



**Organization for Security and Co-operation in Europe
P r e s e n c e i n A l b a n i a**

**Report by the Head of OSCE Presence in Albania
to the OSCE Permanent Council
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Introduction

During the past eight months since the last report of the OSCE Presence in Albania to the Permanent Council, Albania's political scene and institutions have focussed on the preparation of the forthcoming parliamentary elections, scheduled for 3 July 2005. The importance of these elections to meet OSCE commitments and international standards, both for the Albanian democracy and for the country's external aspirations, has been widely emphasized by Albania's international partners and acknowledged by the Albanian political representation.

Given the importance of the July 2005 elections, the Presence has been fully engaged in supporting the political and technical processes of electoral reform and electoral preparation. The Presence has facilitated the resolution of a number of political contentious issues, such as the composition of the Central Election Commission and the redrawing of electoral zones, while at the same time providing technical expertise to help improve the quality of the voter lists, the main problematic issue emerging from the 2003 local elections.

With the electoral campaign due to begin officially, a definite change in the style of the campaigns can already be noticed. Different from previous national elections, parties and candidates are outlining platforms and policy proposals that attempt to answer the quality-of-life concerns of the public. While the old-style accusatory rhetoric can still be heard, much of it has been displaced by debates over taxation policy or the size of government budgets on education and health. This progress reflects the developing voice of civil society and public interest groups, noted in previous reports. It also indicates a progress of Albanian politics, a token of departure from the starkly polarized system that has long characterized the country towards a system offering more substantive choices.

The evolution of the Albanian Assembly over the past four years into becoming a main forum for political exchange and debate illustrates these changes as well. The Presence's project to support the modernization of the Assembly has contributed to some of this change. Most specifically, the adoption of new Rules of Procedure at the end of 2004, captures this development by making the Assembly more transparent and accountable.

The promotion of transparency in policy-making processes and accountability of decision-makers has become part of many of the Presence's other initiatives and projects. In the area of legal and judicial reform, the Presence is supporting greater participation in the legislative process and more openness in the court system. In civil

society development, the Presence is supporting civic activism in local policy-making processes through the network of Civil Society Development Centres. The technical assistance provided by the Presence on media-related legislation is also critical to promoting a free, independent and responsible media.

In pursuing property registration, the Presence is also acting to promote greater transparency to combat corruption by clarifying ownership rights. This is a fundamental step needed to encourage economic development and long-term land management planning. It is also a prerequisite for resolving restitution and compensation claims, an issue in which the Presence is also playing a role, and for completing the privatization process.

In the fields of combating trafficking in human beings and police assistance, the Presence has been working to assist the Albanian authorities in implementing the Integrated Border Management Strategy and the National Strategy on Trafficking in Human Beings. This is being done by strengthening the Albanian border police through training on how to handle migrants, asylum-seekers and victims of trafficking as well as providing necessary equipment to improve their operational capacity.

The Presence's mandated activities in the fields of legislative and judicial reform, electoral reform, territorial administrative reform, parliamentary capacity-building, anti-trafficking and anti-corruption, media development, good governance and civil society development and police assistance are outlined in detail in this report. They are conducted in full co-operation with the Albanian authorities, with a view towards sustainability and government ownership, as well in close co-ordination with the Presence's international partners. The Presence is one of the four members of the Donor Technical Secretariat, alongside the European Commission, World Bank and UNDP, which supports the main donor co-ordination architecture. With the support of this donor co-ordination body, the government has recently passed its long-awaited Integrated Planning System, a policy-making mechanism designed to streamline and harmonize government planning and to improve donors' interaction with the government.

Overall, the Presence's mandate of 2003 continued to provide for a sound basis for its work. The consultation and transparency with the host country further progressed as all the Presence's principal project activities were proactively consulted with the Albanian government prior to their implementation.

Since last September, the Presence has operated slightly below its planned personnel strength of 120, mostly due to the vacancies which could not be filled partly because of the lack of qualified candidates, partly because of the provisional budget. The approved 2005 budget of the Presence represents a 3.2 % net decrease compared to the 2004 approved budget. In spite of that, the financial volume of the core-budget project activities has increased fivefold compared to 2004 (to approx. €260.000), thanks also to the savings made elsewhere in the Presence's budget. The volume of project activities financed from extra-budgetary resources has further increased in 2005. Out of a total value for all planned XB projects of €3.8 million, €2.2 million has been received to date, some of which includes multi-year funding.

Legislative and judicial reform (including property reform)

Legal and Judicial Reform The judicial system is considered to be affected by the perceived high level of corruption, resulting in low public confidence in the judiciary and related institutions. As one of the principal tools in the fight against corruption is transparency and access to information, the Presence has pursued a multifaceted approach to promoting transparency within the judicial system and the law-making process.

In October 2003, the Presence initiated the Fair Trial Development Project similar to initiatives undertaken by other OSCE field missions in the region. Whereas several international actors in Albania are involved in capacity building within the justice system through training and logistical support, the Presence is the only actor assessing the justice system by closely observing trials and providing first-hand assessments of how they can be improved.

In February 2005, the Presence published the *Fair Trial Development Project Interim Report*, focusing mainly on trial settings and logistical problems hampering the justice system during the initial period of observation from October 2003–July 2004. The report received wide recognition within the judiciary, and subsequently, the High Council of Justice asked courts in February to consider its recommendations. Court officials have generally agreed with the findings and see an interest in implementing the recommendations. Given the concrete impact of the *Interim Report*, the Presence is continuing with its Fair Trial Development Project and expanding it to cover in the final report areas and issues not previously discussed.

In December 2004, the Presence was asked by the National Judicial Conference (NJC) and the High Court to work together in improving judicial ethics. Although judges in Albania are often well acquainted with substantive and procedural law governing the cases they hear, issues of judicial ethics have not yet been sufficiently addressed to allow judges to have deep knowledge in this area—a deficiency acknowledged to the Presence even by judges on the High Court and the Ethics Committee of the National Judicial Conference. Moreover, the current Albanian Code of Judicial Ethics lacks any enforcement mechanism, leaving unclear the consequences for violating the code. The Presence and the NJC Ethics Committee have worked together since to develop an action plan for improving judicial ethics.

Judicial reform in Albania eventually must also include wider publication of court decisions. At present, only unifying decisions of the High Court and decisions of the Constitutional Court are required to be published. The Presence has found widespread willingness by Albanian authorities and courts to improve this situation. A plan also has been developed for the Presence to increase publication with the co-operation of the High Council of Justice. For this project and for other judicial reform efforts, however, further funding in the form of extra-budgetary projects is required.

As regards the process of law-making itself, the Presence has worked to promote greater openness and transparency. Most legislative drafting is currently carried out in the ministries, particularly in the Ministry of Justice, prior to being approved by the Council of Ministers and sent to the Assembly for approval. There has been some improvement in the past year in the consultative processes prior to the adoption of legislation, notably

since the creation of the Law Reform Commission, but it still occurs quite often that legislation is drafted very quickly and without involving interested parties or appropriate experts.

As a means of improving this situation, the Presence is co-operating with the Ministry of Justice to increase public participation in the drafting process. In January 2005, a group of ministry staff members undertook the first of a series of Presence organized study visits to explore the legislative processes in EU member states. At the request of the ministry, there will also be joint initiatives to begin building general public awareness of new legislation via newspaper announcements and television programmes. Additionally, Presence will be working with a number of NGOs to increase their capacities to provide comments on draft legislation as it is being prepared.

Property Reform The Presence helped to draft the Law on Restitution and Compensation of Property, approved after a year's worth of work in July 2004, to meet a constitutional obligation that had expired in 2001. The Presence has been subsequently providing support for the implementation of this new law by offering technical and financial assistance to the State Committee for Restitution and Compensation of Property since October 2004. Full implementation of the law has been hindered by the fact that many deadlines set forth in the law have passed without the respective Albanian institutions taking the necessary steps to fulfil their obligations. Nevertheless, the main pieces of secondary legislation have now been drafted with Presence assistance and many of the local restitution and compensation commissions (which are to implement the process) are now functioning. One of the key on-going activities of the project is to monitor implementation of the restitution law in order to help ensure a fair and transparent process. The Assembly recently voted to extend the deadlines for the submission of claims by a year until 2006, meaning that compensation payouts to potential claimants will not begin until 2007.

A main area of concern related to the potential size of state obligations under the compensation scheme remains, however. As one of its last acts, the Assembly approved the proposed Methodology of Land Evaluation in April 2005, prepared by the State Committee on the Restitution and Compensation of Property. The methodology estimates the value of agricultural, urban, and tourist land, as well as of the buildings on such land, which is necessary to launch the physical compensation of property to former owners. Prior to the approval of this methodology, the Presence, together with the IMF, World Bank and European Commission, expressed their concern to the Assembly that an independent review of the proposed methodology has not been undertaken and that in its current form, the methodology would potentially produce considerable budgetary implications (possibly of the order of billions of euro) directly impacting the government's ability to implement the country's socio-economic development priorities for years to come.

In late 2004, during the drafting of the subsequent secondary legislation, it became apparent that a comprehensive and fair solution to restitution and compensation hinges on a clear database of property rights, and thus, the Presence concluded the new restitution law cannot be implemented properly in those areas where property registration is not complete. The database of information required to adjudicate claims is secured only through a process known as "First Registration", which is the systematic

surveying, mapping and registration of legal title to immovable property. The main urban areas and coastal zones remain unregistered—the very areas where the land market is most active and where economic development potential is the greatest. Therefore, immovable property registration in these areas is an urgent matter. The Presence and the government's Immoveable Property Registration System have together identified 60 cadastral zones as priority areas.¹

In March 2005, Norway committed funding and USAID provided updated satellite imagery maps to the Presence to continue First Registration in the identified priority urban and coastal areas. First Registration activities are set to begin under the direction of the Presence in June 2005 and continue through 2007, at which time the government will be expected fully to take over the process. The government's Immoveable Property Registration System is currently unable to take full ownership of First Registration and carry it out at the necessary pace and scope due to its limited budget and human resources. Therefore, the Presence's work also entails pursuing, at a policy level, a longer-term strategy of sustainability. The Presence is also working with its international partners, in particular the World Bank and European Commission, to ensure donor support for a comprehensive initiative that will address the overall land reform and land administration strategy for Albania, including completing First Registration. Until that time, the Presence is filling the gap by assisting in First Registration so that the momentum, methodology and knowledge base are not lost.

The issues of property rights and security of tenure have a distinct impact on the social, economic and political aspects of the country. For example, the lack of secure property rights hinders the economic development of the country, is the main source of civil court disputes and contributes to corruption. Property registration information is the basic data needed to support a wide variety of initiatives such as the resolution of the restitution and compensation issue, the on-going process of government decentralization, urban and regional planning, improvements to the country's infrastructure, tourism development and natural resource management. Furthermore, continuing First Registration supports other Presence activities including the Municipal Support Project and the territorial administrative reform process.

Regional administrative reform

In September 2004, the Presence facilitated agreement between the government and the opposition paving the way for the establishment of a parliamentary ad hoc committee to oversee the issue of territorial administrative reform, beginning with reviewing the government-proposed bill governing the process of local government amalgamation. Given the overriding importance of the ongoing electoral reform at the time and the subsequent important role played by the Ministry of Local Government and Decentralization in the preparation of the elections, no substantial progress was achieved by the committee.

It is understood that the issue will be revisited after the parliamentary elections so that a potential timeline for local government amalgamation can be established prior to the

¹ According to information provided by the Immoveable Property Registration System, there are a total of 3058 cadastral zones in Albania, of which 2402 are registered. In rural zones, 2377 out of 2920 zones are registered (82%); whereas only 25 out of 138 urban zones are registered (18%).

2006 local elections. The Presence has been interacting with the Council of Europe's Congress of Local and Regional Authorities of Europe (CLRAE), which is also providing assistance to the Albanian authorities on this issue, so that a joint initiative can be developed.

Electoral reform

Following an agreement reached on 1 July 2004 between the governing Socialist Party (SP) and the main opposition Democratic Party (DP), the Presence established and chaired a Technical Expert Group (TEG) for drafting amendments to the Electoral Code in line with the joint recommendations made by the OSCE/ODIHR and the Council of Europe.² The group comprised both independent experts and experts nominated by political parties, and produced legislative drafts to be discussed and decided upon by a parliamentary ad hoc committee on electoral reform.

Lack of an agreement over the composition of the Central Election Commission (CEC) deadlocked the TEG as well as the ad hoc committee until an SP-DP agreement could be reached on 14 October. The agreement, facilitated by the Presence, stipulated that one member of the CEC would lose his seat and that the successor could be nominated by the largest opposition party, the DP. This agreement resolved one of the most controversial issues of past elections in Albania and also opened the way to the approval of the next steps of electoral reform, such as the legislative packages related to voter lists and to the start of the verification and registration of citizens.

Other important amendments drafted by the Presence-led TEG and adopted by the ad hoc committee on electoral reform were related to the composition of middle- and lower-level election commissions, which had been criticized in the past by ODIHR and Venice Commission for excessive dominance by the SP and the DP. The decision-making of such commissions was also modified to provide for their smooth functioning by removing qualified majority vote, which, although introduced in 2003 to boost confidence, proved to create deadlocks due to the politicization of commissioners. The qualified majority was maintained only at the CEC level and only for key decisions related to declaration of results and invalidation of elections.

A major novelty for the Albanian electoral process in 2005 will be the centralized vote count. In the past, poor infrastructure, insufficient training and over-politicization of commissioners had undermined the quality and efficiency of the count, which had been determined by a variety of Albanian experts to be the most problematic part of the whole process. According to the new legislative provisions, centralized counting will now be conducted at 100 counting centres under the authority of Zone Election Commissions (ZEC). This new provision will allow for a much more transparent procedure under full national and international observation, a factor particularly emphasized by the Albanian stakeholders. There are, however, several concerns regarding this process: the lack of experience and logistical difficulties, coupled with the late appointment of counters allowed by the law, constitute potential obstacles for a swift and correct counting procedure. The Presence has provided consultative assistance

² OSCE/ODIHR and Council of Europe Venice Commissions, *Joint Recommendations on the Electoral Law and the Electoral Administration in Albania*, Opinion No. 273/2004 (Warsaw/Strasbourg: 2 November 2004).

to ensure that the centralized vote count yields the expected value added and helps restore the confidence of the Albanian public in the accuracy and integrity of the electoral process.

Drawing upon advice by the Presence, other important changes were introduced to the procedures for administrative and judicial review of post election disputes. While significant changes were already made in the 2003 reform, the local elections of the same year showed the need to strengthen and improve such procedures in order to avoid to the maximum extent the abuse with the appeals system. This had led to the protracted, fragmented and uncertain nature of the 2001 parliamentary elections, as noted by ODIHR. The role of the CEC and the Electoral College, the judicial body tasked to review election appeals, in implementing the law will be crucial to the success of these regulations. A new set of rules for the funding of election process and political parties campaigns was also introduced. While the previous provisions stipulated embryonic regulations which could be easily abused, the new provisions introduced more comprehensive rules for funding, expenditure and disclosure of funding for election campaigning.

In December 2004, when the reformed Electoral Code seemed ready for adoption by the Assembly, the issue of electoral zone boundaries emerged as being crucial for the successful conclusion of the reform package. The hitherto delineation of zone boundaries often violated legal requirements, and the boundaries were widely considered to favour the incumbent majority. Because of this, the DP insisted that their approval of the Electoral Code was contingent on the redrafting of the zone boundaries.

Under the auspices of the Presence, another SP-DP protocol was brokered on 30 December, setting up another technical expert group, chaired by the Presence. While the group included only SP and DP nominated experts, other parties were invited to make their inputs into that work. This agreement opened the way for the Electoral Code to be approved by the Assembly in an extraordinary session held on 10 January 2005.

After lengthy, often acrimonious negotiations, a compromise agreement on the zone boundaries between SP and DP was eventually reached at the end of February. Although the new electoral zone map does not fully meet legal requirements in a limited number of zones, it still constitutes a significant improvement compared to the past electoral zones and provides grounds for a fairer competition. The Assembly approved the law on the new zones on 3 March, thus accomplishing the last task of the electoral reform before the forthcoming general elections.

In addition to facilitating the political process underpinning the reform of election legislation, the Presence has also provided further technical assistance to improve country's voter registers and raise public awareness as to the importance of citizen registration and verification of their data. This has been made possible through a large extra-budgetary project funded by the European Commission (worth 800 000 euro).

Through this project, the Presence has assisted the Ministry of Local Government and Decentralization in setting up 35 regional data input centres throughout the country as an additional resource for the mayors to prepare the voter registers. (The 72 computers were sent to Albania by OMiK.) On 25 April, the Presence handed over equipment for a

centralized data facility to the ministry to improve the accuracy of the voter registers by providing a means of cross-checking for duplicate names and other errors among the individual lists prepared by the local governments. This equipment will also be crucial in the longer-term, when Albania will establish a centralized and fully computerized civil registry.

With the further help of OMiK, the Presence was able to arrange a loan of 100 computers to be distributed to each ZEC. Furthermore, election-related training has been provided by the Presence to the Albanian electoral bodies and the police, mostly in co-operation with other international organisations (CoE, EU). Through additional donor support, the Presence is involved in galvanizing local civil society organizations, such as Mjaft! and the Blind Association, to be involved in the electoral process to encourage voter participation and to assist special voter groups.

It is also necessary to note that the political agreements reached between the SP and DP in 2004 foresaw the continuation of the electoral reform in Spring 2005. After the deadline for establishing another ad hoc body in the Assembly to that effect expired, the protagonists were quickly able to agree on deferring further electoral reform for after the 2005 elections. The next reform may include departure from the majoritarian electoral system.

In mid-May, the Election Observation Mission of ODIHR, established upon the invitation by the Albanian Government, deployed and has started to monitor the process, as mandated.

As of today, the prerequisites for better elections have been put in place, also thanks to the support provided by the OSCE. However, there are still a number of problems which, when combined, still have the potential of preventing Albania from having elections that will fully meet international standards. Ultimately, the contestation of the election outcome by the losers is the biggest trap to be avoided. The responsibility is clearly with the Albanian political parties and their leaders.

Parliamentary capacity-building

The closure of the last session of the 16th Legislature on 20 May, to make way for the election campaign, is the right occasion to recognize the significant developments within the Albanian Assembly over the past four years. During this time the Presence has been implementing its extra-budgetary project on Modernising the Capacity of the Assembly of the Republic of Albania, funded by the Netherlands. While the legislature opened with an opposition boycott following the 2001 elections, the Assembly has progressively become the central forum for political exchange and debate since then. The adoption of the Assembly's new Rules of Procedure in December 2004, has only emphasized the progress achieved towards strengthening the institutional capacity of the Assembly and making it a more transparent, operational and accountable body. The Presence supported the process of drafting the new rules by providing research materials and human resources, including consultants from the Finnish and European Parliaments.

The new rules provide for substantive improvements as regards parliamentary oversight, collaborative decision-making, budgetary autonomy, organizational development, and public transparency. The rules require changes to the structure and staffing of the parliamentary administration and strengthen its role in planning, budgeting, and administrative oversight. The increased transparency offered by the mandatory publication in a timely manner of transcripts of plenary sittings and minutes of committee meetings, will also help civil society groups and the media to hold the newly elected MPs accountable for their actions and decisions.

The framework of the Presence's work with the Assembly has adapted to support the ongoing reforms and, for the first time, there has been a subtle shift of momentum to the Assembly itself, as the management adopts a more proactive approach to implementation and change.

Anti-trafficking and anti-corruption

For many years, the fight against trafficking in human beings has been high on the agenda of the Albanian government, international organizations working in Albania and local NGOs. Successful law enforcement operations have stopped irregular border crossing to Italy by speedboats, thereby reducing the number of foreign victims transiting Albania. In spite of this progress, the number of Albanian victims currently being exploited in Europe remains high, showing that Albania is still a source country for women and children trafficked for the purposes of sexual exploitation and forced labour. While remaining a transit country for trafficked people, though in reduced numbers, internal trafficking is becoming an increasing concern. As everywhere, the number of documented cases, which is of the order of hundreds, is believed to be but a fraction of the total.

The National Strategy to Combat Trafficking in Human Beings 2001–2004, drafted with Presence assistance back in 2001, was partially implemented through three annual national action plans. Pending tasks, such as the implementation of witness protection procedures, as well as new strategic approaches were incorporated into a second National Strategy for the period 2005–2007. Shortly after a country visit of the OSCE Special Representative on Combating Trafficking in Human Beings, this new strategy was approved in February 2005 alongside the first National Strategy and action plan focused on the prevention of child trafficking, protection and reintegration of child trafficking victims, prosecution of child traffickers, assisted voluntary return of victims and co-ordination of anti-child trafficking actors for the period of 2004–2006, which had been pending approval for over a year.

The Albanian government is currently drafting a co-operation agreement to establish a national referral mechanism for all human trafficking victims in need of assistance and protection. The present assistance offered for victims of sexual exploitation by governmental and non-governmental relevant service providers should be finally linked and institutionalized. The agreement should incorporate assistance for child victims, which is not yet sufficiently in place.

Through an EU CARDS-funded two-year project on Pre-screening of Asylum-seekers and Migrants, the Presence, in close co-operation with its partners UNHCR, IOM and

the Directorate for Refugees at the Ministry of Public Order, is establishing an identification and referral system based on international human rights standards for foreign trafficking victims, asylum-seekers and other migrants in Albania. At this point, the entire Albanian border police (234 mid and high-ranking officers; 700 border guards) has been trained by the Presence and its project partners on the identification and referral procedures. The Presence has also deployed six national pre-screening officers attached to its field stations, who are in daily contact with the border and migration police to assist in cases and assist in the planned handover of responsibility of the system to the Albanian authorities. The first steps of the handover process were discussed during a national workshop in mid-May 2005. Within the framework of the project, a group of ten border police authorities are currently participating in a study tour organized by the Presence to Austria, Slovenia, Croatia, Italy, France and the United Kingdom to exchange experience on border and migration issues with their counterparts.

While witness testimony is an important tool in the fight against anti-trafficking there is a growing realization that there are aspects of anti-trafficking activities which have strong policing components and that go beyond the human rights dimension. Instituting a culture of intelligence-led rather than testimony-led police operations are believed to result in improved anti-trafficking efforts. With this in mind, the Presence has been assisting, since March 2005, the development of the concept of a specialized gender-balanced anti-trafficking unit within the Albanian State Police to be responsible for interviewing the victims of trafficking and also investigating cases of rape, domestic violence and other sex-related crimes. An important aspect of information gathering through such a unit would be the reduced reliance on the testimony of victims in court. This approach is based on international anti-trafficking experience where the active involvement of police women at an operational level has been a powerful incentive to the victims of trafficking to come forward to the police. The project, to be implemented with the involvement of SPMU in Vienna and the Police Assistance Mission of the European Commission (PAMECA) is conceived as a multi-year effort.

Media development

In the field of media development, the Presence has focused its work on two basic aspects, in line with the mandate and the identified needs of the media sector in Albania: (1) capacity building of media institutions and harmonization of media legislation with European standards; (2) increase of ethical and professional standards of the Albanian media. The guiding principle is to offer high-quality expertise to the media and media institutions to bring about a change towards development of more professional, responsible and free media in Albania.

In pursuing this goal, the Presence has worked closely with the Parliamentary Committee on Education and Media and the National Council of Radio and Television (NCRT), the state regulatory body for broadcasting. In response to earlier requests made by the Prime Minister, the NCRT and the media committee, the Presence provided the respective institutions with a thorough review of the existing and the draft Albanian

media legislation in October 2004.³ This assistance was made possible through the support of the Office of the OSCE Representative on Freedom of the Media and done in co-operation with the Council of Europe. The legislation on print media and digital broadcasting were a main focus of the lawmakers and the public during this period. On both issues, the Presence was asked for assistance and contributed significantly to shaping the legislation.

Upon request by the parliamentary media committee, the Presence has provided input to the print media bill, which has been a long standing project of the Assembly. The committee saw this law as a means to address the many problems faced by the print media, which have resulted in their unreliability, low circulation and high degree of dependence on politics and business. The committee approved the bill in March 2005 after lengthy public debates focusing on only one article (Article 10) to establish minimal selling prices for all newspapers and selectively exclude some media companies from bidding for public tenders. The committee vote came after an intervention by the OSCE Representative on Freedom of the Media, who wrote to the Speaker of the Assembly that the methods outlined in the controversial article were not appropriate for a media law and that the debate should focus on other aspects of the bill “in order to have a law that would be in full compliance with international standards”. The draft has not been put to a final vote by the Assembly until its dissolution on 20 May 2005.

Following the joint OSCE/Council of Europe comments on the proposed amendments to the electronic media law related to digital broadcasting, submitted to the Assembly in October 2004, the parliamentary media committee created a working group in December 2004 to draft a bill on experimental digital broadcasting in Albania. Although the analogue spectrum in Albania is still highly unregulated, the need for such a law came after an operator started broadcasting in digital terrestrial mode in July 2004, without legal regulation. The working group, comprised of representatives of the committee, the NCRT, the Presence and the Council of Europe, rapidly prepared a draft law in December 2004, to allow for an orderly transition into digital broadcasting, respecting the principles of pluralism, diversity and transparency.

In April 2005, the media committee of the Assembly adopted a substantially altered draft which, however, would have created a *de facto* monopoly for the only current operator in the market and would have departed from the transitional, experimental nature of digital broadcasting in an initial period. That would have undercut the efforts of the national regulator to produce a strategy for a planned development of digital broadcasting in Albania. In May 2005, the Presence made the Assembly aware of the opinion on the draft law, endorsed jointly by the OSCE Representative on Freedom of the Media, the European Radiocommunications Office, the Delegation of the European Commission and the Office of the Council of Europe in Albania. In the penultimate sitting of the plenary on 19 May, the Assembly wisely rejected the controversial draft.

In assisting the journalistic community to increase their independence and professionalism, the Presence was able to implement the first phase of its project on

³ The reviews included comments and recommendations to the electronic media law, the statute of the Albanian Radio and Television, the defamation legislation, the law on access to information, the draft law on print media, and two sets of draft amendments to the electronic media law on digital broadcasting.

Training local media on professional standards, and promoting transparency pertaining to access to information law thanks to a donation from the Dutch governmental organization Press Now. In-house training was conducted in several local TV stations in Kukës, Pogradec, Gjirokastra, Vlora, Shkodra, Lezha, Puka, Korça and Fier. The goal of the project is to raise professionalism of reporting of the media outside Tirana, help them focus on local issues and learn ways to localize the stories of national importance. The project is planned to be extended to all significant local media outlets around the country.

Good governance and civil society development

Civil society development The growing influence of civil society in Albania on the governmental decision-making process, as described in previous Presence reports, is continuing as more NGO and public interest groups are slowly beginning to take action on concrete issues. This has been particularly noticeable during the debate on the annual state budget at the end of 2004 and in the run up to the elections.

In this context, the Presence has directed its civil society development centres towards activities stimulating civil society interest in the local decision making process through discussing and disseminating information by developing a “visioning” process with their local communities. Comprehensive training sessions have been delivered not only to civil society groups, but to local government units as well, in order to improve and deepen co-operation on a local level. Over the past half year, CSDC activities have grown and services being offered have expanded.

Since the beginning of the project, the Presence has sought to ensure the long-term sustainability of the CSDCs. An important step towards this goal was taken in May 2005, when all CSDCs were finally registered as NGOs in accordance with Albanian legislation. This new status gives the centres certain rights and makes them implementing partners rather than dependencies of the Presence. A hand-over plan is envisaged to achieve full administrative independence of the centres by the end of this year. A roof organization, the National Network of CSDCs, will take over management of the centres from the Presence, which will monitor the process and gradually switch from a supervisory to an advisory role.

Gender As regards gender mainstreaming, although a gender equality law was passed in July 2004, the situation concerning gender equality has improved only incrementally. In order to address the underlying social and economic reasons for this, the Presence has worked closely with the Albanian Committee for Gender Equality⁴ by supporting its preparation of a 2005 work plan, including recommendations on its future structure, and the national report on the Beijing+10 process. The Presence also prepared comments for the working group of the Citizens Advocacy Group, which convened to draft a law on the fight against domestic violence. Furthermore, the Presence opened a Women’s Counselling Centre for victims of domestic violence in Kukës, northern Albania.

Good governance Within its mandate, the Presence’s work has also focussed on the support for Albanian institutions involved in the fight against corruption. In this

⁴ Former National Committee for Equal Opportunities, name changed after the first meeting of the Inter-ministerial Council on Gender Equality on 4 May 2005.

context, more than 120 inspectors from financial inspectorates were trained by the newly established High Inspectorate of Assets Declaration and Auditing, with substantial programmatic and technical support from the Presence.

As a follow up of previous Presence activities in the field of promoting transparency and good governance, a series of 10 meetings with students and business representatives was organized in co-operation with local universities of Albania during the period from December 2004 to January 2005 to discuss about business ethics. As a concrete result of the project, several of the concerned universities decided to include the subject of business ethics into their curricula.

Building upon its previous work in the field anti-money laundering, the Presence has offered further assistance to the Bank of Albania, namely in reducing the dependence on cash transactions and identifying suspicious operations and awaits their response to develop follow-up support programmes to the national efforts.

Police assistance

With other large actors such as the US Department of Justice police assistance programme (ICITAP) and the Police Assistance Mission of the European Commission in Albania (PAMECA) providing support and technical expertise to the Albanian Ministry of Public Order, the Presence has focused on working with the Albanian border police, which has received much less direct international assistance. The Albanian border police cite a number of major obstacles in meeting their goals under the Integrated Border Management Strategy: poor logistical support, lack of second language communications skills and constant personnel rotation leading to the loss of institutional knowledge.

The role of the Presence, cited in previous reports, in facilitating cross-border co-operation with UNMiK/KFOR in Kosovo/Serbia and Montenegro, has been crucial in keeping the lines of communication open over the past several months amid various organizational changes and other events. A tangible result of this has been the relocation of Albanian border police at Qafa Morina border crossing point closer to the borderline, thus enhancing the border guards capacity to survey all surrounding routes to the border. The benefits of this closer cross-border co-operation have contributed to the staging of joint operations against smuggling in the Qafa Morina area.

The effectiveness of the border police, however, is affected by the lack of sufficient equipment and technology, a situation that the Presence has tried to remedy, albeit with modest resources. In April 2005, the Presence donated several 4X4 vehicles to the Special Operations Group in the Kukës Region to meet their short-term equipment needs and increase their mobility. The second phase of the donation of the Presence's terrestrial UHF communications system, important for improving the border police's response times in dealing with emergency situations and incidents, was completed in April. Phase three will be concluded at the end of the year.

Material support from extra-budgetary resources includes the provision of solar panels for police stations near the border which suffer from frequent power cuts so that they can maintain constant communication with regional and central police authorities and

continue performing their duties such as computerized passport checks. The initial goal of the project sponsored by the Czech Republic and France is to provide continuous electricity supply to key departments in the Shkodra Police Directorate and key border posts in the region of Shkodra. It is envisaged that this initiative will be expanded along the border given that additional pledges of financial support have been received within the past month.

As the Albanian border police has recognized, the sustainability of increased co-operation across borders is also affected by limited second language communications skills. Earlier in year the Presence identified this deficiency as an area requiring concentrated training and developmental input. Three pilot locations along the border with Greece (Kapshtica, Kakavija and Saranda) were selected to undergo second language proficiency training with the assistance of the British Council. Implementation of this project will begin in early autumn.

Way ahead

The aftermath of 2005 elections, in terms of their conduct and outcome, will require the Presence to adjust its activities. The post-electoral internal political development of the country will hopefully prove the sustainability and efficiency of its democratic institutions and the country will continue to pursue its many aspirations, in particular further Euro-Atlantic integration.

Within a regional perspective, the issue of final status of Kosovo/Serbia Montenegro will be important also for Albania which has played a constructive role in the region. The anticipated regional events in 2006 arising out of the Kosovo status discussions should be borne in mind, in particular with respect to Presence's work in the security dimension.

The Presence will continue its work in the main programmatic areas, restructuring them along the three OSCE dimensions with a focus on furthering key Albanian reforms by providing expertise and, if requested, facilitating the underpinning political processes. The Presence will mainstream good governance and public participation in decision-making processes and gender equality in its principal activities, including projects.

More specifically, activities under the **politico-military dimension** of the OSCE will include continued *assistance to the police*, as per the Presence mandate, in particular through training and integrated border management through more specialised projects.

In promoting good governance the Presence will work within a new programme established to better support the priorities: the host country's *property reform*, including registration and restitution/compensation and the *regional administrative reform* and *good governance in economic and environmental issues*. The Presence's work will refocus resources to better support the regional administrative reform expected to receive new impulse by 2005 elections. The initial work done to develop local government support projects in 2005 will result in wider implementation in 2006. In supporting the national authorities' and civil society strategies in combating corruption and trafficking, the Presence will focus on key national actors and creating cross-

dimensional synergies. It will also continue promoting business ethics and small business development. Also raising environmental awareness and support to the national and regional environmental actors is envisioned.

Within the **human dimension**, the work will continue in further supporting *electoral and parliamentary reform*. With the prospect of local elections in late 2006, further support for electoral reform may be needed, if requested, as political agreements reached in 2005 already identified the importance of reviewing the entire Albanian electoral system (with potential constitutional consequences).

In the field of *rule of law and human rights*, judicial reform projects are aimed at combating corruption and increasing public confidence in the judicial system and improving human rights standards, especially in the areas of fair trial, juvenile justice, minority education, and workers' rights. The Presence will continue developing and reviewing relevant legislation and providing assistance to support systemic and structural changes in a variety of institutions, including the courts, prosecutor's offices and the People's Advocate Office.

The Presence, having been active in providing assistance on legislation regarding the *freedom of media*, will continue to assist in furthering professionalism of the media sector and in promoting media ethics. Support for the *civil society*, namely through the network of Civil Society Development Centres will continue, with increased emphasis on Albanian ownership in view of completing the process begun in 2005 of making the centres self-sustainable.

Within the donor co-ordinating framework, the Presence co-operates will continue to co-operate closely with other international organisations and donors active in Albania and pro-actively evaluate the programmes of others to ensure complementarity and avoid overlap. The Presence will also continue to play a key role as one of the four members constituting the secretariat of the Donor Co-ordination Architecture (alongside the European Commission, World Bank and UNDP). In that context, the Presence will support the operationalization of the new Integrated Planning System (IPS) of the Government with a view to progressing towards the Albanian ownership of the donor co-ordination process.

The Presence's project work will be mandate and demand-driven and based on full consultation with the respective host country authorities and transparency. The assumption of zero real growth underlies the Presence's submitted Programme Outline 2006; the overall ratio between programmatic and operational costs in the core budget will be retained. The Presence is planning to maintain its current personnel strength and will re-adjust its field station structure to increasingly support implementation of nation-wide projects.