secretary General's Special Representative in Albania. Co-operation seems to be very good, even if some overlap between OSCE and Council of Europe cannot be excluded, e.g. in the field of monitoring of human rights (OSCE Human Rights Alert Programme Office) or of prison reform.

The co-rapporteurs' February 1999 visit to Albania coincided with a meeting of "Friends of Albania" in Vienna on 24 February, on which the co-rapporteurs were briefed by the Secretary General's Special Representative on 25 February. The conclusions of the Vienna meeting appeared to be largely the same as those reached by the co-rapporteurs.

During their visit in July 1999, the co-rapporteurs were briefed by the outgoing Head of the OSCE Presence in Albania, Ambassador Daan Everts, who had been appointed Head of the new OSCE Mission to Kosovo and Deputy Special Representative of the UN Secretary General for Institution Building. The co-rapporteurs thanked Ambassador Everts for the excellent co-operation, all through his term of office in Tirana, which had existed between the OSCE Presence and the Parliamentary Assembly of the Council of Europe and wished him well in his new and delicate tasks in Kosovo.

General political context

21. Since the 1997 parliamentary elections, Albania has a ruling majority coalition dominated by the Socialist Party. After the resignation of Mr Fatos Nano as Prime Minister, Parliament approved on 8 October 1998 a new government coalition headed by Mr Pandeli Majko.

22. On 20 January 1999, Mr Nano stepped down as Leader of the Socialist Party; the election of a new President, initially envisaged for June 1999, has now been postponed. At a meeting of the Party Steering Committee on 6 March last, Mr Nano confirmed his intention to launch an alternative platform within the Party at its upcoming Congress.

23. The Union for Democracy, led by the Democratic Party under Mr Sali Berisha, is the main opposition force. The Union started to boycott Parliament in September 1997; after the visit in January 1998 of the First Tri-Parliamentary Mission the Union returned to Parliament, but on 7 July 1998, after the Second Tri-Parliamentary Mission, the Democratic Party decided to withdraw again from parliamentary activities. This boycott was still in force at the time of the co-rapporteurs' visit in February 1999.

24. As could have been expected, the discussions which the rapporteurs had in February 1999 with the various politicians were overshadowed by the then ongoing negotiations – suspended on 23 February to resume on 15 March – in Rambouillet on the situation in Kosovo.

25. On the one hand, the risk of disagreement in Rambouillet and the ensuing violence in Kosovo, which would result in new waves of refugees and a total change in political priorities, was as much on the mind of the various interlocutors as the internal obstacles on the way towards full implementation of Albania's commitments.

26. On the other hand, however, this national threat seemed to be bringing together the political forces; although the political dialogue was still far from being a reality, the fact that the Prime Minister and the leader of the opposition had met twice could be interpreted as a first token of growing awareness that in the prevailing circumstances unity was called for. Symbolic for the milder political climate was the football match which took place shortly before the February 1999 visit between members of the Government and the opposition – with the Head of the OSCE Presence acting as referee.

27. In this context, the co-rapporteurs took note with interest of the Memorandum which all Albanian political parliamentary parties addressed on 4 February 1999 to the Contact Group, to express support for the Rambouillet Conference.

28. In February 1999 the prevailing opinion of the Albanian political forces was that the draft Agreement presented in Rambouillet should be signed and implemented under supervision of NATO. Although Mr Berisha said that he shared the views of the government, the co-rapporteurs were informed that in a declaration of 23 February, the opposition parties had stated that independence of Kosovo would be the best solution for peace and stability in the Balkans.

29. Notwithstanding the change in government and apart from the shadow cast by the Kosovo issue, the internal political climate in Albania in February 1999 had not changed much since the fact-finding visit in March 1998. This impression of the co-rapporteurs was confirmed during their visit in July 1999.

30. In July 1999, various interlocutors said that the Kosovo conflict had indeed brought together the political forces in Albania – albeit outside the Parliament - but that this solidarity was waning very quickly and might even be reduced further now that the imminent threat of a war in the Balkans had been dissipated and Albania would have to return to its domestic problems .

31. In July 1999, however, the co-rapporteurs, who insisted that the political dialogue be resumed, were informed that the Democratic Party might decide to end their boycott. Although Mr Berisha was on sick leave and could not meet the co-rapporteurs, other Party leaders said that a growing majority insisted that the Democratic Party at its upcoming Congress (the dates of which had still to be fixed depending on Mr Berisha's recovery), should decide to take up again its responsibilities as the main opposition force.

32. On 19 July 1999, Reuters announced that at an extraordinary congress on 17 July in Tirana, the Democratic Party had voted unanimously to end the Party's boycott of the parliament. According to Reuters, Party leader Berisha told the delegates: "Fulfilling the request of the US government to return to parliament is the least we could do after all they did for Albanians".

33. According to the international press, "legislators from Albania's largest opposition party took part in a legislative session on 22 July 1999 for the first time in more than 10 months".

34. The co-rapporteurs welcome this decision as the fulfilment of an essential condition for the restoration of the political dialogue.

Political dialogue

35. Since the Constitution was approved in the referendum of 22 November 1998 (see paragraph 55 hereafter), the co-rapporteurs have heavily insisted, in their discussions with the various political forces, on the importance of a permanent dialogue between the political forces – particularly in the light of developments in Kosovo – as the only possible way to create an Albanian State.

36. With the return of the Democratic Party to Parliament, the main condition for a productive political dialogue has been met. The co-rapporteurs congratulate the Democratic Party – and all other parties in the Democratic Union who returned to parliament earlier this year – on their decision which bears witness of the political maturity and wisdom which Albania needs more than ever.

37. The co-rapporteurs wish also to commend the international community as a whole which has all through the boycott insisted that the political dialogue be resumed. Mention should be made here of the success met by the Tirana Forum on the consolidation of the democratic dialogue in Albania, on 12 – 14 February 1999. In this Forum, which was organised on the initiative of Victor Ruffy by the Swiss Foundation for Good Offices (FOSBO) and the Albanian Group of participants in the Lilienberg workshop, representatives of all political parties took part and agreed to set up a committee for follow-up.

38. The co-rapporteurs call now on all political forces to ensure that this renewed political dialogue be kept going and preserved against any possible interruption. This is the responsibility of all politicians in Albania.

39. For the opposition, this implies that they must assume all responsibilities that are theirs in a pluralistic democracy, independently of the risk of being overruled by the majority. The opposition should recognise the outcome of the referendum on the Constitution and therewith the validity of this instrument. Members of the parliamentary opposition parties must participate in all parliamentary activities, speak up when they feel this useful, make constructive proposals and advise on proposals of others, - always in the interest of the Albanians who elected them.

40. The parliamentary majority must respect the rights of opposition parties in the framework of a parliamentary democracy: the opposition must be enabled to work in safety and security, they must have full and timely access to information, they must be given the responsibilities to which they are entitled, they must be allowed to speak up and make their contribution to governing the country.

41. Above all, the co-rapporteurs call on all actors on the Albanian political scene to forget about the past and never to allow their personal feelings taking priority over the interests of Albania. Now that the immense problems caused by the Kosovo crisis have

been overcome in a joint effort, the political forces should be careful not to fall back in their pre-Kosovo rivalries.

External relations

42. According to the Minister of Foreign Affairs in July 1999, Albanians are aware that they had never so much international support as during the Kosovo conflict and that this is unlikely to last. They also realise, however, that Albania is a key element for stability in the region. The endless stream of visiting presidents and prime ministers should be stopped and no more promises should be made. Instead, normal political contacts should be re-established, to be transformed into concrete action. Such action should include starting the process of integration of Albania into European and Atlantic structures. Pending Albania's admission as member State of NATO, NATO forces should stay, to finalise the humanitarian projects and to provide logistic support for the troops in Kosovo.

43. Albania's external relations are focussed primarily on the post-Kosovo era and in particular on implementation of the Stability Pact for South Eastern Europe ("an opportunity that comes only once"). In this Pact, the government will give priority to the regional projects and to the Albanian projects; for this purpose they have duly prepared their requests for the Donor Conference of Sarajevo, on 30 July 1999. These include improvement of the regional infrastructure and a common system for the distribution of energy.

44. Implementation of the Stability Pact dictates also Albania's relations with the neighbouring countries, because of the common interests at stake and the ensuing need to work together. According to the Minister for Foreign Affairs, in the present foreign policy of Albania, the Kosovo conflict does not exist any more and the temporary tensions with neighbours belong to the past.

45. In this way, relations with Greece, which were clouded because of the support of the Serbs by the Greek public opinion, have been restored.

46. After some problems created by the treatment of Kosovar Albanian refugees in Macedonia, the relations with that country have been improved partly because of the common interests at stake, partly because of the important role of Albanian political parties in maintaining the fragile ethnic equilibrium in Macedonia. On 17 June 1999, the Albanian and Macedonian Prime Ministers announced in Skopje an agreement to accelerate the resolution of outstanding issues concerning the Albanian minority in Macedonia. On 22 June, the Albanian President, Prime Minister and Foreign Affairs Minister had meetings in Skopje with President Clinton and their Macedonian counterparts. On 8 July 1999, the President of Albania visited the President of Macedonia, to discuss also bilateral co-operation within the framework of the Stability Pact.

47. Relations with Bulgaria and Romania are qualified as good and with Italy and Turkey as very good.

48. Relations with the Federal Republic of Yugoslavia depend on the democratisation of the country, which, in the opinion of the Albanian government, is impossible under President Milosevic and the presently weak opposition.

49. Positive signs are coming from Montenegro; one of the Albanian Parties in Montenegro came to Tirana and the Albanian Minister of Foreign Affairs met his counterpart and leaders of two Albanian parties in Podgorica. 10% of the 66.000 population of Montenegro are ethnic Albanians, who have cultural, social, religious and economic links with Northwest Albania. Albania supports Montenegro in its quest for a confederation with Serbia.

50. The Albanian government does not favour the idea of Montenegro obtaining its independence; this would change the map of the Balkans and increase the risk of an evolution towards a Great Albania. Rather than encourage such dreams of Great Albania – which never existed anyway – the Government advocates an integration process of all areas with an ethnic Albanian population (Albania, Macedonia, Montenegro, Kosovo and even Greece, where the ethnic Albanians are "hellenised"), with open borders and free movement without any visa requirements.

51. The Albanian government is in permanent contact with Mr Hashim Thaci, the political leader of the Kosovo Liberation Army and the leader of the self-proclaimed provisional government of Kosovo. A delegation of the Albanian Parliament has visited Pristina recently. The President of Albania said that in his view Kosovo should not be left to the Serbs, nor should it become independent. In a first stage, it should become a protectorate and in a second stage, elections should be held to determine its status.

B. HONOURING OF COMMITMENTS

Council of Europe Conventions

52. Out of the conventions Albania committed itself to sign and ratify, it ratified the Convention for the Protection of Human Rights and its Protocols 1, 2, 4, 7 and 11 on 2 October 1996; the European Convention for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment on 2 October 1996; the European Convention on Extradition on 19 May 1998 and the General Agreement on Privileges and Immunities on 4 June 1998.

53. Albania signed the Framework Convention for the Protection of National Minorities on 29 June 1995 (was ratified by Parliament on 3 June 1999); the European Social Charter on 21 September 1998 and the European Charter of Local Self Government on 27 May 1998 (will both be ratified by Parliament); the European Convention on Mutual Assistance in Criminal Matters and the European Convention on the Transfer of Sentenced Persons on 19 May 1998 (already ratified by Parliament).

54. The other Conventions ratified or signed by Albania appear in Appendix 4. Albania has neither ratified nor signed Protocol 6 to the Convention for the Protection of Human Rights, the European Charter for Regional or Minority Languages nor the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (which it undertook to study with a view to signature and ratification).

Rule of law

55. The approval, in the referendum of 22 November 1998, of the new Constitution, drawn up in co-operation with the Venice Commission, is a milestone on Albania's road to democratic stability and the establishment of the Rule of law. What seems important now is to ensure full respect of the Constitutional provisions and this would include that existing legislation is screened for compatibility with the new Constitution. This is the task of the Constitutional Court.

56. Between 1993 and 1997 the Council of Europe has conducted two successive Joint Programmes with the European Commission, mainly for assistance to legal system reform in Albania. Major outcomes were the Albanian Civil, Civil Procedure, Penal and Penal Procedure Codes and the establishment of the School for Magistrates. After the parliamentary elections of 1997 the programmes were reshaped to respond to Albania's most urgent needs in the fields of Human Rights, legislation, constitutional reform, justice, law enforcement, media, local government and education. The Third Joint Programme is operational since 5 January 1999.

57. According to the statistics, it would seem that criminality has not increased during the Kosovo conflict.

Death penalty

58. Albania has applied a moratorium on executions since 29 June 1995, introduced with a view to its accession to the Council of Europe. Given the commitments entered into by Albania on joining the Council, it should have signed Protocol N° 6 by 13 July 1998. Recently, however, the issue of applying death penalty in Albania has been raised again by leading politicians. The Republican Party (opposition) has collected 400.000 signatures in favour of the death penalty. A poll at the Council of Europe funded School for Magistrates has resulted in 90% of the students expressing themselves in favour.

59. Arguments put forward for reopening the death penalty debate included, on the one hand, the need for preventive methods ("even 3 or 4 executions would suffice as an example") to curb the rising insecurity and the decreasing respect for the public forces. On the other hand, because of the large number of killings in Albania – with its re-activated tradition of self justice "family blood feud" - the value attached by the public to human life seems to have gone below the threshold of justification of abolishment of the death penalty. In these circumstances, no political party seems to be ready to take any initiative for abolition.

60. The co-rapporteurs insisted on the de jure abolishment of the death penalty; they underlined that the Council of Europe and in particular the Parliamentary Assembly were not prepared to make any exception in the honouring of the commitments of any member State to abolish this penalty; on the contrary, any country which would not abide by this principle would have to face the ultimate consequence of such attitude: expulsion from the Organisation.

61. In doing so, the co-rapporteurs based themselves on the long standing position of the Parliamentary Assembly - confirmed on 26 May last in Resolution 1187 on "Europe, a death penalty-free continent" - and in particular the appeals on Albania made by the Assembly's Bureau and by the Secretary General in January last. Moreover, the co-rapporteurs referred to the opinion of the rapporteurs of the European Commission for Democracy through Law ("Venice Commission") who had reached the conclusion that the death penalty must be deemed to be inconsistent with the Constitution of Albania.

62. For their part, the Albanian authorities informed the co-rapporteurs that the drafters of the Constitution had deliberately not provided for abolishment of the death penalty in the Constitution, since any such explicit provision might have prevented approval of the whole of the text. The general view of the coalition was therefore that the moratorium should be prolonged and that on its expiration the opportunity of de jure abolishment should be reconsidered. It was also envisaged to reduce in the Penal Code the number of crimes with death penalty from 11 to 3 or 4, but only after the political decision on abolition would have been taken.

63. A suggestion has been made by the President of the Republic to sign Protocol 6 to the ECHR and to ratify only when sufficient support from political parties and the public

would have been obtained. To achieve this, however, public opinion would have to be changed by means of seminars and conferences – for which the assistance of the Council of Europe would be indispensable.

64. However, the Prime Minister said that there should be understanding for the fact that in the present circumstances the need for internal stability by legislative reform, and an association agreement with the European Union were for his government matters of higher priority than the de jure abolition of the death penalty. It should also be clear that any public demonstration, provoked by the re-opening of the death penalty debate, would hinder the government in pursuing these more urgent tasks.

65. As for the Democratic Party, although some leaders have said to favour abolition of the death penalty, the Party has not pronounced itself.

66. Pending a decision on this issue, the Prosecutor General said that he had given instructions that the death sentence should not be pronounced and be replaced by life imprisonment. These instructions had not always been followed; a judge in Vlora had sentenced to death a criminal, but this sentence had been broken by the Court of Cassation. The situation was now confused and the Constitutional Court should be asked for an interpretative ruling. The Prosecutor General has however no power to seize the Constitutional Court.

67. The President of the Constitutional Court – although personally not convinced of the efficiency of the death penalty – said that in his view the way in which Article 21 of the Constitution and other Human Rights provisions had been worded made it difficult to say whether death penalty is or is not unconstitutional. He was also concerned that before starting such procedure, the support of the political forces should be ensured.

68. The co-rapporteurs advised that the return of the opposition to Parliament should be seized for Albania to honour this important commitment, without which it would be difficult to conclude the monitoring procedure. An in camera meeting might be organised with the Democratic Party to try and find a common position on the issue. They recommended also that a study be made – if necessary with assistance of the Council of Europe – of the legal possibilities to obtain a decision of the Constitutional Court on whether death penalty is in accordance with the Albanian Constitution.

Independence of the judiciary

69. On 12 January 1999, an Action Plan for the judicial and legal reforms in Albania was signed by the Albanian authorities and representatives of the Council of Europe and the European Commission. This Plan defines the framework for the short and medium term reforms, including the development of the institutional capacity for the effective enforcement of the legal framework.

70. On 18 and 19 January 1999, a Conference on Legal Reforms in Albania was held in Strasbourg, attended by various Albanian ministers and magistrates, representatives of the international organisations concerned, experts and senior Council of Europe staff. The participants had welcomed the progress achieved by the Albanian authorities in reforming the legal system, but acknowledged nevertheless that significant work had to be undertaken: the legal and institutional framework has to be completed and the judiciary's independence and credibility has to be reinforced. In this respect, the participants had called for instance for a law on the organisation of the Ministry of Justice and for a definition and organisation of the judicial police; they also underlined the importance of training of future judges and prosecutors at the Albanian School for Magistrates, as well as the continuous training of judges and magistrates in office.

71. An additional problem, also recognised by the Strasbourg Conference, is the obstacle of corruption to the development of a fully independent judiciary. The authorities concerned should actively combat the factors which contribute to corruption in the Albanian judiciary, within the framework of the Octopus project of the Council of Europe and the European Commission and the project supported by the World Bank. In July 1999, the Albanian Prosecutor General said that a group of prosecutors had been instructed to investigate corruption amongst judges.

72. In December 1998, a Law on the organisation of justice was adopted, which aims at reinforcing the independence of the judiciary. There is some doubt whether certain provisions in this Law, e.g. regarding the appointment of judges by the President of the Republic on proposal of the High Council of Justice, are in full conformity with the new Constitution. The co-rapporteurs support the conclusion of the Strasbourg Conference that the new Law should be supplemented by specific regulations on the practical functioning of the different bodies involved.

73. The new law provides, among other issues, for about 240 out of the 300 sitting judges to be tested on their qualifications. Although not in line with the principle of an independent judiciary, this measure is considered to be necessary in order to identify those judges who were appointed after a 6-month training course and do not have the required knowledge or experience to hold their office. If found to be unqualified for their function such judges would be dismissed; it is therefore understandable that the testing procedure has raised considerable concern amongst the judges concerned.

74. This testing has been entrusted to the High Council of Justice; the law provides for the judges who have not succeeded the test (written and oral) to be heard, with the assistance of a legal counsel, and, as the case may be, to appeal to the Supreme Court. Precise procedures for implementing the related provisions of the law have been established in co-operation with experts from the Council of Europe's Legal Affairs Directorate. In July 1999, 4 judges had failed the test and a certain number had not participated. These judges would have to resign but could appeal to the High Council of Justice.

75. A law on the organisation and functions of the Prosecutor General's Office is being prepared. In its present form, this Office is the subject of much criticism. On the one hand, reproaches are made that the Prosecutor General has not made sufficient progress in prosecuting crimes and other violations of the law, notably in the Hajdari Case (see paragraph 93 hereafter). On the other hand, it is argued that no political control is exercised over this Office, which enabled it to start politically suspect investigations at the wrong times, such as the arrest of six DP leaders [and the mandate to arrest Mr Berisha]. The Council of Europe organised in March 1999 a meeting in Tirana and is providing expertise on the reform of the Prosecutor General's Office.

76. In July 1999, the Prosecutor General said that the average ratio of solving crimes was between 60 and 70% and even higher in some regions.

77. The Court of Cassation has been replaced by a Supreme Court, for which the Council of Europe has provided expertise. The President of the Court has been dismissed because his constitutional mandate had come to an end – which he contests. Former Minister of Justice Mr Kondi has been designated as President.

78. The Constitutional Court is functioning well, notwithstanding a general lack of means and equipment. A further handicap is that so far the Court is not recognised – and therefore not used – by the opposition, partly because the removal of the Court's former president has not been accepted, partly because the opposition contests the approval of the Constitution itself during the referendum of 22 November last. The return of the Democratic Union to Parliament will hopefully lead to changing this attitude.

79. Since on certain conditions individuals can have access to the Constitutional Court to appeal against alleged violations of their human rights, there might be a risk of overlap or misunderstanding in respect of the jurisdiction of the Constitutional Court and the Court of Cassation.

Prison reform

80. In July 1999, the Deputy Minister of Justice said that following the report of the Anti-Torture Committee, attention was given to improved respect for the rights of convicts. In general, Albania was open for any advice on training prison staff, on young offenders and on female prisoners and on enlarging the capacity of prisons, but financial means were lacking to implement such advice. A new prison is being build with a capacity of 600 inmates and the Italian government has started the construction of another prison for 350 people.

81. In accordance with the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Albanian Parliament has approved a law on the appointment of a co-ordinator. The decision on publication of the Anti-Torture Committee's report has to be taken by the Prime Minister or the President of the Republic.

Public order

82. Although the co-rapporteurs saw some improvement in the security conditions at least in Tirana, information received in particular from the opposition would seem to indicate that outside the capital and particularly in the north-eastern part of Albania public order is not maintained, except in the immediate surroundings of the NATO troops stationed there. According to the Minister of Public Order, the national roads are now safe and security in the cities is improving, except in some areas for which special programmes have been established.

83. Notwithstanding the efforts undertaken by the government, including the adoption of a special law and, on a regional basis, by the UN in the "Weapons for Development Programme", to collect arms from the population, violence is still frequent and armed gangs are terrorising certain regions. So far, 118 police officers have been killed and 93 wounded.

84. On 5 March 1999, in an attempt to steel sheep in Berat, 10 people were killed, including three policemen. Their funeral was attended by the Prime Minister and by the Minister for the Interior; the latter confirmed on that occasion that the police have instructions to shoot to kill in such cases.

85. During the Kosovo crisis, the Albanian police managed to overcome the enormous problems created by the sudden flow of over 500.000 refugees, although the Minister of Public Order in July 1999 said that he was not entirely satisfied and had started to analyse the difficulties encountered.

86. Pending approval of a draft Law on the State Police, expected in July 1999, the Ministry of Public Order, with the assistance of the Multinational Advisory Police Element (MAPE – a WEU contribution) and Italian Police Forces, is restructuring the police forces, recruitment procedures are being improved and 95% of the police stations are now headed by graduates from the Police Academy. In every prefecture, a special unit has been set up to improve the relations between the police and the public.

87. The assistance of MAPE is essential, even if its mandate, which has to be renewed every year, is limited to advising and training and does not include implementation of the law. At present 112 out of the 150 MAPE police officers are operational. Although their assistance is merely of a technical nature, their presence all over the territory implies a "masked monitoring mission" which contributes to improving security in Albania. The MAPE representative said that more advisers are needed.

88. In the view of the Minister of Public Order, the Albanian police, although better motivated, is still lacking adequate logistic support; they are not sufficiently equipped to face the heavily armed gangs, they lack means to communicate and they do not have enough uniforms.

89. Despite these measures, the Chairman of the Democratic Party has proposed an Anti-Crime National Pact, in which he calls for an agreement of all national and local political powers, the total reconstruction of the Ministry of Public Order and of the Prosecutor General's Office and new legislation. According to Mr Berisha, this Pact has been rejected by the Minister of the Interior.

90. The general point of view of the coalition is that, to be examined, the Pact should be presented in Parliament, which could then also test the compatibility with the Constitution of proposals such as the appointment of crime investigators by the political parties.

91.. Corruption is said to be increasing (the Head of Police at Rinas airport had been replaced after the arrest, on 22 February, of a senior police officer for allegedly taking bribes from illegal immigrants) which, according to the opposition, has led to a decrease of 40% of foreign investments. The co-rapporteurs therefore welcome the signature by Albania on 27 January 1999 of the Criminal Law Convention on Corruption and the notification that the country wishes to join the Group of States against Corruption (GRECO), established in May 1998 to monitor implementation of the Convention.

92. Notwithstanding the adoption, early February 1999, of a detailed Customs Code, illegal trafficking of persons and goods is equally increasing. The government is calling on Albania's neighbouring states to join forces in combating such trafficking and tackling the international networks behind it. The United States have delivered five patrol boats to the Albanian navy. Members of the Italian Parliament's Schengen Committee visited Albania and have asked the Albanian authorities to step up their efforts to curb illicit trafficking.

The Hajdari case

93. Notwithstanding the work done by a team of 7 investigators at the Prosecutor General's Office, investigations into the killing of the senior DP member Mr Hajdari have not shown much progress. The Prosecutor General explained that the investigations immediately after the attack were hampered by the lack of co-operation of the principal witnesses, either because they are unwilling or they are under pressure, whilst interrogation of certain key persons residing in the North-eastern part of the country or abroad appears to be difficult.

94. On the initiative of the OSCE and with the agreement of the Albanian authorities a Norwegian prosecutor, Mr Wangberg, is assisting the Prosecutors Office. Mr Wangberg has submitted a recommendation for the enhancement of the Hajdari investigation effort and has also developed a more general assistance plan involving technical and some material assistance for Albania's prosecutors.

95. In these circumstances, the Democratic Party has prepared a draft law to establish an independent prosecutorial group, headed by a DP nominated director, to investigate the Hajdari murder. Although this proposal has not been rejected by the Prime Minister, some coalition members have indicated that any investigation must be conducted under the

exclusive responsibility of the Prosecutor General's Office and that anyway draft laws must be discussed in Parliament.

96. In a first reaction, both the OSCE and the Council of Europe have observed that parts of the draft law proposed by the Democratic Party would not be compatible with the Albanian Constitution.

97. The co-rapporteurs wish to recall Recommendation 1386 of 24 September 1998, in which the Parliamentary Assembly strongly condemned the murder of Mr Azem Hajdari and his bodyguard and called on the Albanian authorities to prove to the international community that they are making every effort to bring those responsible to justice as soon as possible and to allow for independent international investigation. The co-rapporteurs urge the authorities concerned to follow this Recommendation without further delay.

Media

98. In July 1999, there were 30 private TV and 30 private radio stations broadcasting in Albania.

99. A new law on electronic media was passed on 30 September 1998. This law was drafted with the assistance of the Council of Europe and according to the OSCE Representative for Freedom of the Media, Mr Freimut Duve, it should create good conditions for the editorial independence of the electronic media and lead to a fair system of public broadcasting.

100. In February 1999, the representatives of the media said to welcome this legislation – on the condition that it be implemented efficiently and the Supervisory Board become operational – which will transform the State TV into an independent public TV and regulate the granting of licenses.

101. In July 1999, the Minister of Information said that to change the State TV into a Public TV much money would be needed, staff should be trained but above all, the mentality would have to change. The 15 member Supervisory Board consisted of representatives of the public (who had the majority), three members designated by the opposition, one by the Greek minority and one by the President of the Republic.

102. Additional problems are raised by the conflicting rules of, on the one hand, the World Trade Organisation, which wishes the audio-visual market to be privatised and, on the other hand, the Council of Europe's conventions which aim at imposing a minimum of European programs, as well as by the attribution to Albania of not more than 4 frequencies – notwithstanding its requests for 2 supplementary frequencies.

103. The media are satisfied that journalists are no longer imprisoned or physically attacked because of their professional activities; they complain, however, that like all other

citizens in Albania, journalists are hampered by the general insecurity in Albania. The ten daily newspapers are sold on only 40% of the territory and their circulation is said to have dropped from 85 000 to 75 000. Journalists complain also about the very high taxes imposed on them, notwithstanding an agreement signed with the assistance of the Council of Europe.

104. In July 1999, the new Minister of Information said that only in two cases journalists had been persecuted, in September 1999, not because of what they wrote, but because of their alleged participation in the occupation of a TV studio. On the other hand, legal action taken by government officials against journalists had not been successful. As for the taxes imposed on media, these were not higher than elsewhere, and about 50% of the Albanian media received subventions from the State. The printed media were faced with high costs because of the competition by the 30 private TV stations.

105. The Minister said also that the government pursued a policy of transparency, based on the Constitutional provisions on freedom of speech and the right on information. Parliament had adopted a new Law on Information which provided for the creation of the necessary institutions. Every department had its information office and every week spokesmen of the various ministries met to prepare access to government information. During the Kosovo conflict, a daily bulletin with all available information on humanitarian aid to the refugees had been published for the odd 3000 journalists present in Albania.

106. According to the Minister, legislation is being prepared on the right on information (a Bill is before Parliament), on copyright and on broadcasting frequencies.

People's Advocate

107. The co-rapporteurs welcome the approval, on 4 February 1999, of a Law on the People's Advocate, and recommend its early enactment, including the appointment of the People's Advocate and the three commissioners.

Local and regional autonomy

108. Local elections were held in Albania on 20 October 1996.A delegation of the Council of Europe, which consisted of members of the Parliamentary Assembly and of the Congress of Local and Regional Authorities of Europe, believed that these elections were free and fair and reflected the will of the electorate.

109. These elections resulted in 90% of the town-halls, 86% of the municipalities and 53% of the regional councils being won by the Democratic Party. Taking into account the cumbersome political dialogue at national level – which will hopefully improve rapidly, see paragraph 39 above - the co-rapporteurs welcome the improved relations between the central and the local authorities, in particular the establishment by the Ministry of Local Government and the Local Authorities Associations of a "Decentralisation Platform" and

they wish to encourage both sides to continue on the road to decentralisation and local autonomy.

110. On 27 May Albania signed the European Charter of Local Self Government, but has not yet ratified.

111. According to the new Constitution, municipal councils will be elected directly, whilst regional councils will be elected indirectly by the municipal councils.

112. At the request of the Albanian Ministry of Local Government, the OSCE Presence in Albania and some partners, including the Congress of Local and Regional Authorities of Europe, have started a project which aims at analysing international expert proposals on local government issues in Albania.

C. FINAL REMARKS

113. The co-rapporteurs wish to commend the Albanian nation and the authorities, President, government, parliament, opposition and ruling coalition, on their attitude all through the Kosovo crisis, their restraint and their determination not to intervene in any way in the conflict, their hospitality and readiness to give priority to humanitarian assistance to the mass of refugees that crossed the borders, and their co-operation with the international community.

114. This co-operation with the international community has been exemplary all through the pre-Kosovo period, during the conflict and in the aftermath of the crisis. It included co-operation with NATO and AFOR, OSCE, Council of Europe, European Union, Western European Union, UNHCR, World Bank, IMF and other international organisations, both governmental and non governmental, in their efforts to help solve the many problems Albania was confronted with.

115. The Albanians should realise, however, that the centre of attention has now moved to Pristina, that the activities of the international community will be focussed on Kosovo and that Albania will again have to take things in hand. This does not mean that the current international assistance will be stopped: the Council of Europe, the OSCE, the European Union and the Western European Union will continue their assistance programmes. The UNHCR will finalise its repatriation programme and help legalising illegal migrants. AFOR may stay as long as UNHCR will stay. NATO may wish to keep some troops for logistic support of the NATO forces in Kosovo. However, the Albanian authorities must explain to the citizens that the international community has drawn up the Stability Pact for south-eastern Europe as a framework for stability and prosperity in the region, that they will assist in the implementation of the Pact, but that the work proper must be done by the Albanians themselves. All political parties must join forces to seize this unique opportunity and ensure that Albania will defend its own interest in the reconstruction of the Balkan region. From retro-active, Albania must become pro-active.

116. In respect of the monitoring procedure, the co-rapporteurs understand and accept that during the Kosovo crisis, among the commitments listed in Opinion N° 189 (1995), priority was given by the Albanian authorities to Albania's humanitarian obligations towards the refugees and displaced persons from Kosovo and that action to honour other commitments was temporarily interrupted. Within the implementation of the Stability Pact, Albania should now continue its efforts to honour its outstanding obligations and commitments as a member state of the Council of Europe.

117. The co-rapporteurs welcome progress made on a number of issues such as approval of a new Constitution, ratification of conventions, enactment of existing legislation and preparation of new legislation on the independence of the judiciary, the media, and the People's Advocate, co-operation in the monitoring process and in particular, the renewal of the political dialogue.

118. The co-rapporteurs also wish to underline that on other major issues they have not seen enough improvements for them to recommend the monitoring procedure to be concluded. The renewed political dialogue must be consolidated, used and intensified for the Albanian democracy to function satisfactorily and the economic recovery to be pursued energetically; the death penalty must be abolished; the security must be improved, the reform of the judiciary must be finalised and crime and corruption must be combated more efficiently.

119. The co-rapporteurs remain at the disposal of the Albanian authorities for any further assistance and advice in the realisation of this ambitious but indispensable programme.

APPENDIX I

List of texts adopted by the Parliamentary Assembly concerning Albania

(Special guest status since 25 November 1991)

Application submitted by Mr Alfred SERREQI, Minister for Foreign Affairs of Albania to the Secretary General, on 4 May 1992

Doc 6406 Addendum II Information report on parliamentary elections in Albania (31 March - 7 and 14 April 1991 (Rapporteurs: Mr PFUHL and Mr BOWDEN)

Doc 6603 Addendum I Information report on the elections in Albania (22 and 29 March 1992) (Rapporteur: Mr Stig GUSTAFSSON, Sweden, Social Democrat)

Doc 6638 Request for an opinion from the Committee of Ministers to the Assembly on the accession of Albania to the Council of Europe Resolution (92) 9 on Albania (adopted by the Committee of Ministers on 21 May 1992 at the 476th meeting of the Ministers' Deputies)

AS/Bur/Albania (44) 1 Report on human rights in the Republic of Albania prepared by Mr Loukis G. LOUCAIDES, Member of the European Commission of Human Rights and Mr Jerzy MAKARCZYK, Judge at the European Court of Human Rights

Doc 7304 Report on the application by Albania for membership of the Council of Europe (Rapporteur: Mr KELCHTERMANS, Belgium, Group of the European People's Party) (AS/Pol)

Doc 7338 Opinion on the application by Albania for membership of the Council of Europe (Rapporteur: Mr COLUMBERG, Switzerland, Group of the European People's Party) (AS/Jur)
Doc 7339 Opinion on the application by Albania for membership of the Council of Europe (Rapporteur: Mr RUFFY, Switzerland, Socialist) (AS/NM)

Opinion No 189 Application by Albania for membership of the Council of Europe (unanimously adopted by the Assembly on 29 June 1995 (22nd sitting))

Doc 7362 Communication from the Committee of Ministers Resolution (95) 8 inviting Albania to become a member of the Council of Europe (adopted by the Committee of Ministers on 10 July 1995 at the 541st bis meeting of the Ministers' Deputies)

Ratification of statute: 13 July 1995

* * *

Doc 7587 and Addendum Recent parliamentary elections in Albania (Rapporteur: Lord FINSBERG, United Kingdom, European Democratic Group)

Doc 7592 Opinion on the recent parliamentary elections in Albania (Rapporteur: Mr COLUMBERG, Switzerland, Group of the European People's Party)

Res 1095 (1996) Recent parliamentary elections in Albania (adopted by the Parliamentary Assembly on 26 June 1996 at the 21st sitting)

Order 524 (1996) Recent parliamentary elections in Albania (adopted by the Parliamentary Assembly on 26 June 1996 at the 21st sitting)

Addendum III to Doc 7633 Information report on Albania (Rapporteur: Mr RUFFY, Switzerland, Socialist Group)

Doc 7699 Addendum I Addendum I to the progress report of the Bureau of the Assembly and the Standing Committee - Information report on local elections in Albania (20-27 October 1996) (Rapporteur: Sir Russell JOHNSTON, United Kingdom, Liberal, Democratic and Reformers' Group)

* * *

Rec 1312, Res 1114 (1997) Honouring of obligations and commitments by Albania Doc 7716 (Rapporteur: Mr COLUMBERG, Switzerland, Group of the European People's Party) (adopted by the Parliamentary Assembly on 29 January 1997 at the 5th sitting) Doc 7738 Opinion on the honouring of obligations and commitments by Albania (Rapporteur: Mr VAN DER LINDEN, Netherlands, Group of the European People's Party) (AS/Pol)

AS/Bur/Alb (1997) 01 Ad hoc Committee of inquiry into the state of emergency in Albania - Information report on the visit to Tirana (6-7 March 1997)

Recommendation 1316 (1997) State of emergency in Albania (adopted by the Standing Committee on 19 March 1997) Doc 7780 (Rapporteur: Mr van der Linden) (AS/Pol)

Rec 1328 (1997) State of emergency in Albania - Doc 7806 (Rapporteur: Mr VAN DER LINDEN) (AS/Pol) Doc 7807 opinion (Rapporteur: Mr IWINSKI) (AS/PR) Doc 7810 opinion (Rapporteur: Mr Ruffy) (AS/NM) - CR 1997/15
Dir 532 (1997) State of emergency in Albania - Doc 7806 (van der Linden) - CR 1997/15

Doc 7830 Addendum II Information report on the visit of the ad hoc Committee of Chairmen of Political Groups to Albania (4-5 May 1997) (Rapporteur: Mr Peter SCHIEDER, Austria, Socialist Group)

AS/Bur/AHALB (1997) 4
Doc 7902 Addendum I Information report on the parliamentary elections in Albania (29 June and 6 July 1997) (Rapporteur: Mr HADJIDEMETRIOU)

Rés 1133 (1997) Situation in Albania Doc 7892 (Rapporteur: Mr VAN DER LINDEN, Netherlands, Group of the European People's Party) (AS/Pol)

AS/Bur/AHGP (1997) 5 Draft report on the visit to Albania (19-21 November 1997) (Rapporteur: Lord RUSSELL-JOHNSTON, United Kingdom, Liberal Group)

Doc 7978 Addendum II to the Progress Report Visit to Albania by the Ad Hoc Committee of Chairmen of Political Groups (19-21 November 1997) (Rapporteur: Lord Russell-Johnston, United Kingdom, Liberal, Democratic and Reformers Group)

Doc 7978 Addendum IV to the Progress Report Tri-Parliamentary Mission to Albania (22-23 January 1998) (Mrs Leni Fischer, President of the Assembly)

AS/Bur (1998) 90

Doc 8195 Addendum I to the Progress Report Second tri-parliamentary mission to Albania (29 and 30 June 1998) (Rapporteurs: Mr René van der Linden, Netherlands, European Democratic Group and Mr Jordi Solé Tura, Spain, Socialist Group)

Rec 1386 (1988) Latest developments in Albania - Doc 8208 (Van der Linden) - CR 1998/31

Doc 8211 rev. Joint Council of Europe-EU-OSCE-WEU Declaration on Albania

Doc 8292 Addendum III Information report on the referendum in Albania (22 November 1998) (Mr Victor Ruffy, Switzerland, Socialist Group and Mr Charles-Ferdinand Nothomb, Belgium, Group of the European People's Party)

Rec 1398 (1999) Situation of children in Albania - Doc 8284 (Mrs Pozza Tasca) - CR 1999/8
Dir 548 (1999) Emergence d'une culture de l'enfant en Albanie - Doc 8284 (Mme Pozza Tasca) - CR 1999/8

APPENDIX II

Visit to Albania (24-26 February 1999)

Wednesday 24 February

Afternoon Arrival of the delegation at Rinas Airport

4.00pm Meeting with Ambassadors,the Head of the OSCE Presence in Albania and the Special Representative of the Secretary General of the Council of Europe

5.00pm Meeting with leaders of the main political parties

7.00pm Meeting with the Speaker of the Parliament, Dr. Skender Gjinushi

8.30pm Working dinner with the Albanian Parliamentary Delegation to the Parliamentary Assembly

Thursday 25 February

8.30am Meeting with the leader of the opposition, Dr. Sali Berisha

10.00am Meeting with representatives of the media

11.00am Meeting with the Chairman of the Court of Cassation, Mr Avni Shehu

12.00am Meeting with the Prosecutor General, Mr. Arben Rakipi

4.30pm Meeting with the Chairman of the Constitutional Court, Mr Abdiu

5.30pm Meeting with the Minister of the Interior, Mr. Petro Koci

6.30pm Meeting with the Minister of Justice, Mr. Thimio Kondi

8.00pm Meeting with the Special Representative of the Secretary General of the Council of Europe, Mr. Andreas Papaconstantinou

Friday 26 February

9.00am Meeting with the Minister of Foreign Affairs, Mr Paskal Milo

10.00 am Meeting with the Prime Minister, Mr Pandeli Majko

11.00am Meeting with the President of the Republic of Albania, Mr Rexhep Meidani

APPENDIX III

PROGRAMME OF THE VISIT TO ALBANIA OF THE CO-RAPPORTEURS OF THE MONITORING COMMITTEE **Mr Smorawinski and Mr Sole Tura** AND THE RAPPORTEUR OF THE POLITICAL AFFAIRS COMMITTEE, **Mr Eörsi**
5 – 7 July 1999

Monday, 5 July 1999

Arrivals: Mr Smorawinski – 2.45 pm (MA 430 from Budapest)
Mr Sole Tura – 1.00 pm (LV 221 from Rome)
Mr Eörsi – 2.45 pm (MA 430 from Budapest)
Mr Ausems – 2.10 pm (SR 3458 from Zurich)

6.00 pm Meeting with Mr Namik DOKLE, Deputy Speaker of the Parliament, Head of the Albanian Delegation to the Parliamentary Assembly of the Council of Europe (Parliament's Offices)

7.00 pm Meeting with Mr Sokol COMO, Deputy Minister of Justice (Ministry of Justice)

8.30 pm Working dinner offered by Mr Namik DOKLE. Invited are: Mr SOLE TURA, Mr SMORAWINSKI, Mr EÖRSI, Mrs AKANT, Mr Genc POLLO, Mr Jonuz BEGAJ, Mr Haxhi ALIKO, Mr Leon SHESTANI (Villa 31)

Tuesday, 6 July 1999

9.00 am Meeting with Mr Musa ULQINI, Minister of Information (Council of Ministers)

10.00 am Meeting with Mr Spartak POCI, Minister of Public Order (Min. of Public Order)

11.00 am Meeting with Mr Paskal MILO, Minister of Foreign Affairs (Min. of Foreign Affairs)

12.00 am Meeting with Mr Pandeli MAJKO, Prime Minister (Council of Ministers)

1.00 pm Meeting with Mr Arben RAKIPI, General Prosecutor (at the General Prosecutor's Office)
Free lunch

2.30-3.30 pm Meeting with Mr Vasil MELO, Mr Skender GJINUSHI, and Mr Neritan CEKA, representatives of the government coalition parties (CoE Office)

4 – 5 pm Meeting with Mr Zef BUSHATI, Mr Teodor LACO and Mr Remzi NDREU, representatives of "Union for Democracy" (CoE Office)

5 – 6 pm Meeting with Mr Sali BERISHA, President of the Democratic Party (CoE Office)

6 – 7.30 pm Meeting with Mr Micheal PERETTI (EU), Mr Hasim UKTAN (UNHCR), Mr Daan EVERTS (OSCE), Mr Alain LABROT (MAPE) and Mr John REITH (AFOR) (CoE Office)

8.00 pm Working dinner with the Ambassadors of France, Switzerland, Poland, Hungary, Germany, Austria and the Chargé d'Affaires of Italy, hosted by the Special Representative of the Secretary General of the Council of Europe

Wednesday, 7 July 1999

10.00 am Meeting with Mr Fehmi ABDIU, Chairman of the Constitutional Court

11.00 am Meeting with Mr Rexhep MEIDANI, President of the Republic

Departures: Mr Smorawinski – 9.20 pm (OA 120 to Budapest)
Mr Sole Tura – 3.00 pm (SR 3459 to Zurich)
Mr Eörsi –
Mr Ausems – 3.00 pm (SR 3459 to Zurich)

APPENDIX IV

Treaties of the Council of Europe signed but not ratified by Albania

Ets No. Treaty, Date of Signature

030 European Convention on Mutual Assistance in Criminal Matters, 19 May 1998

073 European Convention on the Transfer of Proceedings in Criminal Matters, 19 May 1998

099 Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, 19 May 1998

106 European Outline Convention on Transfrontier Co-operation Between Territorial Communities or Authorities, 7 May 1999

112 Convention on the Transfer of Sentenced Persons, 19 May 1999

120 European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches, 2 February 1995

122 European Charter of Local Self-Government, 27 May 1998

132 European Convention on Transfrontier Television, 2 July 1999

135 Anti-Doping Convention, 2 February 1995

157 Framework Convention for the Protection of National Minorities, 29 June 1995

159 Additional Protocol to the European Convention on Transfrontier, Co-operation Between Territorial Communities or Authorities, 7 May 1999

163 European Social Charter (Revised), 21 September 1998

166 European Convention on Nationality, 7 May 1999

169 Protocol No 2 to the European Outline Convention on Transfrontier Co-operation Between Territorial Communities or Authorities, 7 May 1999

Criminal Law Convention on Corruption, 27 January 1999

Treaties of the Council of Europe ratified by Albania

Ets No. Treaty, Date of Signature

001 Statute of the Council of Europe, 13 July 1995

002 General Agreement on Privileges and Immunities of the Council of Europe, 4 June 1998

005 Convention for the Protection of Human Rights and Fundamental Freedoms, 2 October 1996

009 Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, 2 October 1996

010 Protocol to the General Agreement on Privileges and Immunities of the Council of Europe, 4 June 1998

018 European Culture Convention, 25 June 1992

022 Second Protocol to the General Agreement on Privileges and Immunities of the Council of Europe, 4 June 1998

024 European Convention on Extradition, 19 May 1998

032 Fourth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe, 4 June 1998

044 Protocol No 2 to the Convention for the Protection of Human Rights and Fundamental Freedoms, Conferring upon the European Court of Human Rights Competence to give Advisory Opinions, 2 October 1996

045 Protocol No 3 to the Convention for the Protection of Human Rights and Fundamental Freedom, Amending Articles 29, 30 and 34 of the Convention, 2 October 1996

046 Protocol No 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, Securing Certain Rights and Freedoms other than those Included in the Convention and in Protocol No 1, 1, 2 October 1996

055 Protocol No 5 to the Convention for the Protection of Human Rights and Fundamental Freedoms, Amending Articles 22 and 40 of the Convention, 2 October 1996

086 Additional Protocol to the European Convention on Extradition, 19 May 1998

098 Second Additional Protocol to the European Convention on Extradition, 19 May 1998

104 Convention on the Conservation of European Wildlife and Natural Habitats, 13 January 1999

117 Protocol No 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms, 2 October 1996

118 Protocol No 8 to the Convention for the Protection of Human Rights and Fundamental Freedoms, 2 October 1996

126 European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 2 October 1996

137 Fifth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe, 4 June 1998

151 Protocol No 1 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 2 October 1996

152 Protocol No 2 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 2 October 1996

155 Protocol No 11 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, Restructuring the Control Machinery Established Thereby, 2 October 1996

162 Sixth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe, 4 June 1998

APPENDIX V

State of play in respect of honouring obligations and commitments

Implicit commitmentsSourceHonouredMeasures takenNot honouredPolicy towards minoritiesOpinion 189
Par 13- Letter 13.02.95 by the Speaker Albanian Parl.
- Convention signedAccept rule of law and
enjoyment of Human
Rights and collaborate in
realisation of CE aimsPar 16Commitments

Sign and ratify ECHR and
Protocols 1,2,4,7 and 11Par 17 i. Ratified
ECHR and Protocols ratified on
02.10.96Sign, ratify and apply
Protocol 6 within 3 years
and respect moratoriumPar 17 ii.Moratorium for 3 years on 29.06.95Protocol 6 not signedSign and ratify Torture
Convention within 1 yearPar 17 iii.Ratified:
02.10.96Sign and ratify Minorities
Convention within 1 yearPar 17 iv.Signed: 29.06.95Freedom of expressionPar 17 v.Law on electronic media 30.09.98Transform Prosecutor's
OfficePar 17 vi.Bill in preparationIndependence of judiciaryPar 17 vii.Law on organisation of judiciary: Dec. 1998Establish Constitutional
CommissionPar 17 viii.Constitution approved: 22.11.98Constitution
Committee
established 1997Settle international disputes
by peaceful meansPar 17 ix.Full co-operation wit international communityCo-operate in monitoring
processPar 17 x. Full co-operationStudy Social Charter
Local Self Government Ch.
Minority Languages Ch.Par 17 xi.- Signed: 21.09.98
- Signed: 27.05.98
Study 4 CE Conventions on
penal lawPar 17 xii.Ratified:
Extradition
ConventionSigned:
- Assistance Convention
- Transfer ConventionSign and ratify Privileges
Agreement within 1 yearPar 17 xiii.Ratified:
04.06.98

PRIVATE □

See Information Report on the parliamentary elections in Albania, Doc 7902, Addendum I.
See Addendum IV to the Progress Report, Tri-Parliamentary Mission to Albania, Doc 7978 Addendum IV
See Addendum I to the Progress Report, Second tri-parliamentary mission to Tirana, Doc 8195 Add I
According to the Prime Minister, the opposition lost.
In a statement made on 15 March, the Democratic Party welcomed the endorsement of the draft agreement by the delegation of ethnic Albanians in Rambouillet.
See Information Report on the referendum in Albania, Doc.8292, Addendum III.
Press reported that the Albanian Foreign Minister visited Athens on 9 July to discuss the increasing number of expulsions of Albanian immigrants. A Foreign Affairs official in Tirana said that Greek authorities had expelled about 3,500 Albanian immigrants since 1 July, while Greek police put the number at 1,000.
On their return, they spoke of a new dimension opening up in Albanian history in which the Albanian people of the region are no longer divided by borders.
See § 10 of Mrs Wohlwend's Report on Europe, a death-penalty free continent, Doc 8340 rev.
The Opinion was adopted by the Venice Commission on 23 March 1999.

The six DP members were released from house arrest on 22 February 1999.
Mr Shehu told the co-rapporteurs that he became a judge in the Court of Cassation in 1987 and president of that Court in 1995, with a mandate of 7 years. In accordance with the new Constitution, the Court of Cassation became the Supreme Court in December 1999 with Mr Shehu as President. On 7 May 1999, he was told that his mandate was finished, but he was not given a written decision. On 21 May 1999 a new president was elected by Parliament. Mr Shehu raised the matter at the Supreme Court, which declared it to be beyond its jurisdiction. Since Mr Shehu could not appeal to the Constitutional Court, he asked the Parliament to do so, which it did not. On 7 June a new president was appointed by the President of the Republic.
In February 1999, nearly 1500 weapons had been collected in Gramsh, and over 35 tons of ammunition.
See Information Report on the local elections in Albania, Addendum I to the Activity Report, Doc 7699 Addendum I.
On 19 July 1999, an agreement was signed in Tirana for a loan of $40 million. Since 1991, Albania has received loans totalling $482 million from the World Bank.

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Misc/a-prog Albania july 99

PROGRAMME

OF THE VISIT TO ALBANIA
OF THE CO-RAPPORTEURS
OF THE MONITORING COMMITTEE

Mr Smorawinski and Mr Sole Tura
AND THE RAPPORTEUR OF THE POLITICAL AFFAIRS COMMITTEE,
Mr Eörsi

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1.00 pm	Meeting with Mr Arben RAKIPI, General Prosecutor (at the General Prosecutor's Office)
Free lunch	
2.30-3.30 pm	Meeting with Mr Vasil MELO, Mr Skender GJINUSHI, and Mr Neritan CEKA, representatives of the government coalition parties (CoE Office)
4 – 5 pm	Meeting with Mr Zef BUSHATI, Mr Teodor LACO and Mr Remzi NDREU, representatives of "Union for Democracy" (CoE Office)
5 – 6 pm	Meeting with Mr Sali BERISHA, President of the Democratic Party (CoE Office)
6 – 7.30 pm	Meeting with Mr Micheal PERETTI (EU), Mr Hasim UKTAN (UNHCR), Mr Daan EVERTS (OSCE), Mr Alain LABROT (MAPE) and Mr John REITH (AFOR) (CoE Office)
8.00 pm	Working dinner with the Ambassadors of France, Switzerland, Poland, Hungary, Germany, Austria and the Chargé d'Affaires of Italy, hosted by the Special Representative of the Secretary General of the Council of Europe

Wednesday, 7 July 1999

10.00 am	Meeting with Mr Fehmi ABDIU, Chairman of the Constitutional Court
11.00 am	Meeting with Mr Rexhep MEIDANI, President of the Republic
Departures:	Mr Smorawinski – 9.20 pm (OA 120 to Budapest) Mr Sole Tura – 3.00 pm (SR 3459 to Zurich) Mr Eörsi – Mr Ausems – 3.00 pm (SR 3459 to Zurich)

- We want to commend Albania voters and activists on their attitude through the Kosovo crisis. Things have changed
- Return of Dem. P. to Parliament. (31 - 32)
- Extend elections: a new initiative (/ 98)
- New economic developments and infrastructure
- Honouring of Commitments: death penalty.
  - Moratorium since 29. 6. 95
  - Venice Commission: death penalty is inconsistent with the Constitution.
  - Art. 21. Human life is protected by law.
- Judiciary: Training of future judges and Advocates on legal Reform in Albania held in Shkodra 18-19 Jan. 99. procedures.
  - Corruption amongst judges
  - (72) Law December 98: to reinforce independence of judiciary.
  - (73) About 240 judges out of the 300 sitting are to be tested on their qualifications
  - (75) Good functioning of Constitutional Court
  - (76) Court of Cassation replaced by a Supreme Court
- Kosovo case: 93
- Media: 30 private TV and 30 private radio stations
  New law on electronic media: autumn 98 with creation of Council of Europe

Democracy: the European guiding victim of the year.

Parliament -

- Slow adoption.
  - Procedure.
  - Characteristics:
    - Democratic:
      - Inventory.
      - Need to have.
    - Three labels
      Now
      - Unity character.
      - Three-label Slogan
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        manage this process
        or will be
        managed by Pelic.
- Benefits
  - Stop improvement? → Relationship with
    UCK
    Stability Pact

PROGRAMME

OF THE VISIT TO ALBANIA
OF THE CO-RAPPORTEURS
OF THE MONITORING COMMITTEE

Mr Smorawinski and Mr Sole Tura
and the Rapporteur of the Political Affairs Committee, Mr Eörsi

5 – 7 July 1999

Monday, 5 July 1999

Arrivals: Mr Smorawinski – 2.45 pm (MA 430 from Budapest)
Mr Sole Tura – 1.00 pm (LV 221 from Rome)
Mr Eörsi –
Mr Ausems – 2.10 pm (SR 3458 from Zurich)

6.00 pm Meeting with Mr Namik DOKLE, Deputy Speaker of the Parliament, Head of the Albanian Delegation to the Parliamentary Assembly of the Council of Europe (Parliament's Offices)

7.00 pm Meeting with Mr Sokol COMO, Deputy Minister of Justice (Ministry of Justice)

8.30 pm Dinner offered by Namik DOKLE. Invited are: Mr SOLE TURA, Mr SMORAWINSKI, Mr EÖRSI, Mrs AKANT, Mr Geno POLLO, Mr Jonuz BEGAJ, Mr Haxhi ALIKO, Mr Leon SHESTANI (Villa 31)

Tuesday, 6 July 1999

9.00 am Meeting with Mr Musa ULQINI, Minister of Information (Council of Ministers)

10.00 am Meeting with Mr Spartak POCI, Minister of Public Order (Min. of Public Order)

11.00 am Meeting with Mr Paskal MILO, Minister of Foreign Affairs (Min. of Foreign Affairs)

12.00 am Meeting with Mr Pandeli MAJKO, Prime Minister (Council of Ministers)

1.00 pm Meeting with Mr Arben RAKIPI, General Prosecutor (at the General Prosecutor's Office)

Free lunch

2 – 3 pm Meeting with Mr Vasil MELO, Mr Skender GJINUSHI, and Mr Neritan CEKA, representatives of the government coalition parties (CoE Office)

4 – 5 pm Meeting with Mr Zef BUSHATI, Mr Teodor LACO and Mr Remzi NDREU, representatives of "Union for Democracy" (CoE Office)

5 – 6 pm Meeting with Mr Sali BERISHA, President of the Democratic Party (CoE Office)

6 – 7 pm Meeting with Mr Micheal PERETTI (EU), Mr Hasim UKTAN (UNHCR), Mr Daan EVERTS (OSCE), Mr Alain LABROT (MAPE) and Mr John REITH (AFOR) (CoE Office)

8.00 pm Working Dinner with the Ambassadors of France, Switzerland, Poland, Hungary, Germany, Austria and the Chargé d'Affaires of Italy, hosted by the Special Representation of the Secretary General of the Council of Europe

Wednesday, 7 July 1999

10.00 am	Meeting with Mr Fehmi ABDIU, Chairman of the Constitutional Court
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Departures:	Mr Smorawinski – 9.20 pm (OA 120 to Budapest) Mr Sole Tura – 3.00 pm (SR 3459 to Zurich) Mr Eörsi – Mr Ausems – 3.00 pm (SR 3459 to Zurich)



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ECONOMY

Aeroporti di Roma

CARTA D'IMBARCO - *BOARDING PASS*

NOME DEL PASSEGGERO / *NAME OF PASSENGER*

SOLETURA/JORDI

O

DA / *FROM* ROME

REMARKS

A / *TO* TIRANA

VOLO / *FLIGHT*	CLASSE / *CLASS*	DATA / *DATE*	ORA PARTENZA *DEP. TIME*
LV 221	Y	05JUL	

USCITA / *GATE*	ORA IMBARCO *BOARDING TIME*	POSTO / *SEAT*
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IBERIA

TARJETA DE EMBARQUE
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INFORMACION AL PASAJERO

Vuelo	Destin	Hora Limite	Puerta	Clase	Su asiento
AZ 075	FCO	07.30	33	C	5A
Flight	**Destin**	**Time Limit**	**Gate**	**Class**	**Your seat**

FOR PASSENGER INFORMATION

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AMERICAN EXPRESS

Service Establishment

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Amt. of Delayed Chg.

Tips/Misc.

Revised Total

Cardmember Signature

Total

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ROGNER
TIRANA
Hotel Europapark

Council of Europe
Rruga 'Donika Kastrioti'
Vila 7
AL-# Tirana

INVOICE No. 43939 / 1

NR :206 / 1 Mr Jordi Sole-Tura
von :05/07/99
bis :07/07/99
Room price USD:102.00

Tirana, the 07/07/99
Page: 1

Date	Art	Amt	Art description	Tax	Amount
	98	2	Arrangement	20.00%	26,520.00
	150	2	Telephone	20.00%	1,430.00
	500	1	M8 Mineral Water	20.00%	220.00
	502	2	M8 Tonic Water	20.00%	400.00
				TOTAL LEK	28,570.00
07/07/99	5		American Express		-28,570.00
				TOTAL LEK	0.00

Local Tax	LEK		1,385.00	
Included VAT: 20.00%	LEK	4,427.40	Net:	22,137.60
Included VAT: 20.00%	LEK	103.40	Net:	516.60

Amount received - looking forward to welcoming you again!

PROGRAMME

OF THE VISIT OF THE RAPPORTEURS OF THE MONITORING COMMETTEE AND THE POLITICAL COMMISSION OF THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE TO ALBANIA

Mr. SOLE TURA, MR. SMORAWINCKY AND MR. EORSI

5 – 7 July 1999

Monday, 5 July 1999

18h00	Meeting with Mr. Namik DOKLE, Deputy Speaker of the Parliament, Head of the Albanian Delegation to the Parliamentary Assembly of the Council of Europe. (Parliament's Offices).
19h00	Meeting with Mr. Sokol COMO, Deputy Minister of Justice (Ministry of Justice).
20h30	Dinner offered by Mr. Namik DOKLE. Invited are: Mr. Sole TURA, Mr. SMORAWINSKI, Mr. EORSI, MRS. AKANT Mr. Genc POLLO, Mr. Jonuz BEGAJ, Mr. Haxhi ALIKO, Mr. Leon SHESTANI (Villa 31)

Tuesday, 6 July 1999

09h00	Meeting with Mr. Musa ULQINI, Minister of Information (Council of Ministers)
10h00	Meeting with Mr. Spartak POCI, Minister of Public Order (Min. of Public Order)
11h00	Meeting with Mr. Paskal MILO, Minister of Foreign Affairs (Min. of Foreign Affairs).
12h00	Meeting with Mr. Pandeli Majko, Prime Minister (Council of Minister).
13h00	Meeting with Mr. Arben RAKIPI, General Prosecutor. (at the General Prosecutor's Office).

Free lunch

14h30-15h30 Meeting with Mr. Vasil MELO, Mr. Skender GjINUSHI and Mr. Neritan CEKA, representatives of the governmental coalition parties (CoE Office)

16h00 – 17h00 Meeting with Mr. Zef BUSHATI, Mr. Teodor LACO and Mr. Remzi NDREU, representatives of "Union for Democracy" (CoE Office)

17h00 – 18h00 Meeting with Mr. Sali BERISHA, President of the Democratic Party (CoE Office).

18h00 – 19h30 Meeting with the participation of Mr. Michael PERETTI (EU), Mr. Hasim UTKAN (UNHCR), Mr. Daan EVERTS (OSCE), Mr. Alain LABROT (MAPE) and Mr. John REITH (AFOR) (CoE Office).

20h00 Working dinner with the ambassadors of France, Switzerland, Poland, Hungary, Germany,Austria and the Charge d'Affairs of Italy, hosted by the Special Representative of the Secretary General of the Council of Europe, Mrs. Reyhan AKANT.

Wednesday, 7 July 1999

10h00 Meeting with Mr. Fehmi ABDIU, Chairman of the Constitutional Court.

11h00 Meeting with Mr. Rexhep Meidani, President of the Republic.

COUNCIL OF EUROPE / CONSEIL DE L'EUROPE

Parliamentary Assembly
Assemblée parlementaire

Council of Europe / Conseil de l'Europe
F-67075 Strasbourg cedex (France)
Tél :+33/ 3 88 41 3077
Fax : +33 / 3 88 41 27 02
Email :egbert.ausems@coe.fr
http://stars.coe.fr/

FAX

From/De: **Egbert AUSEMS**
Head of the Secretariat of the Committee on the Honouring of obligations and commitments by member states

Tel: 33 3 88 41 25 14
33 3 88 41 30 77
Fax 33 3 88 41 27 02

To/À: **Mr J. SOLE TURA, MP, Barcelona**

Fax n°: **00 3492 280 35 45**
00 3493 205 33 62

Total pages: 1+ 2
Date: 08 July 1999

Dear Mr Sole Tura,

Mr Ausems has asked me to send you these forms for the reimbursement of your travel expenses to Albania (5-7 July 1999). Please return them as soon as possible to the Office of the Clerk.

Yours sincerely,

Marion Wurtz

11

PARLIAMENTARY ASSEMBLY

FORM. 01

COUNCIL OF EUROPE

CLAIM FOR TRAVELLING EXPENSES
(please use block capitals)

Purpose of journey: Visit of the Monitoring Committee

Place: Tirana, Albania — Date from: 5 july 99 to 7 july 1999

I certify that the particulars given below are true and that the expenses incurred for my journey are in accordance with the rules governing reimbursement of these expenses.

Name: SOLÉ TURA
Forename: JORDI
Address: Pedro de les Cuevas, 21
Town: BARCELONA Postcode: 08034
Country: SPAIN

Date ..... Signature .....

DETAILS OF JOURNEY

Outward journey	Travel costs: Currency	Travel costs: Amount
Departure from: Barcelona, via: Rome	FF	Pesetas 208.011
Date: 5.7.99		
Time: 7'50 h.		
Arrival at: Tirana		
Date: 5.7.99		
Time: 15 h.		

METHOD OF PAYMENT

On the spot FF (only if the meeting takes place in Strasbourg) — to account(s) no. (credit transfer order form(s)): X

Travel expenses: Currency	Amount	Exchange Rate
TOTAL FF		

Amount FF

TOTAL travel expenses and daily allowances FF

Comments: .....

Balance in FF

TO BE COMPLETED BY THE BANK

Bank approval

I, the undersigned, acknowledge having received FF

Name .....

Date ..... Signature .....

BUDG.	ART	NATURE	N° REF.	V	O	R

I 33 067

12

FORM. 81

COUNCIL OF EUROPE
PAYMENT BY BANK TRANSFER
(please use block capitals)

Form CE-VBI

PART I

PAYMENT BY BANK TRANSFER OF THE TRAVEL AND / OR SUBSISTENCE EXPENSES OF:

1. NAME: ..... SOLÉ TURA

Forename(s): ..... JORDI

2. Meeting of: Monitoring Committee in Tirana (Albania) date: 5-6.7.99

PART II

ACCOUNT TO BE CREDITED

3. Name of account holder (first person mentioned in Part I): ..... As above

4. Name of bank: ... BEX Arbanet

5. Address of bank: Branch .....

Street: Sfiatu V.

Town: ... 2801 Tirana

6. Account No.: 0104/03

7. Further details (if applicable):

Bankcode, BLZ, sort code, etc.: .....

SWIFT address: ..... (Bank)

BUDGET | ART.

PART III

ORDER TO DEBIT AND CREDIT

Veuillez virer le montant de FRF ..... au bénéficiaire indiqué ci-dessus.

Motif: Frais de voyage/séjour de M. ..... (indiqué par 1 ci-dessus) (à virer par 2 ci-dessus).

Strasbourg, le: .....

04.851

ISSUED IN EXCHANGE FOR

CONJUNCTION TICKETS / BILLETES DE CONEXION

BSP/ES

PASSENGER TICKET AND BAGGAGE CHECK
BILLETE DE PASAJE Y TALÓN DE EQUIPAJE

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NO VALIDO PARA VIAJAR

DATALSA - Segovia, 17 - 28108 - Alcobendas - MADRID

CASH 208011

208011

PARLIAMENTARY ASSEMBLY
ASSEMBLEE PARLEMENTAIRE

Council of Europe / Conseil de l' Europe
F-67075 Strasbourg Cedex
Tel : +33 (0)3 88 41 2614
Fax : +33 (0)3 88 41 2702
E-mail : marion.wurtz@coe.int

2000

COUNCIL OF EUROPE CONSEIL DE L'EUROPE

FAX

From : **Egbert AUSEMS**
Head of the Secretariat, Committee on the Honouring of Obligations and Commitments of Member States

Tel: **33 3 88 41 30 77**

To : **Mr J. SOLE TURA, Deputy, Barcelona**

Fax N° : **00 349 3280 35 45**
3205 33 62

Total pages : **1 + 13**

Date : **21.2.2000**

Dear Mr Sole Tura,

Please find herewith the comments of the Albanian authorities on the preliminary draft report, which Mr Ausems has asked me to send you.

Yours sincerely,

Marion Wurtz

REPUBLIC OF ALBANIA
THE PARLIAMENT

Delegation to the Parliamentary Assembly of the
Council of Europe

Chairman

Tirana, February 18,2000

To: Mr. AUSEMS Egbert

Secretary of Monitoring Committee
Council of Europe
Strasbourg –FRANCE

Dear Sir,

Please find enclosed the coments of the Albanian side concerning the preliminary report on the monitoring and the fulfillement of the commitments of the Republic of Albania towards the Council of Europe.Apart my comments, I am sending also the comments of the Ministry of Justice, the Ministry of the Public Order and the Ministry of the local Governement.

You are kindly requested to transmit to Mssr. Jordi Sole Tura and Jerzy Smorawinski my thanks about their serious commitment on the drafting of this report on Albania.

Sincerely yours

Namik DOKLE

REPUBLIC OF ALBANIA
THE PARLIAMENT

Delegation to the Parliamentary Assembly of the Council of Europe

Chairman

Tirana, 18 February 2000

COMMENTS ON THE PRELIMINARY REPORT ON THE OBSERVATION OF OBLIGATIONS AND COMMITMENTS BY ALBANIA AS A MEMBER OF THE COUNCIL OF EUROPE

- Assessing the very serious work done and the preliminary report drafted by the co-rapporteurs, Mr. Jordi SOLE TURA and Mr. Jerzy SMORAWINSKI, and expressing our gratitude on their all-round commitment to the Albanian affairs;

- Thanking the Secretary of the Parliamentary Assembly of the Council of Europe on the continuous and qualified assistance offered to the Albanian Parliament on a wide range of problems already resolved;

- Considering the assistance by the Council of Europe on the drafting and adoption of the Constitution of the Republic of Albania as well as on the progressive efforts for the abrogation of the death penalty in Albania as very significant;

- Welcoming the remarks formulated in the report addressed to the Albanian authorities as another aspect of assistance so as to make sure that progress on the road to democracy is achieved in Albania;

I would like to make some observations concerning specific elements contained in the report so as to ensure that comprehensive information is provided, and that new information on the developments following the last visit by the co-rapporteurs is included:

General political outline

Following the last visit by the rapporteurs to Albania during which time they called on the two biggest Albanian parties (the Socialist Party and the Democratic Party), new developments have taken place.

- Both these parties held their congresses respectively in September and October 1999. The process for the election of the Chairman in the Socialist Party was fully transparent, with the three candidates having equal chances. Private television stations transmitted the whole voting process live. Mr. Nano got 34 votes more than the second candidate, Mr. Pandeli Majko, did. After having failed Mr. Majko resigned from office as Prime Minister, and in his place Mr. Ilir Meta, Deputy Prime Minister in the Majko Government, was elected. Like Mr. Majko he is a young politician, and has for several years now been at the head of the Forum of the Eurosocialist Youth of Albania.

- The candidates for the post of the Democratic Party Chairman were Mr. Berisha and Mr. Pollo. Several days before the Congress was held Mr. Pollo withdrew claiming that he was not allowed to conduct a normal campaign in the Party. Following this, Mr. Pollo has been made subject of continuous attacks until his expulsion from the parliamentary group (2 February 2000). At the same time, it has been required that he is also replaced in the Albanian parliamentary delegation to the Council of Europe.

- The Democratic Party continues to attend the parliament, but recently they failed to take part in the ad hoc Committee on the Stability Pact set up by the Parliament. They have not yet filled in the three seats allotted to their parliamentary group in this Committee.

  The Parliament of Albania established this ad hoc Committee on the basis of the ideas propounded on this issue in the Sofia Conference sponsored by the Council of Europe (November 1999).

The Constitution (point 39)

Following the adoption of the Constitution, the legislative work in compliance with the Constitution has continued. On its basis, amendments to the laws have been made. Institutions have been and are being set up according to constitutional requests (the Higher Court of Justice, the Central Election Commission, and the Ombudsman).

In accordance with the new Constitution, several amendments to the Regulations of the Parliament have been made.

The Democratic Party has not yet made its opinions public concerning the validity of this document, as the preliminary report has it.

A large-scale campaign has been undertaken recently against the Central Election Committee, which has been established in accordance with the Constitution. Indirectly, this is also an attack on the Constitution so as to set an anti-constitutional precedent.

Foreign Relations (points 42-50)

A remarkable improvement in the relations with the neighbours has been noted recently. Prime Minister Meta has paid a row of visits to all the neighbouring countries. Two tripartite meetings on the Prime Minister level have also been organised: Albania-Montenegro-Macedonia and Albania-Greece-Macedonia. In its approach to Montenegro the Albanian politics has also set off encouraging signals. Nano and Djukanovich have met on two occasions, and many other lower-level meetings have been held.

The Albanian foreign policy's main goal is **Stability in the Region.**

The Death Penalty

The great difficulties concerning the abrogation of the death penalty under Albania's conditions, in which **blood feuds** are still exercised, are well known.

Many opposition parties, especially the Republican Party, brought up this problem as an element in their political campaigns.

A new positive atmosphere was introduced in the country thanks to the assistance provided by the Council of Europe, and the contribution made by the rapporteurs and outstanding authorities who have visited Albania. The letters and statements received, the preface to the book "Before the Guillotine" by Albert Camy that President Lord Russell Johnston wrote to address to the Albanian public opinion, and the commitment displayed by the Albanian parliamentary delegation to the Council of Europe itself have also served this aim.

Finally, on 10 December 1999 the Constitutional Court announced death penalty irreconcilable with the Constitution of Albania.

Following this event, preparations for the Government to sign up to Protocol no. 6 are under way. Then it will ratified by the Parliament, and the respective amendments to the Penal Code will be made.

Independence of Judiciary (point 78)

While fully agreeing in principle with the suggestions made by the co-rapporteurs, I would like to bring in some new information about **point 78** concerning the claims by Mr. Shehu on the political interfering with the Supreme Court.

All his statements sound a bluff on account of the fact that, upon leaving his post as Chairman of the Supreme Court which he was keen on continuing to hold in contravention with the law, he was appointed a member of the political presidency of the Democratic Party.

Hajdari Case

The Prosecutor's office is conducting investigations with international assistance. These investigations are still going on at a slow pace.

The Prosecutor's office is of the opinion that this delay in investigations is caused by the leaders of the Democratic Party and Mr. Sali Berisha himself who do not agree to testify. Every day Mr. Berisha claims that he knows Azem Hajdari's assassins, but he is not happy to give evidence as a witness in the investigations.

Mr. Berisha has written a document on this issue which he did not deliver to the Prosecutor's office, but he did give it to the American ambassador in Tirana.

The Ombudsman (point 109)

On the basis of the recommendations made by the co-rapporteurs the process for the election of the **Ombudsman** among the 15 candidates was fully transparent. He was elected by secret ballot. The Albanian Public TV has organized several debates on this issue.

The proposals for the majority of the candidates came from the civil society and the most prestigious non-government organizations in the country such as the Albanian Helsinki Committee, the Albanian Centre for Human Rights, and the Albanian Foundation of Civil Society.

All the candidates were provided equal competition chances.

Before passing on to voting, the Parliament of Albania organized a public hearing of all the candidates, which was attended by MP's, written and electronic media, representatives of the civil society, and citizens.

Conclusion

My belief is that during the several-month long period since the last visit by the co-rapporteurs (**July 1999**), remarkable and significant progress has been achieved on the main issues the preliminary report addresses. From this point of view, the closing of the observation procedure could impart a more positive impact on the Albanian society. However, we will respect the opinion expressed by the co-rapporteurs, and the decision made by the Parliamentary Assembly of the Council of Europe, because constant dialogue with this prestigious Assembly and the Committee of the Ministers of the Council of Europe has been one of the main factors for the positive developments in Albania.

With highest respects,

Namik DOKLE

REPUBLIC OF ALBANIA
MINISTRY OF JUSTICE

The Cabinet

Comments on the preliminary report by the Council of Europe rapporteurs

In terms of the preliminary draft report on the two visits by the Council of Europe rapporteurs, the Ministry of Justice deems it necessary to give explanations on those points that are relevant to its obligations:

Point 54. The Albanian side is aiming to sign and ratify Protocol no. 6 of the European Convention of Human Rights in the near future. However, it should be pointed out that the Constitutional Court of the Republic of Albania has announced that the death penalty is unconstitutional.

The relevant Albanian bodies have started to work out the legal details for the signing and ratifying of Protocol no. 6.

At the same time, a working group has been set up in the Ministry of Justice to review the Military Penal Code so as to determine the alternatives of penalization which are going to replace death penalty. No death penalty is announced by the Albanian courts now.

Point 55. The Ministry of Justice is co-operating with some groups of experts to ensure the compatibility between the existing legislation and the Constitution. This is not something the Constitutional Court could do (as the draft report has it). This responsibility lies with the institutions involved in the drafting of the legislation.

Point 58. By its decision no. 65, dated 10 December 1999, the Constitutional Court declared death penalty in Albania as anti-constitutional. On the other hand, the necessary political support for the signing and ratifying of Protocol no. 6 of the European Convention of Human Rights has been ensured.

Point 65. It should be reviewed in face of the newly emerging situation after the Constitutional Court made its decision to declare death penalty as anti-constitutional. However, the above explanation clears up this problem.

Point 71. The Ministry of Justice is carrying on the implementation of the plan of action in co-operation with the Council of Europe and the European Commission.

Point 72. The 2nd Conference on the Legal Reforms in Albania was held in Tirana in November 1999. It was attended by high-level authorities from the Ministry of Justice, the judicial power and the General Prosecutor's Office, the international organizations concerned, experts and high-level staff members of the Council of Europe. The Conference was chaired by the Director of Legal Affairs in the Council of Europe.

Preparatory work on the laws on the Ministry of Justice and Judicial Police is drawing towards its end. Training of judges and prosecutors in the School of Magistrate continues.

Point 73. The law on the organization of the judicial power has been amended, and now it is in full compliance with the Constitution.

Point 74. The law on the organization of the judicial power provided that the judges of the first-instance courts, with a seniority of no less than 10 years in judicial work, should sit an examination. This was foreseen as a measure to identify and remove from the judiciary those judges who were found out not to have the minimum necessary professional background. This law did not aim at discriminating among the judges who had undergone a six-month training course.

Point 75. The formulation of this point contains several inaccuracies. The judges did not have the obligation to resign, but according to the examination results the Higher Council of Justice would decide whether they should be removed from office or not. Later on, they could appeal to the Supreme Court. However, the Constitutional Court declared this aspect of the law as anti-constitutional, and now failure to pass the examination is not being considered as the only one reason for judges' removal from office.

Point 76. The Ministry of Justice is going through the last stage of the process for the drafting of the law on the prosecutor's office.

Point 78. The explanation of the issue (12), concerning this point, presents several inaccuracies. Mr. Shehu took the case to the Constitutional Court and not to the Supreme Court. Having examined the case in July 1999, the Constitutional Court decided to reject the request by Mr. Shehu. The Constitution of Albania does not provide that conflicts of this kind should be examined by the Parliament.

Point 83. The Parliament of Albania has passed a law on the legal representative of Albania at the international bodies of human rights. This representation is set up at the Ministry of Foreign Affairs of the Republic of Albania, and the responsibility will lie with it alone to decide whether the Albanian side approves or not the reports presented by the Anti-Torture Committee.

MINISTER

ILIR PANDA

REPUBLIC OF ALBANIA
MINISTRY OF PUBLIC ORDER

Comments on the preliminary report by the Council of Europe rapporteurs

The Ministry of Public Order, having studied the report written by the rapporteurs of the Council of Europe, in particular the part dealing with the public order situation in Albania, has the following comments to make:

1. On the Improvement of the Security Conditions

It is true that until mid-1999 the situation of security and public order in several areas, and especially in the northern and northeastern areas, was problematic. However, as a result of the organization of the work and the effective measures taken by the Ministry of Public Order concerning also the above-mentioned areas law and order has now been established. The armed gangs that used to operate there and terrorize the local population have totally been liquidated. The roads linking up these areas to other areas are now accessible and present no problems. Nowadays tranquillity and life has in the districts of Tropoja, Kukes, Dibra, and Mat, has come back to normal, and the situation there is under control.

2. The Situation Concerning Surrendering of Weapons

As is known, the result of the opening up of army depots in March 1997 was that many weapons were captured. The population are in possession of large quantities of armament that pose a threat to the human life and the country's security, and affect the increased criminality.

Now, following the measures taken in an effort to implement the law on the surrendering of weapons, the public order force all over the territory of the Republic of Albania have carried out large-scale controls thus ensuring that a great number of different kinds of weapons are handed in, and the incriminated persons are made accountable. Alongside the work done at the Ministry and all the police commissariats in co-operation with the state power bodies at the grassroots and the non-government organizations, on the basis of an endorsed plan and the organization of a better leadership, the work for the surrendering of weapons is going on at higher rates. The results of this work are the successful actions undertaken by the Directories at the Prefectures and Police

which the quantity of the weapons collected equalizes the quantity of the weapons surrendered hitherto.

3. Life-related Issues

Protection of human life and the life of the police officers themselves has always been one of the priorities of the work in the Ministry of Public Order.

No one of those in charge has in any case given the order, and no one from the police force has shot in contravention with the law "on the use of fire weapons". The weapons have been used in cases of protection only while responding to the armed attacks undertaken by those incriminated, and in an effort to prevent loss of human life. This is proved by the fact that tens of policemen have lost their lives on duty.

4. Preparation of Laws

In December 1999 the Parliament passed the law on "The State Police". In an effort to implement this law, law packages on the basis of the endorsed law, expected to be examined by the Government and the Parliament, have been prepared with the assistance of the MAPE Mission.

5. MAPE Assistance

MAPE assistance has been regarded not merely as an assistance aiming at the drafting of laws but also at the restructuring of the police force, the training and preparation of the different police structures. To this end, joint plans have been made and approved by the MAPE officials and the Ministry of Public Order.

6. Logistics

Equipping the Albanian police force with contemporary means has always been a problem on account of the insufficient finances of the Albanian State to meet the needs of the police in their successful fight against criminality.

The Ministry of Public Order is attempting at co-operating with countries like Greece, Italy, Germany, and with MAPE in order to obtain the necessary aid and contemporary equipment for the fight against criminality.

7. The Anti-crime National Pact

The Ministry of Public Order considers that in the fight against crime of importance is the implementation of the laws adopted by the Parliament, being this reflected in the programmes of the Government, and not in the pacts among the political parties, that are juridically valid. The Ministry of Public Order adheres to the importance of the implementation of the endorsed laws.

8. Corruption

Proceeding from the idea that initial success against corruption starts with the purging of its own ranks, under the general framework of the fight against corruption the Ministry of Public Order has removed and undertaken legal proceedings against the incriminated individuals in its own ranks. This work has already started, and will continue in the future, thus ensuring that new elements with the appropriate educational background and professional training enter its ranks. This has helped reduce corruption among its ranks.

9. Illicit Trafficking of People and Goods and Commodities

The Ministry of Public Order has undertaken measures and will continue to do so in order to make sure that police control is increased and reinforced both at the border crossing points and at seaports and airports border check points. This has led to the removal of police officials and border officials involved in such kinds of activity, and new replacements have been taken on. Tens of policemen and border officials have been removed from the customs points at Thana Pass, Kapshtica, Kakavija, Bllata, Morina, and the seaports of Durres, Vlora and Saranda.

In an effort to deepen this fight, agreements have been concluded with the neighbouring Greece and Italy and other countries in order to fight this traffic.

Alongside the work for the prevention of the illicit trafficking of people and goods and commodities at the entry points to the country, the Ministry of Public Order, being convinced that this kind of trafficking could be fought within the territory of Albania as well, has also organized controls on the main roads, with the result of this trafficking being remarkably reduced.

The Ministry of Public Order, considering the suggestions and remarks made by the rapporteurs of the Council of Europe as a token of assistance, will reinforce its work in the fight to ensure public order and tranquillity, and it is in this framework that we offered the above comments.

MINISTER OF PUBLIC ORDER

Spartak POCI

REPUBLIC OF ALBANIA
MINISTRY OF LOCAL GOVERNMENT

Comments on the preliminary report by the Council of Europe rapporteurs

Point 110. The last local government elections in Albania were held on 20 October 1996. They took place nearly five months after the parliamentary elections. The local government elections were accepted as credible although they were highly contested by the then opposition.

Point 111. Following the establishment of the Ministry of Local Government, recently the dialogue between the central and local authorities has improved particularly. The improved atmosphere is clearly reflected in the co-operation for the drafting of the decentralization strategy, and in continuity, in the process for the drafting of the legislation in compliance with this strategy, and in an effort to implement it. The Government is interested in and has undertaken serious steps ahead in this aspect. Along with the positive achievements in this area, there are cases of a non-consensual approach to the problems, and taking up of a position by the local government bodies in which, contrary to law, the opposition is predominant.

The stand taken recently by the district councils, which are dominated by those elected by the Democratic Party, not to comply with the obligations deriving from the law on "The status of the civil servant for the appointment of candidates for members of the Commission of the Civil Service", is a typical case.

Point 112. Following the signing of the European Charter on Local Autonomy in May 1998, the Parliament of the Republic of Albania ratified it by Law no. 8548, dated 11 November 1999 "On the Ratification of the European Charter on Local Autonomy". This law entered into force on 29 December 1999. The necessary documentation to deposit the ratification instruments has been prepared, and Mr. Bashkim Fino, Minister of Local Government, has been authorized to this effect.

Point 114. The Ministry of Local Government has sought co-operation with several international partners on issues of local government in Albania. This co-operation has been realised and continues in some directions.

- **On the drafting of the decentralisation strategy.** Recommendations to this effect have been provided by experts of the Council of Europe, USAID, and VNG – The Netherlands.

- Work is focussed on the drafting of the specific laws provided for in the strategy of decentralisation.

- Recently, work has started on the implementation of a concrete project in co-operation with UNOPS out in the field in three prefectures (out of a total of 12) on the materialisation of the measures to enhance the quality of the work of the local government bodies in the area of services.

- In the framework of bilateral co-operation, specialists from different countries have been invited to contribute on specific projects for the increased managment role of the local administration bodies in an effort to fulfil the functions envisaged by the decentralisation process (Italy, France).

DEPUTY MINISTER

BLENDI KLOSI

DEMOCRATIC PARTY OF ALBANIA

REFORM MOVEMENT

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Report on the internal developments in the Democratic Party of Albania

15 March - 15 April 2000, Report No. 6

1-The Reform Movement calls for no DP boycott in the oncoming elections and sees solution for the Central Election Commission coming closer. 2-The DP Reformers hail the Stability Pact Conference held in Brussels but remain critical on the Government projects. 3- Rallies continue with grave incident in Vlora. 4- The Democrat Students Forum gets international recognition; A foundation close to the DPRM close to be established. 5- United States International Republican Institute helps in unifying the Albanian opposition. 6- Disappointment at anti-Western smack.

1-The Reform Movement calls for no DP boycott in the oncoming elections and sees solution for the Central Election Commission coming closer.

As rumours on a possible Democratic Party boycott of the oncoming local elections grew thick, the Reform Movement considered that the DP should participate and try to be successful in these elections. "A boycott is unacceptable under any excuse" said Genc Pollo in a statement. "Such a move would be detrimental to the party and more

importantly to the Albanian democracy" On the thorny issue of the Central Election Commission, Pollo declared that the resignation of some of its member opened the way to make it balanced and credible for the opposition and the Albanian public. He praised the work of the OSCE Presence to facilitate the solution on this issue.

2-The DP Reformers hail the Stability Pact Conference held in Brussels but remain critical on about Government projects.

The Reform Movement hailed the outcome of the Stability Pact Financing Conference held on 29-30 March in Brussels as historically important for Albania and Southeastern Europe. The wish was expressed that the implementation of the approved projects start as soon as possible. However the RM criticized the Government for neglecting the preparatory work to the conference and for presenting poor quality projects. It also stressed that the official Tirana ignored Table 1 (Democracy) and Table 3 (Security) of the Stability Pact by not submitting relevant project proposals to this Conference.

3- Rallies continue with grave incident in Vlora.

The meetings of the DPRM with the party grassroots across the country were marked by a violent incident in a gathering organized by the Reform Movement in the municipal Theater Hall of the southern city of Vlora. A handful of Berisha supporters, some of them belonging to the underworld, tried to impede the rally by blocking the entrance, by insulting and threatening the people and urging them to leave. Some members of foreign missions and international organizations who were also present ware not spared of the abuse. The thugs entered then the Hall and tried to disrupt the meeting by chanting "Berisha, Berisha" until meeting participants bounced them outside. The police stood idle and



Figure 1 Meeting in Vlora, 2 April 2000

reacted belatedly. Despite this initial disturbance the meeting went well with some 200 remaining people attending. "That happened to us in the initial days of the Democratic Party as the Communist regime sent thugs and Sigurimi agents to prevent us from gathering" said Pollo, to the audience. "Nano tried the same when we came back in Vlora in 1998. Now the same people are trying to repeat the same pattern by shouting Berisha. The past cannot scare us and cannot block the future. We are determined to carry on". Berisha's office supported the disrupting attempt by claiming that they were genuine democrats acting in anger because of the abuse of the DP symbols (?). He condemned the police action in Vlora saying that it proved the brutality of the Socialist Government against the true democrats and its support for the "DP traitors".



Figure 2 Meeting participants at Kodra e Priftit /a quarter in Tirana East

Other Reform Movement meetings, mainly in Tirana, have proceeded well.

4- The Democrat Students Forum gets international recognition; a foundation close to the DPRM close to be established.

The Albanian Democrat Students Forum was admitted as a full member of the EDU affiliated European Democrat Students (EDS) in its Council meeting in Bratislava on 2 April 2000. The EDS is the youth organization of the European Peoples Party (EPP) and permanent observer with the European Democrat Union (EDU). (The EPP and the EDU are organizations of European center right parties that are now merging).

The ADSF was founded in 1998 as a prospective partner organization of the Democratic Party. Under the chairmanship of Kreshnik Collaku it built up a strong network in the universities of Tirana, Shkodra, Elbasan, Korca and Vlora. It is comprised of many students and young professors who sympathize with center right political views. The ADSF supported Pollo's bid for party leadership. On these ground Berisha obstructed the Forum's admission as a partner in the DP Convention

in September 1999. The ADSF consequently freezed its relationship with the Berisha faction and openly supported the Reform Movement within the DP

The DP Reform Movement has announced its intention to establish a foundation that should serve to organize debates on issues and help shape policies. It should also train political activists. Probably this foundation will be baptized as the Political Academy.

5- United States International Republican Institute helps in unifying the Albanian opposition.

Democratic Party Reform Movement representatives were among the DP and opposition participants in a seminar organized and sponsored by the (United States) International Republican Institute that took place on 24-26 March 2000 in Ljubljana (Slovenia). The seminar focused on the experience of parties in Bulgaria, Slovenia and Slovakia in forming a united front and becoming successful in challenges to post-Communist authoritarian Governments. Invitations were sent to Democratic Party parliamentarians, municipal officials and party functionaries. The party headquarters put pressure an all DP members who were invited to boycott this event. Few of them did really cancel the trip to Ljubljana after confirming in the first place. Reportedly Mr. Berisha decided that unless he and people of his choosing were invited he would torpedo the seminar. The Reform Movement denounced the boycott call order as divisive for the party and the opposition. The seminar was attended by almost all opposition parties including the Christian Democrats. Balli Kombetar, The Republican Party, the Legality Party etc. Among the DP representatives were also 5 MPs including the former Prime Minister Meksi. A joint declaration of the participants issued in the end of the seminar noted that *the political parties of the center right should institutionalize cooperation while considering other experience in order to provide for change of government in Albania. That should happen through clear and credible alternatives of governance.* In a final statement IRI expressed its regret about the non-participation of a few DP officials the event. An IRI paper on the seminar noted that "*Albania's political system despite 10 years of transition remains highly polarized and deeply unstable. The leaders of Albania's two main political parties are constantly at loggerheads and seem more interested in undermining each other than addressing the country's needs.... The opposition in Albania meanwhile*

remains deeply fractured. Past efforts to build coalitions among opposition parties have made little progress. Coalition building among opposition parties nevertheless is essential to counter-balance the dominance and corruption of the governing coalition ....

6- Disappointment at anti-Western smack.

There has been disappointment with Mr. Berisha choosing Abdi Baleta as his stooge. Baleta was presented in Mr. Berisha's private TV channel (ATN1) where he mudslinged also Reform Movement leaders. Mr. Baleta, a former ambassador to the UN of the Communist regime, has consequently advocated an anti Western policy and reliance on Islamic countries such as Iran. He leads an insignificant party but he is also a columnist for a major Albanian language daily appearing in Kosova and the West. He claims that the US and European nations making up the KFOR and UNMIK are hostile to the Albanians. The RM while criticizing that sort of political alliance stressed that the DP was born as the force that ended the Communist isolation of Albania and initiated the country's integration in the Euro-Atlantic community. ----------

OSCE

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

ACTIVITY REPORT No. 76

17 – 30 April 2000

SUMMARY

Albania in increasingly pre-electoral mood, generated in part by Electoral Code disagreements. Draft Electoral Code at Commission stage in Parliament: Democratic Party proposes principled amendments. Final date for plenary debate and passage still unclear, though further time likely to be allowed for possible compromises in Commissions. Opposition Electoral Code experts and Democratic Party press allege pro-Government manipulation of draft Code by international experts, and accuse past and present OSCE staff members of bias against the opposition. Two parties from the United Right put out statements distancing themselves from the statement purporting to come from the opposition experts. FM Milo pays first official visit to Montenegro: several inter-government agreements signed. New Albanian Radio-Television By-laws approved, incorporating Presence advice and amendments. International observation of voter registration in preparation. Ongoing weapons collection monitoring by Presence FOs.

I. DOMESTIC SITUATION

Disagreements over impending electoral legislation have again been the main political issue. A draft Electoral Code, incorporating amendments proposed by international and national experts on the OSCE-chaired Working Group, was submitted to Parliament on 18 April, with a provisional deadline of 03 May for debate in plenary. Discussion of the text in the Parliamentary Laws Commission began on 25 April, and has focussed mainly on amendments proposed by the opposition Democratic Party. These are principally aimed at achieving 'parity' rights and representation for 'opposition and 'majority' party representatives in the Central Election Commission, and other electoral organs and decision making processes.

Opposition members briefly walked out of the Commisssion on 27 April in protest at the Commission's refusal to debate the DP's amendments immediately, but have since returned. Former PM Majko, whilst arguing that the Commission should not reopen issues on which concensus could not be reached at the OSCE, has called on his Socialist Party colleagues to allow time for a political dialogue on the opposition amendments. He also proposed that the President begin a process of consultation with parliamentary group representatives to resolve the issue of the unfilled CEC seats. On 28 April, agreement was reached on a number of less

substantive opposition amendments, raising hopes that further compromises might emerge in the coming days. It is still unclear at this stage whether the plenary debate will begin on 03 May, or be delayed to allow more time for work in the Commissions.

Initial reactions from the Democratic Party and other opposition parties to the draft text circulated in the Parliament commended the OSCE for its efforts to achieve a compromise, and blamed the Socialists for frustrating the success of its work. Subsequent statements, however, including one attributed to opposition experts on the Working Group, have accused the OSCE and international experts of failing to respect agreements allegedly reached with the Socialists prior to the opposition's departure from the Group, and of collusion with the Government to manipulate the draft in their favour. Democratic party Vice-Chairman, Topalli, has warned of 'unrest and destabilisation' if the Socialists fail to compromise on the CEC, and accused OSCE mediators of working against the interests of the opposition. This line of attack was further developed over the weekend of 29/30 April in a number of articles in the Democratic Party press, making accusations of institutional bias against the OSCE, and criticising certain present Presence staff members – as well as the previous HoP and Special Representative Vranitzky. At the same time, two smaller opposition parties, the Republicans and the National Front, came out with separate statements disassociating themselves from the declaration attributed to the opposition experts, claiming they had not been consulted in its drafting. Instead the two party's declarations both stated that they were not in agreement with the statement purported to come from the opposition experts, and expressed confidence in the efforts of the Presence.

The heated debate over the Electoral Code in Parliament has been matched by an increasingly pre-electoral mood in the country, with both main party leaders, Nano and Berisha, exchanging mutual criticisms at meetings in Tirana and the provinces. DP leader Berisha's announcement of a planned visit to Vlora, the centre of the 1997 uprising against the last DP government, has given rise to some concerns on the political and security fronts. PM Meta has also been making a round of well–publicised provincial visits, including one to Vlora with other Socialist Party personalities, and has again insisted on the crucial importance of international observation and monitoring of the forthcoming electoral process.

II. INTERNATIONAL RELATIONS

On 24/25 April, FM Milo paid an official visit to Montenegro – reportedly the first ever by a senior member of the Government of Albania – and signed agreements between the two governments and foreign ministries in a number of technical and economic fields, including joint work on Stability Pact projects. FM Milo also visited Qatar on 17 April. NATO Supreme Commander, General Clark, visited Tirana on 24 April to receive Albania's highest award, the Skanderbeg medal, in recognition of the Alliance's role in the Kosovo campaign. Talks are to begin shortly between the Albanian and Greek governments on establishing annual

quotas for legal seasonal labour. The Netherlands Government has announced its intention to open an Embassy in Tirana in June.

III. PRESENCE ACTIVITIES

Head of Presence Activities. After returning from the OSCE Economic Forum in Prague, the Head of Presence had meetings with President Meidani, PM Meta and FA Minister Milo, to brief them on Presence's activities and to discuss the current situation on the Electoral Code. In the margins of a Conference on the Problems and Perspectives with the Creation of Regions in Albania, organised by the Albanian Government in co-operation with the Council of Europe, the Head of Presence had discussions with Minister of Local Government, Fino, and with the Chairman of the Congress of Local Authorities of the CoE. He also briefed visiting representatives of UNMIK and the World Bank.

Rule of Law/Legal Counsellor's Office (LCO)

Legal Analysis/Political Support. The LCO attended and participated in the sessions of the Parliamentary Constitutional and Legal Affairs Commission on the draft Electoral Code. The LCO gave advice on the "Anti-speedboat" draft law prepared by the Italian Interforze Mission and, in the same context, participated in a working group consisting of representatives of OSCE, Italian Finance Guards, the Multinational Advisory Police Element, Albanian port authorities, and the Albanian Ministry of Public Order. The LCO prepared additional comments on the draft Bylaws of the Albanian Radio-Television, and attended the meetings of the Parliamentary Commission on Constitutional and Legal Affairs on the matter. The LCO prepared a report on the visit of the People's Advocate and his commissioners to their counterparts in Slovenia. The LCO will be involved in a working group composed of European Commission representatives and members of the Albanian government to address property law reform and implementation issues. The LCO has been asked by an Albanian NGO to assist in drafting a law that will govern the High Council of Justice and the Judicial Inspectorate's Office.

Legal System Development/Reform. The EU-sponsored Customs Assistance Mission (CAM-Albania), has asked the LCO for assistance in determining which international treaties governing maritime issues Albania has ratified, and also for assistance in encouraging the Government to ratify those treaties that would enable CAM to cooperate with the Albanian authorities in pursuing criminal suspects beyond territorial waters. The LCO is considering what level of assistance can be provided in this regard. The LCO continues to conduct a one-month legal writing and reasoning course for first year students at the Law Faculty.

Human Rights Alert Programme. (HRAP). At the invitation of the Ministry of Public Order, the HRAPO visited Pogradec in order to investigate the circumstances of five Bangladeshi men held in a police training barracks since

January following their arrest with a number of other illegal immigrants. The five Bangladeshis are the last to be repatriated. Their situation highlights the many problems Albania faces in dealing with illegal immigrants, including lack of proper detention facilities, a budget for food, and adequate legal provisions for repatriation.

Press and Public Information Officer (PPIO). After two months of debate, closely monitored by the PPIO, the Parliamentary Committee on Media finally approved the new by-laws of the Albanian Public Radio and Television (RTSH), accepting most of the legal suggestions and amendments proposed by the PPIO and LCO experts. The Statute is now being examined by the Laws and Finance Committees and is expected to be discussed and approved by the plenum of the Albanian Parliament before the end of May. The Press Officer is currently working on preparations for the first National Conference on the issuing of radio and TV licenses, due to take place on 17-19 May and co-sponsored by the National Council of Radio and Television (NCRT), OSCE and the US-financed NGO 'Irex ProMedia'. The PPIO has also been monitoring the parliamentary discussions on the media-related articles of the new Electoral Code, meeting the NCRT's leading bodies and the owners and editors-in-chief of private TV stations in order to discuss Media rights and obligations in the forthcoming local elections campaign.

Friends of Albania Co-ordinator (FOAC). Preparations are underway for a plenary meeting of the Group on Law and Order issues on 15 June, to include high-level representatives from WEU/MAPE and the Albanian Government.

Parliamentary Observation Officer. In response to criticism from MPs that Ministers regularly postpone Q/A sessions in Parliament on grounds of workload, and that many months often elapse before their questions are answered, it was agreed at the 20 April plenary session that Ministers should in future respond to MP's questions within 10 days. At the Q/A session on 27 April Cabinet Ministers replied to questions deposited only a week before.
Intensive discussions on the draft Electoral Code have continued in the Commissions, as well as in the Parliamentary Bureau and Plenary.

Local Government Officer (LGO). Local Government Officer. LGO has been involved in donor contacts and preparations for the Voter Registration Observation Mission, due to take place from 03-30 June, involving an envisaged 36 international monitors. He also continued to work with the Electoral Assistance Project (EAP) and held discussions with European Commission delegation on co-operation between the Census 2001 Project and the EAP registration exercise. LGO also gave a speech on the Presence's Transborder Co-operation work at Council of Europe Conference on Regionalisation in Albania, held in Tirana on 19 April.

NGO Officer and Gender Advisor (NGOGA). With the assistance of a UNCHR training specialist and the NGO Advisory Board, work continues to finalise a police training module on 'Policing the Rights of Women, Prostitution, Trafficking, and Domestic Violence.' Advertising has begun in villages throughout the Diber region for the 29 May Conference, 'Challenges Facing the Women of Diber'. NGOGA is in discussions with a professor at the Agriculture University to design and run a 'Women in Rural Development' course, which will be the first gender specific course at an Albanian university.

IV. FIELD OFFICE ACTIVITIES

FO Vlora attended a meeting of the Euro Socialist Youth held in Vlora, in which PM Meta, other government ministers and Socialist Party Chairman Nano participated. Other activities focused on economic and infrastructure issues that are of acute current concern in the Prefecture. **FO Gjirokastra** has focused on the monitoring of weapons collection and border issues involving Albanians illegally crossing into Greece, which appears to be on the increase. On the local political scene, the FO was instrumental in organising a meeting between the elected DP and SP authorities in Lazarat. **FO Kukes** met the Chief of the Kukes Police Commissariat who stated that there continues to be a security problem on the Qafa-Malit to Morini road, although a number of measures are in hand to address the problem. The FO attended the Joint Border Commission meeting as an observer and report that, according to the Albanian delegation, much progress has been achieved at the Morini BCP, and that this has facilitated the redeployment of police resources elsewhere in the Kukes region. UNMIK reported a large increase in commercial traffic entering Kosovo from the BCP, and expect a considerable increase in Kosovo Albanians entering the BCP from Germany via Albania. **FO Durres** facilitated a successful round table meeting between the police, the prosecutor's office and the District Court, to discuss day-to-day problems of co-operation. The FO monitored a political rally organised by Democratic Party Chairman Berisha. The FO reports that the highly politicised dismissal of the Director of Durres Port dominated local politics during the reporting period, and culminated with his forced removal by the police. The FO continue to monitor the demolition of illegally constructed buildings in Durres and report that despite the much publicised campaign on the matter, there are no serious resources allocated to the project. **FO Shkodra** reports that Albanian and Montenegrin border authorities are now conducting working level talks on a weekly basis. An NGO coordination meeting was chaired by the FO at which the Head of the UNHCR Durres Office updated the meeting on the situation in Montenegro, including the matter of the forthcoming Montenegrin local elections scheduled for 11 June. The FO continues to monitor the weapons collection process, and has observed in Lezha serious efforts by the responsible authorities, at local and central level, to implement the programme, and to ensure public awareness. The FO's observations suggest that the response, at the moment, is lukewarm in some areas. **FO Korca** monitored two meetings held by PM Meta during his visit to the town, as well as a

DP Seminar on Local Government. At the latter event international organisations in general, and OSCE in particular, were accused of not paying sufficient attention to DP complaints. The principal issue discussed was the alleged lack of Government support for the decentralisation process. The FO also facilitated a round table meeting on judicial issues, which was attended by most of the guests invited, and was supported by representatives from the Presence Legal Counselor's Office. The FO was involved in the successful transfer of three Moldavian women from police custody in Pogradec to an ICMC Centre in Tirana. The FO reports that the 'annual' migration of illegal Albanian immigrants in pursuit of seasonal work in Greece is underway and gaining momentum all along the border. Over the reporting period **FO Peshkopi** has focused on closely monitoring and verifying the Weapons Collection programme. The FO has access to most weapon collection sites and has been able to verify details with some degree of accuracy. The FO attended a Norwegian Peoples' Aid /UNDP Weapons Collection Steering Committee meeting, at which UNDP clarified their position regarding the current government collection initiative and its own infrastructure projects in selected areas in exchange for weapons handed in. This statement has gone some way to alleviate the friction in some areas between the local authorities and the police.

SEC.FR/214/00
20 April 2000
RESTRICTED
ENGLISH only

OSCE

Organization for Security and Co-operation in Europe

The Secretariat

Conflict Prevention Centre

Vienna, 20 April 2000

To: All OSCE Delegations in Vienna

|_| as agreed
|_| as per telephone
|_| as per your/our letter
|X| for information
|_| back with thanks
|_| please telephone
|_| awaiting your comment

Re: OSCE Presence in Albania
Spot Report: Update on Election Preparations in Albania

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OSCE

REPORT

Organization for Security and Co-operation in Europe

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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.

[CHECK AGAINST DELIVERY]

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

Democratisation and Institution Building in Albania
Ambassador Geert-Hinrich Ahrens, Head of Presence

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1. INTRODUCTION

Albania is a prime example of a country where post-Communist transition has not moved as quickly as it should have. After nearly 10 years of "democratic pluralism", Albania is still some way behind most other post-Communist states in Europe—particularly, in terms of good governance, normal party-political interaction, and the establishment of strong state institutions. This can, in part, be put down to the absence of previous democratic traditions, and the legacy of almost 50 years under one of the most severe and primitive Communist regimes, that left the country isolated and impoverished, with little of value on which to build and reconstruct. But it is also because the country has been the victim of violent internal conflicts, the most important of which followed the collapse of the Pyramid schemes in 1997, causing a near-total breakdown of civil society. This left Albanians bitterly disillusioned with their first taste of democracy, and resulted in a deeply felt distrust of the state institutions, which had allowed this breakdown to happen.

In reality, the events of the first half of 1997 mark a line in the sand as regards democratisation and institution building in Albania. Progress has largely to be viewed in terms of what has been put in place, with the help of the international community, in the intervening two to three years.

In terms of what could and should have been achieved since 1991, this is a depressing perspective. From the perspective of a three-year time line, however, the Albania of the year 2000 scarcely bears comparison with that of 1997—and even in the problematic area of public order, Albania has made the transition from a state of random violence to one in which public order is at least regarded as the norm. This is the sort of benchmark we need to keep in mind when we judge the progress of democratisation and institution building in Albania today.

2. ROLE OF THE PRESENCE AND FRIENDS OF ALBANIA

The OSCE Presence in Albania was established in early 1997 as part of the international rescue effort. It has been heavily engaged—along with the Council of Europe and other international partners—in the process of reconstruction and regeneration ever since. The

Presence is almost unique among OSCE missions in having a mandate encompassing most aspects of the rule of law, democratisation and institution building and the development of civil society. This is reflected in a wide-range of activities, including legislative and judicial reform, parliamentary observation, local government decentralisation, elections, public order, and anti-corruption. At the same time the Presence's activities reflect the relevance to the reform process of economic and environmental issues, human rights, media and NGO development—many of these activities being carried out directly with the representatives of civil society. The Presence staff is at present over 100 strong, of which nearly 40 are international staff members seconded by the organisation's participating states. Eighteen internationals work in the centre in Tirana and another 20 in the Presence's eight provincial field offices.

The Presence was also mandated, as part of the international assistance strategy for Albania, to provide a flexible coordinating framework, within which international organisations and governments could play their part in the process of reform and transition in their respective areas of competence.

Since October 1998, the Presence's "flexible framework" activities have been reinforced by the additional dimension of the local and international Friends of Albania Group. Set up in reaction to the civil disturbances of September 1998, the Friends of Albania bring together, on an informal and open-ended basis, representatives of all those countries and international organisations active in providing financial support, technical assistance and other forms of aid to Albania. The group, which meets locally in Tirana under the chairmanship of the OSCE head of presence and internationally under the joint chairmanship of the OSCE and EU in Vienna and Brussels, is engaged in a regular exchange of information to facilitate and co-ordinate international efforts. At the same time it encourages and monitors the efforts of the government in tackling key issues of political, economic and institutional development.

3. THE NEED FOR STRONG, INDEPENDENT AND PROFESSIONAL STATE INSTITUTIONS

A major focus of the work of the OSCE and its international partners in Albania since 1997 has been to help re-establish the state institutions, in particular, the core functions of the civil service, judiciary, and law and order structures. We have also been working to rebuild public confidence in these institutions through modern legislation and capacity building designed to de-politicise and professionalise the administrative culture.

The experience of the first years of democratic transition in Albania has demonstrated, that strong state institutions need more than just an adequate legal basis and implementation capacity, however. They also require determination on the part of the political forces to respect their independence, and to support and cooperate with them. The first two of these requirements can in part be met with international assistance. The latter, however, requires a change in the political and administrative culture.

I will return to the issue of political culture later, particularly in the context of elections. I highlight it at this stage as a key area of democratisation and institution building for

which, ultimately, no amount of international assistance or modern legislation can provide. It is a problem, which the Albanians themselves must resolve.

4. CURRENT SITUATION AND PROGRESS

There has undoubtedly been progress since 1997—though initially it was disappointingly slow. Following elections in 1997, which brought the present Socialist coalition to power, a number of legislative benchmarks were successfully achieved. Partial local elections took place in the summer of 1998; a new constitution was also successfully passed by Parliament and ratified by referendum in November 1998; and in the autumn of that year the government launched an internationally endorsed programme of reform that remains largely the basis for present-day efforts.

Progress, however, was hampered by ongoing political divisions, including the refusal of the main opposition party to participate in the parliamentary and legislative processes for much of this initial period. A major challenge to the stability of the state occurred in September 1998, following the assassination of the prominent Democratic Party politician, Azem Hajdari, whose murderers have still not been identified. Progress was also significantly affected by the refugee crisis in the spring and summer of 1999, and by the government crisis that consumed most of the month of October last year.

Undoubtedly, many reforms could and should have been addressed sooner, despite these diversions and distractions. But we have seen, particularly since the change of government at the end of last year, a definite change and a renewed political will to advance the reform process.

Over the last six months, the Albanian government has managed well the transition from crisis back to normality. It has also survived well the potentially destabilising change of head of government, with its reform and law and order programmes intact—and indeed in some respects strengthened by the determination of the new prime minister, Ilir Meta. Particularly refreshing was the emphasis PM Meta put in his initial address to Parliament on respect for the institutions and the rule of law as the basic principles of his administration. Ministers and officials alike were reminded that public service means just that, and that those who could be proved to have used their offices to line their pockets would be dismissed. Such statements may be commonplace in many other parts of Europe, but coming from a newly appointed prime minister of Albania, still facing unresolved problems within his own party, they were brave words.

At the same time, the Meta government has heeded the message of the international community that words alone are not enough: there must be actions to match. Albeit somewhat belatedly, we have seen a number of initiatives, not previously addressed, coming through in quick succession. These have included the creation of the institution of People's Advocate (Ombudsman), and new civil service and state police laws—the latter two measures aimed, in due course, at de-politicising and professionalising the major public service institutions and creating a transparent appointments system. In addition, legal and institutional measures are in hand to improve the quality of the judiciary, and to enhance cooperation between the police, prosecutors and judges. New anti-money

laundering legislation is in Parliament, and a national programme to collect illegally held weapons, stalled for two years, has finally started. A revised anti-corruption plan has also been announced, building on the experiences of a previous programme, and reflecting the new priorities of the region-wide initiative against corruption, launched by Stability Pact member countries in February this year.

Nor should we forget that less than a year ago, the law and order situation was running out of control, and the northeast of the country was still a "no-go" area for the police. The situation today is markedly different, due to a crackdown on crime in the northeast and in other areas of the country. A number of prominent gang leaders have been arrested, and all towns are now reported by our field offices to be noticeably safer than six months ago. Much remains to be done to root out the networks of criminality and corruption, and to purge the public order forces themselves of their criminal connections. But the most significant change is that random violence is no longer tolerated or regarded as the norm, and public order and proper policing are what the public expects and demands. A litmus test of this change can be seen in the renewed and even fresh interest of some foreign investors in doing business in Albania. A serious attempt is also being made, at long last, to tackle the illegal trafficking of human beings through Albania into Western Europe—though regrettably the volume of the problem and the diversity of the trade continue to outstrip Albania's modest interdiction capabilities.

5. INSTITUTIONAL CAPACITY BUILDING

It must be accepted, however, that the problem of follow-up is also one of capacity in government. I have been struck by the weakness of inter-departmental coordination at many levels within government, and the extent of the human capacity and resource shortcomings that we encounter in our day-to-day dealings with most ministries and institutions.

Some two and a half years into the reform programme, the international community can take some satisfaction from the fact that Albania now has in place the legislative makings of a modern democratic society—reflecting the need for institutional checks and balances, and for transparency, competence and impartiality in the key institutions of state and public administration. But the gap between intentions and realisation, in terms of transforming the culture and capacities of officials within the institutions concerned, remains considerable. The state police and civil service laws both serve to illustrate the point: both have rightly been regarded as landmark achievements, but neither can really take effect until detailed regulatory provisions have been enacted; some necessary new institutions created; and, above all, the human capacities put in place to make them work. A large part of the problem of implementation is lack of human capacity.

Institution building, through high quality new legislation, needs to be matched by capacity building through training and hands-on assistance. In other words, before we call for even more modern and sophisticated legislation, we need to be sure that Albania can implement the legislation already on the statute book.

The in-country training that US and European experts are giving to police and customs is a good example of what can be done in the area of law and order. But this approach should be developed and extended into other areas, equally relevant to the creation of a more stable and prosperous society. Impartial and professional personnel management is a pressing need in every sector of the public administration—the judiciary, police and customs as well as the civil service itself. A fair and efficient tax system is essential to increase the resources of the state and root out corruption and evasion. Equally important are properly functioning and independent state audit and public procurement systems—and throughout the public administration there is a pressing need for independent arbitration and appeals procedures to protect the citizen and state servant alike from arbitrariness, corruption and abuse of power.

All these are new and difficult concepts for Albania—and yet if Albania is to succeed in its ambitions to move closer to the rest of Europe, it needs help from experts from Europe and elsewhere who have the experience of putting these concepts into practice.

6. POLITICAL POLARISATION AND THE POLITICS OF BOYCOTT

Albania would be better able to perform and respond if it had a political culture to match the modern administrative one we are trying to establish. In most democracies, politicans in government are helped by a professional and politically neutral civil service, and by a political culture in which the concepts of a constructive opposition and cross-party cooperation are both well established. This is not yet the case in Albania, where personalities and power rather than policies and issues continue to dominate the political debate, and the concepts of mutual respect and service to the people are not sufficiently respected.

Whilst it is understandable in a country that was subject to such a harsh form of Communist dictatorship, that the process of democratic transition and personal reconciliation should be difficult, ten years after the start of the transition process, Albania needs to progress much further in the direction of personal and political reconciliation and mutual respect within the political class.

One particularly unfortunate result of this polarisation across the political divide is the paralysis we are now seeing in a number of the modern institutions of oversight, monitoring and audit, which we helped Albania to legislate in the past two and a half years years. These include, most topically, a Central Election Commission—in principle a non-partisan innovation in Albania, provided for in the new constitution—which has been at the centre of heated inter-party debate because of the alleged political bias of nominations made to it. As a result, the body has remained incomplete and inoperative, and disagreements over the issue have severely hampered discussions on an urgently needed electoral code. Another such body is a National Council set up to monitor the independent functioning of Albanian Radio and Television. The opposition has so far failed to take up its allocated seats on this important body, despite an evident need for cross-party monitoring and supervision. Similarly, the failure of the mainly opposition municipalities to appoint local government representatives to the newly created parliamentary Civil Service Commission raises concerns about the effectiveness of this

important new institution, even before the civil service law has had a chance to start operating.

7. THE ELECTORAL PROCESS AND THE OSCE APPROACH

Political polarisation and the threat of non-participation is also a major concern in the context of elections. A free, fair and uncontested electoral process is a basic institutional building block in any democracy. In the case of Albania, however, the electoral process has traditionally been bedevilled by the same handicaps encountered in most other institutional areas: namely, inadequate legislation, capacity deficiencies, politicisation of the process, and lack of all-round political support.

As many of you will be aware, Albania will have local elections in the second half of this year. It is vitally important for Albania's democracy and its international reputation that this year's elections do not repeat the mistakes of the past. Already, however, there is a risk that opposition objections to the composition of the Central Election Commission and other aspects of the electoral process could end up in an electoral boycott. The international community is working very hard through an Electoral Assistance Project to address a major issue of contention in previous electoral processes—the process of voter registration and verification. It would be more than disappointing if, despite these efforts, the ballot were to be boycotted, and this used as a pretext for calling for early general elections—the procedures for which might be equally disagreed.

At a meeting at the Presence earlier this year, the governing coalition and opposition parties finally agreed to sit down together in an expert level Working Group, with OSCE, CoE and other international advisers present, to discuss the text of a new electoral code. Our aim was to see if the competing political forces could come to agreement, with the help of a panel of international experts, on comprehensive legislation for all forms of elections and referenda in Albania.

For more than a month, during March and April, this Working Group met at the OSCE Presence on an almost daily basis, with all parties free to raise any issue of a technical or legal nature. Although experts from the opposition parties took part in most of the discussions, they unfortunately decided to stay away from a number of sessions, mainly in the final week. The concluding stages of the work, therefore, had to continue with the participation of international and governing coalition experts only, though it was made clear that absent members were welcome to return at any time.

The issue of the contested membership of the current Central Election Commission inevitably overshadowed much of the discussion in the Working Group. Opposition experts made a number of proposals aimed at achieving "parity" rights and representation for "majority" and "opposition" nominees in the Central Election Commission and other electoral organs and decision-making processes. The position of the international experts was that such an approach, which is unconstitutional as regards the Central Election Commission, also risked perpetuating a bi-partisan, "block-to-block" approach to an electoral process, which on the contrary, should reflect the principle of equal treatment for all electoral participants, regardless of which party or political organisation they

represent. In the view of the international experts, the formulations in the amended draft which emerged from the Working Group—and which is now before the Parliament—respect these principles.

Discussions in the Working Group were frequently difficult, but the fact that they took place at all, and enabled such a broad range of electoral issues to be discussed, was at least progress. The new draft code appears to have the unanimous support of the governing coalition, and may also have the support of smaller opposition parties. Sadly, in the last few days, the Democratic Party's experts, who chose not to attend the last stages of the Working Group process, have expressed their dissatisfaction with the outcome, and have accused the OSCE and its staff of political bias and manipulation of the amended code. Attacks have also been made by the same party against the integrity of the UNDP-sponsored Electoral Assistance Project, which is seeking to achieve, for the first time in Albania, a transparent voter registration process. I am pleased to say that other opposition parties of have dissociated themselves from such attacks and expressed confidence in the international community's commitment and impartiality. But this serves to illustrate a style of party politics, from which not even the international mediators are exempted. I can only hope that in the debate in parliament, wise counsels will prevail, and that a final attempt will be made to reach consensus on the code, for the sake of the Albanian electorate.

This all suggests, however, that the technical preparations for the autumn local elections will be every bit as challenging as the legislative phase. International observation and monitoring will be essential if the transparency and international acceptability of the process are to be ensured. I do not underestimate the difficulty of the tasks ahead.

8. CONCLUDING REMARKS

In concluding, I would wish to leave you with 5 specific points:

a. **Legislative Reform and Capcity Building: The Balanace Sheet**
At any one moment a "snapshot" of reform in Albania will be bound to reveal defects and disappointments. But I believe there has been real and sustainable legislative and institutional progress in recent months, and it is important that the Government of Albania be given credit for this. However, there are very real problems in terms of Albania's administrative capacity to follow much of this legislation through—not least because many of the country"s best "brains" have moved abroad, and because the concepts and institutions themselves are totally new. Building this capacity can best be achieved through genuine partnerships between international experts and Albanians, working alongside one another within the institutions. Only in this way can we be sure that implementation will successfully follow legislation.

b. **Political Polarisation and the Politics of Boycott: The International Role**
Regrettably, the politics of power and personalities, rather than of policies, still mark the political scene in Albania. Until the political classes accept the conventions of normal, inter-party behavior found in other Western-style democracies, there is a danger that the effectiveness of international legislative and institution building assistance will be wasted. I cannot let this point pass without paying tribute to the very considerable role and influence of the United States in Albania, as well as to the considerable support and encouragement I have received from senior levels in the United States administration and US Embassy in Tirana for the Presence's efforts to encourage cross-party dialogue—not least in the area of elections. In addition, with so many distinguished representatives present from American institutions with a close involvement in Albania, I would like to seek your help as well in encouraging Albania's politicians to display the same levels of personal respect and political maturity, which they universally respect in your society.

c. **Improving the Electoral Process**
Inseparable from my point above is the need for a free, fair and uncontested electoral process. The OSCE Presence, together with its partners in the international community, is totally committed to assisting the Albanians in working towards this. Therefore, your assistance in impressing on the country's politicians that they must work towards a process that permits the people freely to choose who governs them would be of the greatest benefit.

d. **Economic Regeneration: The Missing Link**
Arguably, economic regeneration and wealth creation are the missing elements, which ensure the sustainability of democratic institutions in practice. In Albania, crime and corruption remain a serious disincentive to investment, and without investment, economic regeneration cannot progress. At the same time, a country that lacks the internal wealth to generate adequate state resources cannot afford the strong, depoliticised and professional institutions of a modern democracy. Albania is a country of considerable natural wealth—with a considerable agro-industrial potential in particular—and yet many basic foodstuffs and other items still have to be imported. Employment and revenue generating investment need to be seen as an indispensable complement to institution and capacity building—and this is an aspect of democratisation to which the international community, as well as the Albanians themselves, should be paying more attention.

e. **International Involvement: Avoiding the "Repair Shop" Syndrome**
Finally, it is essential for Albania's democratic development that the international focus on Albania—at its height at the time of last year's refugee crisis—should not be allowed to slip. Albania's needs are still considerable, and meeting them will become even more challenging as the reform process moves from a predominantly legislative to an implementation phase. This will require increasingly close co-operation between the international players, not least to avoid duplication and wasted effort. The provision of a flexible co-coordinating

framework for international assistance was one of the purposes for which the OSCE came to Albania, and that purpose remains as valid today as it did in 1997. I know only too well from my past experiences how post conflict "repair shops" in the Balkans—if you will excuse the term—can divert attention from adjoining areas equally in need of assistance. Stability in Albania is vital to the success of what the international community is seeking to achieve in Kosovo and in the rest of the Stability Pact "zone". The lesson of the last two and a half years is that democracy in Albania is still a fragile and developing commodity, and the need for international attention and support is undiminished.