

## The OSCE Presence in Albania: From a State of Emergency to a Consolidated State

Looking back at the report of the first Head of the OSCE Presence in Albania, Daan Everts, covering the years 1998/1999<sup>1</sup> that were so noteworthy for Albania, a sense of satisfaction cannot be concealed at seeing how far the country, and the OSCE Presence in it, have evolved. The OSCE Presence is therefore determined to continue in assisting Albania on its path to integration into the greater European community from which it was so long isolated. The OSCE established its Presence in Albania in March 1997 at the request of the government, shortly after a nationwide state of emergency had been declared because of wide-scale rioting in southern Albania. This was triggered by the failure of a number of large pyramid schemes, but the roots of the crisis lay deeper. Albanian institutions had come out of the long post-World War II isolation in a fragile state, and the period over the early 1990s had not been long enough to strengthen them sufficiently. This is not to deny the very real accomplishments of Albanians during even that short period, which proved to be something on which the country was able to build, in its return to normalcy.

Following the parliamentary elections of June 1997, which the OSCE and ODIHR actively participated in arranging and monitoring, Albania began that return to normalcy. A pillar of this was the enactment of a modern Constitution in November 1998 and the succession of laws that followed to implement it. The public order situation, anarchic in early 1997, gradually improved. This is not to say, however, that the return to normalcy was steady. In particular, it was interrupted by two major events, one internal and one external.

On 14 September 1998, the funeral of the assassinated Azem Hajdari, a Member of Parliament from the opposition Democratic Party, triggered serious civil disorder in Tirana's central square. The Office of the Prime Minister and other major ministries, within arm's reach of the building of the OSCE Presence, were attacked and heavily damaged. Though order was quickly re-established, this situation led to the resignation of the then Prime Minister, Fatos Nano, and his replacement by the young Euro-socialist Pandeli Majko. During Prime Minister Majko's office of just one year, shortly after the end of the civil disorder, not only was the Constitution enacted, but Albania was confronted by the crisis in Kosovo. As the world press showed, Albania received and sheltered hundreds of thousands of Albanian Kosovar refugees,

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1 Daan Everts, *The OSCE Presence in Albania*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook 1999*, Baden-Baden 2000, pp. 271-282.

perhaps close to half a million. The small city of Kukës, 16 kilometres from one of the major border crossing points with Kosovo, was one of the centres of this crisis. The then Vice Prime Minister Ilir Meta made it his headquarters, while an Emergency Management Group (EMG) in the Council of Ministers in Tirana dealt with the crisis there. The OSCE Presence contributed a lot of time and effort to the EMG, in addition to providing border monitors throughout the crisis, as well as during the period before.

Fortunately these high-intensity events, did not last long. While Albania may have been more affected by such events than some other countries, the two years after the Kosovo crisis ended have been calmer. But they have been interesting and important years nonetheless, as Albania has continued to recover from the anarchy of 1997, and after the interruption, has once again begun to progress towards a consolidated democracy with mature and functioning institutions.

Now that Albania is quiet, much international attention has shifted to other parts of the world and, indeed, other parts of the Balkans, for example the former Yugoslav Republic of Macedonia. The fact that ethnic Albanians in that country are at the focal point of the problems there underlines something that should not be forgotten, even though Albania itself is not in the news: Security and co-operation in the Balkans inevitably involve the Albanians, who, in addition to living in their home country, are present in varying numbers in Kosovo, Montenegro, Serbia (outside Kosovo), the former Yugoslav Republic of Macedonia, and Greece. The OSCE Presence in Albania, in co-operation with other OSCE missions throughout the region, has an important role to play. This role includes continuing to observe and assist Albania's maturing institutions and its civil society as well as facilitating the exchange of information beyond Albania's own borders and working on joint projects with other OSCE operations and international or national organizations in general.

#### *Our Mandate*

The OSCE Presence in Albania has one of the broadest mandates of all of the missions established by the OSCE. This is in part related to the circumstances under which the mission in Albania was set up. On the basis of a series of Permanent Council decisions, we have been tasked with providing advice and assistance in the fields of democratization, the media and human rights. Our mandate also includes assistance with election preparation and monitoring, ensuring the flexible co-ordination of the efforts of the international community in general, and monitoring the collection of weapons. The co-ordination section of our mandate has been institutionalized in the form of the umbrella organization known as the "Friends of Albania", which was set up after the civil unrest of 1998. This group of countries supporting Albania and other

parties is chaired locally by the OSCE Head of Presence and convenes internationally under the chairmanship of the OSCE and EU in Vienna and Brussels.

We have worked actively on all the aspects of the mandate. Currently, the sectors at our headquarters include the "Friends of Albania", election co-ordination, decentralization and local government, NGO and gender, plus certain aspects of economics and the environment. We also actively monitor the parliamentary activities and maintain press and political sections as well as a liaison with the Council of Ministers of Albania. Last but far from least, the OSCE Presence maintains a Legal Counsellor's Office (LCO), consisting of both foreign and local lawyers and making up what is probably the largest law firm in Albania. The LCO includes our Human Rights Office (HRO), and its functions are wide-ranging. It provides legal advice of all kinds to the Head of Presence and other members of the Presence as well as analysing and commenting on Albanian legislation and acting as co-ordinator of the numerous legal reform efforts going on in Albania. The HRO has been the depository of hundreds of human rights complaints, which have been investigated and processed. It has also worked closely with the new institution of the People's Advocate (Ombudsman), which was created under the 1998 Constitution and began activity early in the year 2000.

The overriding priority of our mandate, of course, remains our role in conflict prevention, which includes undertaking preventive diplomacy when appropriate. This requires flexibility to deal with situations as they arise and is illustrated by the activities we are currently carrying out in the aftermath of the parliamentary elections of 2001. We receive complaints, refer them as necessary, and in some cases investigate them directly or through our field stations. We may take other action in particularly sensitive cases, as recently when we joined ODIHR representatives in staying most of the night in one of the zone election commissions until a heated situation had calmed down and the votes of the zone were tabulated. We then accompanied the ballot box transfer to the Central Election Commission (CEC).

Looking to the future, we plan, among other things, to continue our efforts at reducing the prevailing confrontation between Albania's main political forces, a process to which many within and outside the OSCE Presence have contributed and which has gradually borne fruit. In 1997/1998, the main opposition party neither attended Parliament nor participated in elaborating the Constitution. This boycott was ended, and with any luck will not occur again. When the parliamentary elections are completed, our local government and election specialists will turn to the less dramatic but highly important area of decentralization. Albania has adopted the Council of Europe's Charter on Local Autonomy and enacted a number of decentralization laws pursuant to it, but the test remains ahead. The LCO is undertaking ambitious projects for monitoring and encouraging the implementation of numerous new Albanian

laws, such as the Law on the Status of Civil Servants, which has the potential to change the face of Albanian public administration.

In collaboration with the Netherlands Development Organization (SNV), we will soon open five civil society centres in various parts of Albania, permitting a concentration of resources that will strengthen local NGOs. The first or one of the first of these will be in Kukës, in the extremely poor north-eastern part of Albania. The contribution of Kukës in facilitating efforts to cope with the 1999 Kosovo crisis must not be forgotten. Also in this connection, and in our role with the "Friends of Albania", we are concentrating on co-ordinating efforts for the economic development of this region. To conclude this brief overview of plans for the coming year, we will also expand our efforts in media development and political party development, and turn our attention to the Albanian Parliament as one of the institutions that are to be further strengthened.

### *The Field Stations*

The network of field stations of the OSCE Presence in Albania has grown to the current number of ten. In addition, there is a liaison office in Albania's capital city of Tirana, which is also the headquarters of the OSCE Presence. Each field station is staffed by two to four international and local staff, to guarantee an optimal balance. In addition to providing regional support for all Presence activities, the field stations play an active role in their local communities.

Through our field stations, the OSCE Presence provides something unique. No other international organization reaches so deeply into the heart of the country. Indeed, the network of field stations of the OSCE Presence in Albania is also unique in comparison to other OSCE operations. The benefits of this network are two-fold in that it has effects inwardly and outwardly. The OSCE field stations are in many cases the only contact Albanians in remote areas have with the world outside Albania. Thus, the field stations receive questions from, and can be useful sources of information for local residents. It is equally important that the field stations not only provide support to sector heads at the Presence headquarters, but are also available to assist other international organizations. ODIHR, for example, has expressed its appreciation for field-office support of their long-term and short-term observers in the recent parliamentary elections.

As in all operations of the OSCE Presence, flexibility is a key concept for the field offices. For example, as the activity of extremist Albanians and the Macedonian army grew more intense, the four field stations located near the Albanian-Macedonian border were able to divert some of their manpower to increase monitoring in the border region.

### *Co-ordination*

Co-ordination is a highly important factor in the environment of countries like Albania, where there are many international and local players pursuing diverse and overlapping programmes and goals. The need for co-ordination cannot really be overstated. This part of our mandate has been institutionalized in the "Friends of Albania" framework, but whether or not it has been institutionalized, it will remain a crucial part of the mandate. Indeed, in the coming year we hope to promote a greater sharing of responsibilities with other international organizations within their respective fields of competence. Given the need for leadership in co-ordination, and that flexibility is an OSCE hallmark, we have been supporting the regional anti-trafficking initiative of the Albanian government. Moreover, we have played a leading role in co-ordinating this initiative which includes a daunting number of international organizations who are trying to put an end to trafficking. We will do the same in other areas, like that of organized crime.

### *The Electoral Code*

While the mediation role of the OSCE Presence, which was frequently demanded during the first two years of its existence, has been undertaken more rarely as the country matures, it has remained a role that we can and do play whenever appropriate. One of the most important examples of this in the last two years of our operations in Albania was in the development of the Electoral Code.

Because of changes made in the new Constitution, it was necessary to amend Albanian electoral legislation substantially before the local government elections of 2000 and the parliamentary elections of 2001. The Albanian government decided to produce a comprehensive Electoral Code that for the first time in Albanian history would cover all elections and referenda instead of dealing with them piecemeal.

While, as noted above, incidents of boycotting or refusing to acknowledge the country's major institutions have become less frequent, the entire electoral environment remained very sensitive. It was a complicating factor that the new Constitution had for the first time attempted to create an independent Central Election Commission in Albania. Especially given the history of recent election turmoil in the country, the idea of an independent CEC was welcomed by some, but many remained dubious about it. Among other things, the opposition parties accused the constitutional organs charged with selecting CEC members of being one-sided or dominated by the ruling party. These accusations were also levelled at the President, who is not a member of any party, but was elected by the socialist-dominated Parliament in 1997.

While the government was working on its draft of the Electoral Code, in January 2000, the Head of the OSCE Presence hosted a meeting of all the parliamentary parties to discuss it, as well as procedures for the forthcoming elections, with a view to seeing that they would be less contentious than previous elections. Out of the first meeting came a plan to convene a technical group consisting of experts from political parties and the international community. For a back-breaking month, from early March to early April, five representatives of the ruling coalition, five representatives of the opposition and five representatives of the OSCE Presence, the Council of Europe and the Washington-based International Foundation for Electoral Systems (IFES) met six days a week at the headquarters of the OSCE Presence. Every clause of the government's draft was up for discussion.

One cannot claim that this process went smoothly. Indeed, for a few days at the beginning of the process and a longer period at the end, the representatives of the opposition refused to attend. This month of six-day weeks proved too short for a complete airing of each article of the Code or even all the important ones. Finally, when the Code went to Parliament, some changes that neither the international community nor the opposition had agreed upon, had been introduced. However, many significant results were achieved. The intensive period of co-operation between representatives of the Albanian government, political party representatives and international experts led to much more agreement than is generally the case with foreign-influenced legal reform. As the next section will show, the Electoral Code that came out of that month of all-party talks stood the test well in the local government elections that followed in the autumn of 2000 and did so also in the parliamentary elections of June-August 2001, although some problems observed are to be worked on in the future.

#### *The Elections of 2000 and 2001*

Since election assistance and monitoring is a very important part of our mandate, and of the operations of the OSCE/ODIHR throughout the region, our major focus in both 2000 and 2001 has been the two sets of major elections that took place in Albania. On 1 October 2000, the Albanian people voted for the first time since the autumn of 1996 for the mayors and councils of Albania's 65 municipalities and 309 communes; two weeks later run-off elections were held. These were the first local elections held after the new Law on the Decentralization of Local Government had gone into effect and, as noted above, were the first elections of any kind held under the Electoral Code that had been worked out with so much effort earlier in the year.

On 24 June 2001 (again, run-off elections were held two weeks later), Albanian citizens went to vote for their representatives in Albania's single-house legislature, the so-called Assembly. While at the time this article was written,

the actual composition of the Assembly and the government coming out of these elections were not known, several important points can be made.

Perhaps the first thing to be said about both of these elections is that they occurred at the end of a full term. This fact in itself is a sign of the increasing stability of Albania. When the OSCE first came to the country in 1997, it was to supervise parliamentary elections that would take place, pursuant to a negotiated compromise between the country's major political forces, just a little more than a year after the previous, heavily disputed elections. And after the elections of 1997, the President of the Republic, elected to his second term by Parliament only three and a half months earlier, resigned during a term that still had more than four and a half years to run.

Another general comment is that despite a few problems, the previously untried Electoral Code proved its worth. An extremely positive development has been the striking improvement in operation of the CEC itself between the time of the local elections and the parliamentary ones. As noted, many were dubious that an independent CEC could succeed in Albania. It had begun functioning only four months before the complex local elections were to take place, and its performance in those elections was criticized by the ODIHR, among others. Assisted by new personnel, but also having gained experience, the CEC, so far, has managed the parliamentary elections much better. This does not mean that those elections were run perfectly. However, the idea of the 1998 Constitution, implemented by the Electoral Code, to have an independent, professional CEC that manages and directs all aspects of Albanian elections has begun to work.

While many local and international persons and organizations participated in the electoral events of the past two years, the OSCE Presence has been at the centre of them, performing its multiple roles of co-ordination, assistance, information gathering and monitoring. This will continue to be our task until all aspects of the parliamentary elections are concluded, and thereafter we will actively review the lessons to be learned from the elections and work with the government and interested parts of the international community to set the stage for even better elections to come in the future. The election of the President by Parliament next year will be the first step; local government elections in 2003 will be the second, as the 1998 Constitution now mandates a three-year term for the institutions of local government.

#### *A New Partnership*

The parliamentary elections mark a milestone - hopefully positive - not only for Albania but also for the OSCE Presence, which began its operations in Albania just before the last parliamentary elections. At the time of these earlier elections, Albania was in a state of emergency, its institutions fragile or non-existent. Now the institutions have been strengthened substantially, or

even, as in the case of the People's Advocate and the CEC, created and nurtured. A new Constitution is in effect. The country has returned to normalcy, and after ten years of a difficult transition from a one-party state to a pluralistic system, it is poised for development. Thus, the role of the OSCE Presence in Albania does not need to be what it was; it can and should be primarily what the Albanian government and people need and want at this time of further consolidation.

Albania has just received a cautious green light from the European Union to open negotiations for a Stabilization and Association Agreement. It holds the rotating chairmanship of the South Eastern European Cooperation Process. It has hosted chair meetings of Stability Pact structures and participates actively in all its Tables. It seeks further integration into European and Euro-Atlantic structures. It holds the promise of being a stable and stabilizing force in the historically turbulent Balkans.

Within its broad mandate and with the four years of experience it has had in all aspects of political and civil life in Albania, the OSCE Presence can in these and many other areas continue to carry out the co-ordinating function that it has been performing for many years now. But beyond this, it can seek to work both with the Albanian government and with Albanian society in a new partnership that will serve the needs that they perceive. Many of our current priorities, like the civil society centres, are designed to this end.

All too often, foreign organizations seek to impose their ideas of development on their host countries without really listening to the people of the host country. A frequently heard Albanian saying comes to mind: "Only the owner of the house knows where the roof leaks." For four years, the OSCE Presence has been treated like an honoured guest in Albania, which is, indeed, the Albanian tradition for all guests. Now, perhaps, it is time to become more of a partner than a guest, as Albania enters a new phase of its transition, with a stronger, more consolidated state that has set clear priorities. Our assistance can be as valuable as ever, if channelled in the proper directions. And that is our aim for the years to come.

The OSCE Presence in Albania has been impressed by the high degree of cooperation and hospitality extended to it from all walks of life in Albania - from the highest political circles to the people in the street. The OSCE Presence wishes to express its heartfelt thanks to our Albanian hosts.