



INSTITUTE FOR DEMOCRACY AND MEDIATION

National Conference

*“20 Years of Security Sector Reforms
in Albania”*

... towards a new generation of reforms

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Opinions and views expressed in this publication do not necessarily reflect the views and policies of the organisers, donators and those who supported this event.

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WHY THIS CONFERENCE ?

Twenty years ago, Albania started a long road towards democratisation and modernisation. Reform of the security sector is an important part of the democratic transformation in Albania. Important standards are achieved in establishing civilian control of the Armed Forces, and in reforming and improving their ability to participate in international peace-making operations and other international military exercises. Other security sector institutions have also achieved higher European standards. However, comprehensive democratic governance of the security sector and continued modernisation of the legal framework for such sector still remain a challenge. Despite all these achievements Security Sector Reform in Albania is still an unfinished business. In particular, there is a need to improve democratic governance of the security sector in terms of parliamentary and public oversight, openness and transparency. Further reforms are needed in order to improve management, coordination, and division of labour between the different security actors. Another key area for further reforms is the development of an effective accountability system. In order to fully meet the required NATO and EU standards, a new generation of reforms is needed. These particular fields of reforms over the years, with a special focus on the current status in Albania's reform process and the way ahead stand at the centre of this overwhelming initiative.

The Institute for Democracy and Mediation (IDM) has through a large number of research projects and other activities over years, in cooperation with partner institutions in the Western Balkans and other international partners, especially the Geneva Centre for the Democratic Control of Armed Forces (DCAF), analyzed Albania's security sector and collected information on important components that could be part of a new generation of reforms. In view of giving the security sector reform a new momentum, IDM in partnership with DCAF and in close cooperation with the Albanian Government, Parliament and security sector institutions and with the support of key international partners such as the

OSCE Presence in Albania, the US Embassy in Tirana and the EU Delegation Friedrich Ebert Stiftung organized in Tirana on 15-16 March 2012 the national workshop “Twenty Years of Security Sector Reform in Albania: Towards a new Generation of Reforms”.

Launching a new generation of reforms, building on what has already been achieved and bringing the reform process in the security sector to its conclusion, was the rationale behind the initiative, undertaken by IDM. The main objective of the workshop was to promote the need for launching a new generation of Security Sector Reforms by engaging in a genuine dialogue with the key stakeholders of this sector, and by stimulating a forward-looking discussion on Albania’s challenges and how to meet them.

The IDM led the preparatory process up to the final conference with the aim to review the achievements of the security sector reform process in Albania in the course of the past two decades, defining the remaining challenges, and identifying ways and means to pursue the process through a new generation of reforms. Several institutional working group discussions were organized with the targeted security sector institutions separately with the aim to review and discuss on the SSI achievements, problems and future challenges. Accordingly, with the purpose to inform the respective institutions on IDM’s stand point and trigger a preliminary discussion that could be further debated during the workshop, IDM prepared a working document with the main problematic and concerns identified on the most important areas for improvement of the security sector. These position papers were disseminated to each institution individually to invite them to critically assess them and the recommendations included.

Several meetings were arranged also with the partners of this event the representatives of DCAF, the OSCE presence in Tirana, the EU Delegation in Tirana and the US Embassy in Tirana in the course of the preparatory phase, to discuss and continuously update on the overall progress and to get their input for the overall preparatory working activities with the targeted security sector institutions.

The national conference raised the interest of the stakeholder and the participation of more than hundred of participants. This included current and former senior officials from the Albanian security institutions (State Intelligence Service, Military Intelligence Service, General Prosecution Office, Albanian State Police, Albanian Armed Forces) members of Parliament and permanent parliamentary committees on National Security, Legal Issues, Public Administration and Human Rights, and on Economy and Finance Committee, representatives

from several government institutions (Ministry of Interior, Ministry of Foreign Affairs, Ministry of Defence, Ministry of Justice), and also representatives from other public institutions such as the Ombudsman, the Commissioner for Personal Data Protection, the Commissioner for Protection from Discrimination, the Supreme State Audit Institution, The Procurement Advocate and the High Inspectorate for Declaration of Audits and Assets. Representatives from Albania's security sector participating in the workshop were able through their general knowledge and practical experience to contribute to the overall improvement of the security sector management, coordination and operation. Other senior practitioners from the field, including the international participants, were able to propose concrete solutions. Moreover, professional national and international experts as well as other interested parties from academia and civil society tried to reach a common understanding on major concerns by serving the whole process of reforming and improving the security sector.

The structure of the workshop consisted of three main thematic areas elaborating the following key issues for improvement: the constitutional and legal framework of the security sector; the management and control of the security sector by the executive branch of government and the effectiveness of parliamentary control and oversight of the security sector. The discussions addressed the need for harmonisation of legislation in the security sector, in order to streamline roles and responsibilities of various actors, but also the lack of harmonisation of the legislation on various security actors with the international commitments that Albania has endorsed in the last ten years. Debatable issues involved the legislature and the executive as the two key branches of political system that are responsible for managing and controlling the security sector. Improving the executive control of the security sector was another key issue that addressed the current state and concrete proposals based on international best practices as well as on the national experience. The panel on the role of the Parliament in the oversight and control of the security sector paid great attention to aspects such as institutional performance and achievements of the objectives, as well as in terms of financial oversight of the budget of different security actors.

Four parallel panels were organised along with the three main panels. The first panel discussed the role of the independent media and think tanks in monitoring the processes and shaping the public opinion and how may the accountability of the security sector be increased towards the public. The second panel on corruption in the security sector tried to address some key problems and contribute to identifying corruptions risks in the defence and security sector.

The third panel discussed the role of Independent Oversight Bodies in security sector reform that provided an assessment of the performance of the IOBs by looking at the scope of their mandate, the legal framework through which they were created and function, their available resources with a special focus on their relations with the security institutions. The fourth panel discussed issues concerning the role of the judiciary and its contribution to the security sector reform processes, while exploring potential ways on how to reshape the interaction between the two sectors and to provide the judicial oversight with a new momentum.

WELCOMING SPEECHES

Sotiraq Hroni

Executive Director - Institute for Democracy and Mediation

Distinguished participants, Honorable Mr. President, Excellencies, Ambassadors, Ambassador Yvana Ezler, Ms. Jones, Mr. Redford, Mr. Rumbold, Mr. Flury, Honorable Director General of the State Police and Heads of Security Sector Institutions.

Allow me to first start by thanking you for accepting our invitation to participate and contribute in this conference, organized by the Institute for Democracy and Mediation. Second, allow me to sincerely thank you, since it is because of your support and encouragement that we are organizing the conference “20 years of Reforms in the Security Sector: For a new generation of reforms”. Confronting what was achieved during these years with the challenges faced by the security sector reforms this conference aims at generating synergy among all the stakeholders taking part in the process. The orientation of this initiative towards the starting of a new generation of reforms in the security sector is in coherence with the responsibilities of our country as a NATO member, as well as benefits the attempts for fulfilling the necessary objectives regarding the country’s EU membership.

The main focus of the conference is democratic governance in the security sector. We believe that a security sector that is not governed according to the principles of good governance cannot be efficient and cannot operate effectively. Understanding the importance of these principles and creating the premises and capacities for their successful implementation serves as an orientation for defining future priorities of Albania. Best practices and hitherto experience constitute a consolidated starting point for this conference’s discussions.

During this opening speech I would like to briefly inform the participants that this conference has two particularities. First, it is the outcome of a long work of our organization, the IDM, which, in cooperation with security

sector institutions has tried to encourage undertaking of policies and further reforms. Moreover, as a result of several months of work IDM has actually enabled intertwining of reform-related concerns identified in years. To this end, we have closely cooperated and shared efforts with all the participants attending the conference and with the actual agenda of public institutions. Second, this conference is organized under the Chatham House Rules.

I am very satisfied and honored to see the highest ranking participation of public institutions in today's conference. In addition, discussion from the international experts, all well-know to you, related to the good governance of the security sector and the fruitful discussion during today's panels can lead to achievement of the ambitious objective we, as organizers of this event, have set to ourselves. Maybe this event can serve as the start point for a new generation of reforms.

Last, but not least, honorable participants, let me thank all the partners supporting this conference: the OSCE Presence in Tirana, Friedrich Ebert Stiftung, and the Embassy of the United States of America and the European Commission Delegation in the country. I would like to address special thanks to the Geneva Centre for Democratic Control of Armed Forces (DCAF) for the long term partnership with IDM and to emphasize our deepest appreciation for the importance attached to this conference through the presence of DCAF Deputy Director and the presence of high experts coming from several European countries, all providing the best forum to share opinions and best practices in the sector. The above-mentioned partners were not only financial supporters of the event, but also supporters, encouragers, active participants in all processes realized over the last months. It is our sincere hope that the panelists, the speakers, and especially the moderators will encourage active interaction and concrete contribution of all present. Your thoughts and opinions about the developments within the last 20 years and the way forward are very much appreciated.

I would like to once again thank you for your presence and to wish us all a very productive day!

Ivana Ezler

Ambassador of the Republic of Switzerland

Honorable participants,

As a representative of Switzerland in Albania, I am particularly happy and proud that DCAF is bringing its expertise into this ongoing debate. DCAF has been a longstanding partner of Governments, Parliaments and Civil Society in this region and it has provided a helpful and substantial expertise in a complex, but very crucial topic. I am, therefore, convinced that this workshop, taking stock of what has been achieved and discussing what still lies ahead, would be a further step in the efforts undertaken by the Albanian authorities to reform the security sector in Albania and bring it in line with internationally recognized standards. With my greetings and best wishes for a very successful workshop, I hope that you will have a fruitful and rich discussion during these two days.

Thank you!

Deborah Jones

Deputy Ambassador - US Embassy in Tirana

Good morning Mr. Meidani, Mr. Majko, Ambassadors, Members of Parliament, Ministers and my distinguished colleagues on the panel this morning!

Thank you very much for inviting me to this conference, very important conference, today. I would like to begin by thanking Mr. Hroni, Executive Director of the Institute for Democracy and Mediation for organizing this conference. It is our view that the Institute continually hosts some of the most important conferences to discuss very vital issues affecting Albania and we applaud their efforts. I also would like to compliment the Institute for selecting security sector reform as a topic for open debate at this conference. Albania has made important strides in reforming its security sector over the past 20 years and the United States is proud to have contributed to this effort. As you are likely aware, the United States is a key contributor to the Albanian government's efforts to reform the security sector. Firstly, through our offices, such as our police assistance program (ICITAP), our prosecutorial and judicial development training, and assistance program (OPDAT), USAID, and our export control program called (EXBS).

Also our Office of Defense Cooperation (ODC) has made important, vital, and substantial contributions in supporting reforms. We are assisting the Albanian Armed Forces in the midst of re-organization as they re-structure into a mobile, deployable, and inter-operable NATO force. Some progress has been made and much more is needed, and is being done. The United States will continue to assist in this process. We are working closely with the Ministry of Defense and other ministries on the strategic defense review as a means to reform the defense sector. This is a two years programme in which inter ministerial groups will need to work closely together to develop a consensually and agreed upon blueprint for the future of Albania. Through our ICITAP and our EXBS we have assisted in border control and border management issues.

More needs to be accomplished. We will work together and we will continue our efforts with our partners to support progress. Halting smuggling and cross-border transport of weapons, drugs, people and other illicit materials is a global challenge. Strong and effective inter and intra government coordination

is vital. Since the EXBS Program began in 2003 in Albania, the programme has provided almost 4.5 million dollars in training, equipment, and support, to support the development of an effective strategic trade control system and related border security capabilities. We must take a comprehensive approach that incorporates not just the military and police, but also the entire public security and justice system. To this end, OPDAT and USAID, our offices there, develop and implement programmes to strengthen and improve the workings of judicial system. Albania has made important strides in the past 20 years; it is progressing country that needed the support of the international community to becoming a vital member of NATO. Now it is not able to send only just soldiers, but police trainers and mentors to other countries to assist in international operations. We urge all actors, the executive branch, legislative branch private sector and the public to continue their efforts to the security sector here in Albania.

Thank you!

Dan Redford

Deputy Ambassador - Organization for Security and Cooperation in Europe (OSCE), Presence in Albania

All guests and my friends in the panel, Ladies and Gentlemen, good morning!

First of all, can I say on behalf of the OSCE Presence how pleased I am and thankful to Mr. Hroni again for the excellent work, really excellent work in the preparation of this and many previous conferences. The OSCE Presence is delighted and pleased to be supporting one of your events.

Can I start my comments by saying that the issue of security of any sovereign country will always be crucial and sensitive, as it entails the continuance of its own existence? A state cannot exist without some security guarantees regarding its borders and its peoples. Even in the start of the 21st century security remains a major international concern as the world continues to be unpredictable. It is the duty, I am sure we can all agree, for the state to balance long-term security, on the one hand, and more immediate interest of the peoples, on other. I think that if that can be put more simply, the question would be: Is the priority of a state schools or weapons? In any country this dynamic can only be sorted through the balance between work with and among state institutions.

Is the checks and balance system effective in the state when it comes to security? I think in answering this question, we should remember that security is enforced by means of power, which can include potential violent instruments, such as the armed and police forces. So, to say when democratic institutions are not fully in place, when the ruling pair is not completely based or commits with democracy, the rule of law and individuality in any country, the use of force can be necessarily a form of result. In such circumstances, security sector could be misused, or at least diverted. I think here, we hit the core of the today's event: democratic governance in the security sector. Democracy, we would contend in a modern state, usually means the citizens choose their representatives who are going to discuss and approve legislation and regulation to govern the country. This principle has never had anywhere any perfect implementation, any. History has taught us that democracy is a fragile creature and this is why we need to remain vigilant and to continually look to strengthen the existing system of democracy, the rule of law and human rights. That is why we need to make sure that it works efficiently to the benefit of the people. I think, if I made totally

self indulgent here, I remind of an English constitutionalist Edmund Burke who said that “the greatest security of the people against the unconsciousness and selfishness of their superiors is to keep the spirit of liberty constantly awake is an undeniable truth.” So, security sector reform is a process, and the fuel of the engine of this process will be the states will to meet its legitimate and legal responsibilities to ensure peoples personal and collective security. So how can we assess where the Albanian security is looking good? For, example we are in Albania today, and you are very fortunate that you have traveled, here but is it in good shape? To be totally sincere, and having perhaps a couple of years in this country, I think sometimes the facts speaks far loud than the milieu words. To answer the question and just travel throughout the territory of Albania, you will see Albania as a stable and secure country. For this due praise must be given to successful governments of all political persuasion.

In the Albania of 2012, security sector reform is clearly in motion and moving along the right track. For more than ten years, the OSCE Presence has assisted the State Police in its fight against organized crime and border management. The OSCE Presence has helped reform and professionalize the police structures, provided proper trainings in those areas identified and when requested. We all know, I think don't we, when the problems used to be some years ago we can easily assess that progress has been made. On the side of the Ministry of Defense, we can also see what has been realized to meet international standards structures and also downsizing their forces. In order to support the ministry, the OSCE has worked in the field of demilitarization by providing equipment for the destruction of conventional ammunition.

However, could we speak about the security in Albania without mentioning the international and regional framework? No. From an OSCE perspective, we cannot afford to disconnect from the regional environment which it lays. Although your conference will focus on Albanian security system, Albania is not an island, but part of a region, part of the Balkans, part of Southeast Europe. Therefore, security sector reform has to be considered on a regional view has to be thought holistic and comprehensive national and international civil military approach.

Your Excellencies, ladies and gentlemen finally, can I wish all participants and guests today a very successful conference.

Thank you very much for your time!

Clive Rumbold

Deputy Ambassador - EU Delegation in Albania

Dear Madame Ambassador, dear Excellencies, dear President, dear former Prime Minister Majko, Director Hroni, distinguished guests!

It is a pleasure to be here this morning and to note the high level of attention and engagement which is present on this subject today, and to discuss on such a central subject for the national, regional, and international peace, stability, and prosperity. Peace, stability, and prosperity are the European Union's foundations, the very reason for its creation. It was in ashes that we realize the importance of democracy, rule of law and human rights for peace, stability, and prosperity. It was in ashes that we realize the importance of democratic control of the executive in the security sector has been instrumental to the prevention of future instability, conflict and the resulting human and economic devastation.

Albania shared a wider experience of the challenges of managing the security sector democratically and effectively. Democratic control of the security sector is central to the enjoyment of democratic rights in any country. Democratic control of the security sector is primarily about ensuring two things. First ensuring the decisions on war and military missions, policing, intelligence activities, armament and disarmament, energy and anything else pertinent to security are not taken by anyone single one person or single institution. And second ensuring that any action authorized or taken on these issues on war or military operations, on policing and intelligence, on arms and energy; any such action is held accountable and subject to democratic scrutiny. In these terms Albania has made considerable progress in the last 20 years. The analytical report which accompanies the European Commission's 2010 opinion on Albania's EU membership application notices that Albania security sector is under Parliaments oversight, especially through the security and law commissions which conduct periodical hearings of officials on security sensitive issues. Albania plays a constructive role in regional security and stability. Albania is part of the international security. Albania has joined international efforts in the fight against terrorism as well as in the fight for democracy in Afghanistan and elsewhere. These are remarkable changes in 20 years, a very short period in historic times. A very short period during which, Albania has abandoned its isolation, and has joined the international community and the important efforts for peace, stability, and pros-

perity. Some remarkable efforts need to continue. The European Commission's opinion has repeatedly noted the need to enhance capacity and legal powers for the security and law committees to perform effective oversight functions as part of the system of checks and balances. The analytical report notes that the overall political control of security forces is indeed within the remit of the ministers.

Political interference in the security sector still exists and extends to the low rates of the hierarchy. The current challenges of the security sector reform do not just appear once a year or do not come up just once a year in our attention, quite the contrary public debate has time and time again engaged with checks and balances of the intelligence services, with the deployment of troops with the dismantling of arms with community policing and with many other aspects of security. What underpins the challenges of security sector is that it affects the lives of the countries citizens and the very principles that make a democracy substantial: transparency and accountability. Albania's challenges to firmly establish the rule of law, to protect and promote human rights are fully in compliance with the reform in security sector. The functioning of the institutions, in particular the functioning of the Parliament is the key to these challenges, because the Parliament represents the plurality of actors that in representing citizens help to build consensus on issues of public interest and prevent the monopolization of decision-making in the name of that interest.

Now this is not simply what we preach, this is what the EU practices. The more it grows the more the union strengthens its democracy and its institutions. To take a few examples the move from one treaty to the next and the new treaty, the Lisbon Treaty, has progressively strengthened the role of our directly elected European Parliament. The Lisbon Treaty makes the European Parliament a stronger decision making actor which means that the European Parliament has equal legislative rights as the council in this field, as well as agriculture structural funds. These areas include energy security, immigration, and justice as a matter of fact issues that are central to the security sector. Alongside these changes transparency and accountability have increasingly improved in those areas. The Lisbon Treaty provides the national European Parliament scrutiny over EUROPOL and ERUJUST, two EU agencies which deal respectively with criminal intelligence and judicial cooperation on criminal matters. The Lisbon Treaty is also the first to explicitly affirm and provide for the role of national parliaments in European Union matters. Apart from the legislative and oversight powers which translate into higher legitimacy, transparency and accountability the Union has also strengthened cooperation and consensus building mecha-

nisms. When it comes to the common foreign security policy the Lisbon Treaty encourages inter-parliamentary cooperation and provides for the organization of inter-parliamentary conferences and regular information exchange between national Parliaments and the European Parliament with the aim to generate common positions and contributions to this policy area.

In Albania a very large proportion of the considerably more than one billion Euros which we provided in assistance funding over the last 20 years has gone to the sector of justice and freedom and security. I think that's a very good indicator of the importance this field has for the EU and its member states and our strong willingness to reinforce capacities in that area. Now, we know that the Union is different and larger structure than the nation state, the European parliament is different and larger parliament than the national parliament, but if our common vision is peace, stability and prosperity than democratic principles must underpin our executive bodies and our security structures. When it comes to transparency and accountability consensus building in both security and non sector matters a model is worth to consider.

I wish you all a fruitful debate on security sector reform these two days, orientated by the fundamental principles of plurality and democratic control that our Union endeavors to foster and embody.

Thank you very much!

Philipp Fluri

Deputy Director

Geneva Centre for Democratic Control of Armed Forces (DCAF)

Madame Ambassador, Mr. President, Honorable Members of Parliament, Ministers, Excellencies, Director Hroni, distinguished guests, Ladies and Gentlemen!

It is a pleasure and privilege for me to be here today and to congratulate Albania for what has been achieved during 20 years of democratization and modernization. From what could be called a rather disadvantaged position in 1991, the reform process of Albania was rewarded with NATO membership in April 2009. Coming up from behind as it was, Albania ended up among the first countries in the region that became a NATO member. That is a remarkable achievement and I would like to congratulate Albania on this. Albania is today no longer only a recipient of assistance from others. The country today assists others in the pursuit of their security objectives.

Still, ladies and gentleman, this is not the time to rest and be complacent about what has been achieved. Security sector reform remains in this country an incomplete agenda. And as far as we can see, there is now a need for a second generation of reforms. Albania has set its self a new ambitious goal, EU membership. The road towards EU membership will go through a number of different stages and requires substantial efforts. The Commissions' evaluation of October 2011 lists many issues on which more work and sustained efforts will be needed. In these fields there are many challenges, but also many opportunities. What is needed and looked for is more than technical interoperability as might have been the case of NATO and a bit of transparency and accountability within the executive decision making process. What is demanded, as it has been pointed out, is full transparency and accountability, the rule of law, a depersonalization of decision making process and concrete and well defined roles for the judiciary and the legislative power in this country. The Geneva Center for Democratic Control of Armed Forces is today an intergovernmental organization with 61 member states and Albania was amongst the first members. You helped us to set up this centre. Albania is a founding member of our organization. So if you helped us in the past, we would like to help you in the future as we have been cooperating in the past. But to help you, you have to help us. You have to let us know what your objectives, your goals, your ambitions, your aims are, so we

can cooperate with you and if you wish so be directly involved in a number of reform issues. As we have in the past, in last decade we were involved with your authorities in the DCAF's policy security programs, in the consortium of defense academies and security policy institutes. Other activities have included support for democratization and reintegration for the Armed Forces of Albania, intelligence reform, competence, and capacity building for parliamentary staff and defense committee, the police cooperation convention for South East Europe and a larger number of activities in the field of civil society capacity building. I would like to congratulate IDM on the timely organization of this conference. 20 years of security reform is the time to look back but it is also the time to look towards the future. The stakeholders in the continuing Albanian reform process obviously are you Albanians. You are the owners of the process and of the political state of Albania. However DCAF is prepared to assist and cooperate along the way to the extent that we are asked to do so and to the extent that we are able to do so. We are happy to be here today and to contribute to a very successful and useful conference. DCAF has assisted in preparing the conference and is contributing with external experts; you can get to know them during the day. I would like to wish the Albanian government and the Albanian people the best of luck for the continuing quest for full Euro-Atlantic integration. Moreover, let me express my hope that this conference would become an important stepping stone on the road towards a new generation, a second generation of security sector reforms, leading to full accountability and transparency, rule of law and well defined roles of the legislative and judicial powers. We remain at your disposal for all cooperation objectives in the future. I wish you all a successful conference.

Thank you for your attention!

Guy Vinet

Head of Security Co-operation Department, OSCE Presence Albania

Honorable participants!

I think this two day conference has clearly shown that the security sector in Albania has undergone through significant changes in the last 20 years. In fact it would be difficult and, maybe, at some point useless to make any comparison between the starting point namely the beginning of the 90s and today. At the same time, we have heard a lot of very interesting speeches on which many relevant issues have been raised. When I say issues, I could also say concerns. I was happily surprised by so many remarks, comments, observations, from the audience pointing out problems in deep details. Even this morning, the Director of the Internal Control Service of the Ministry of the Interior has brought up some interesting points. One of these points that this gentleman has raised, regards the fact that his service is able to investigate police officers, but not able to dismiss or to take any executive decision against them. I don't know to which degree we can assess this problem, but to me it clearly shows the fact that we have in this way a specific check and balance system. To me its regular, normal and lawful that one single service cannot do two different things which fall into different baskets, on one hand the investigation and on the other hand the executive decision. Maybe this is one thing that we can discuss later on, but to me this is a very interesting point. And as Mr. Imami said yesterday, security sector is no longer only an area only for police or Armed Forces. It involves each and every single citizen of Albania.

On the other hand, and since the democracy has found its way in Albania, the same observations upraise to the national governance meaning that once again for everybody in those institutions each and every citizen should be concerned by their functioning. Then, the link with my organization. Only the fact that the OSCE has been here for now 15 years shows that Albania was and is still willing to go ahead on the way of institutions improvement. The OSCE in Albania, as part of the international community works in partnership with national institutions to help them on the road to EU integration and more broadly to meet international standards. Our Security Co-operation Department

on police and NATO matters in other words on security sector, functions to the benefit of the related institutions, military police at first stage, and, eventually, to the benefit of all the Albanian citizens.

To speak about institutions and international criteria and European integration is one thing, but in itself it doesn't make sense, it is not enough. What is our role? At the end all of us here nationals and internationals are working to the benefit again of the Albanian population. This is why we have to elaborate on democracy. We could have the best contribution, we could have the best law, but if those one in charge of putting words in daily reality have not really and deeply understood what is at stake, what democracy is nothing would be achieved. Let me take a concrete example as a military commander when you should go to mission from your supervisor, you have to ask two basic questions: What and why? What do you have to do to complete the mission? Why? What is the intent of your supervisor? You get by the intent the spirit of the mission. When it comes to the implementation of the law of the constitution of a country, this is what we have to keep in mind: what is the intent of the supervisor, what is the intent of the Parliament, what is the intent of the Government, what is the intent of the President? It is how it should work, it is how we have to bear in mind what is the ultimate goal of those things.

In fact democracy is not only a system of government, above all it is a mindset, it is a way of thinking and therefore democracy is the pyramid of all the state institutions including of course the security sector. I think this was a very fruitful initiative and I would like again to thank Mr. Hroni for that. I also think that it was a meaningful one, since it helped to open doors and windows making fresh air and ideas circulation among us. Definitely, this kind of initiative is very useful by approach, presenting new perspectives and bringing together people from different sides. The OSCE is very committed to support such initiatives and to take part in promoting security sector in anyways. More largely and throughout all the OSCE area our organization is strongly willing to push forward democracy through its political military and human dimension, but there is no way to do it alone.

Thank you very much!

Bard B. Knudsen

Senior Fellow, Operations - DCAF

Ladies and gentlemen, dear participants!

The presentations at the previous panel that we have just heard had as their focus the conclusions drawn on the basis of the discussions in the seven initial panels at this conference. These conclusions point to a number of initiatives that may be taken in order for Albania to initiate what has been referred to as a “second generation” of security sector reform. I think that the presentations and conclusions we have just heard demonstrate the value and relevance of this conference. I would like to congratulate IDM for having taken the initiative to organize it. In my concluding remarks I will not add to the conclusions we have just heard. Instead, I will focus on the last part of the title of this conference: the way ahead. And please excuse me for being rather candid and outspoken. I will not wrap my observations and evaluations in ambiguous diplomatic language. After all, I am a Norwegian and Norwegians – together with the other Scandinavians – tend to be quite frank and direct. My intention is to help provide a realistic picture of the way ahead, of what Albania will need to do in order to pursue its own political goals. So, I will be very direct.

Like other countries in the region, Albania has made full Euro-Atlantic integration the key objective of its reform process. In 2009, Albania achieved the first part of that objective and became a member of NATO. That was impressive and Albania has all reasons to be proud of its achievement. Now Albania faces the next hurdle: EU membership. The first difficulty here will be to obtain candidate status.

What will be needed in order to be granted candidate status and, subsequently, EU membership? There is no reason to hide that the requirements for EU membership are much wider and more comprehensive than what was required for Albania to become a member of NATO. In short, there is a considerable job ahead that will require a large amount of effort.

So, what is the current status? Where does Albania stand today? Let me quote from a Congressional Research Service Report from January 2012 on “European Union Enlargement”. Congressional Research Service is the research branch of the U.S. Congress and they present reports to Congress on topics of current interest. The report I mentioned has a section on potential future EU

candidates in the Western Balkans, and that includes Albania. I will read what they say about Albania since it provides an accurate picture of Albania's current situation, as seen from outside:

“Albania and the EU completed a Stabilization and Association Agreement in June 2006. In April 2009, the SAA entered into force and Albania formally applied to join the EU. In October 2011, in its most recent annual report on Albania, the European Commission asserted that although Albania had made some progress in meeting the political and economic criteria for membership, it has been limited, in part because of an ongoing political stalemate following Albania's June 2009 general elections. In addition to concerns about the implementation of democratic reforms in Albania, the Commission also highlighted several areas in need of more work, including anti-corruption efforts, respect for media freedom, judiciary reform, the functioning of public administration, the protection of property rights, and the treatment of the Roma community. As such, the Commission maintains that the conditions required to grant Albania formal EU candidate status and open negotiations have not yet been met.”

In other words, the European Commission says that Albania as of today does not meet the Copenhagen criteria. And without meeting these criteria there is no candidate status and no EU membership. Now, EU membership is an Albanian objective, an Albanian priority, and an Albanian responsibility, given that this is what you want. No one else can do the job for you. You will have to do it yourself. This means facing the challenges and implementing the necessary reforms, but it also means making use of the opportunities. And on the positive side: there are opportunities!

What is positive is that the Albanian government in power and the political parties in opposition seem to agree on the main objective: full Euro-Atlantic integration and EU membership for Albania. That is a tremendous strength that may facilitate a national joint effort. The challenge is to pull together, to work together, find solutions together, in order to achieve an agreed national goal.

As I said, Albania carries the sole responsibility to pass and implement the reforms that will be needed in order for Albania to fulfill the EU's criteria for membership. It will not be easy and it will take time. However, Albania is fortunate to have many friends – here in Europe and in North America – who are ready to support you and assist you. They cannot do the job for you but they are prepared to support and assist. That is a great blessing for Albania and an opportunity that you should make full use of. Many of the reforms that will need

to be done are detailed in the conclusions from this conference. The way ahead is clear: a “second generation” of comprehensive reforms must be agreed on and implemented. I wish Albania the best of luck in pursuing these reforms. Your friends are there to help, but you will have to do the job.

PANEL I

Streamlining the constitutional and legal framework of the security sector¹

Reformation of the security sector has started with the fall of communism, continued with the transition to democracy and going on as we speak. As a result of the reforms carried out in the last twenty years, the legislation adopted on different security institutions and stakeholders over different phases of the reform does not always reflect the current and perspective needs. This means that in order to improve the accountability of the security sector there is a general need for harmonising and streamlining the legislation governing the security sector. Therefore, one of the key objectives of the reform would be to identify deficiencies and omissions and propose adoption of a complete legal framework that complies with the democratic principles and the international law, includes clear separation of roles between the security institutions and their control and oversight authorities, as well as a clear division of roles between the civilian authorities and the “uniform” institutions.

Some areas which may be considered are:

1. The Constitution

- a) The constitution may be revised to better specify the division of roles of the institutions at the central government, in a both balanced and optimal way.
- b) Alternatively, a law on the National Security Council may be adopted to specify: the roles of relevant institutions, procedures, timeframes, adoption, review and implementation of the National Security Strategy and of related documents.

¹ This topic is closely related to the Albania’s general legal culture where laws tend to define precisely what the institutions should do. Furthermore, the Constitutional Court, and the lower levels in the court system, do not provide ex ante interpretation of the legislation. Therefore, it is essential that actors are provided with clear mandates regarding their tasks, as well as defined obligations, vis-à-vis the other actors.

2. Executive Control

- Legislation to provide for establishment of distinct control mechanisms by the Executive which should include clear and balanced procedures, mechanisms and responsibilities to effectively control the lawfulness of the security institutions including:
 - Armed Forces
 - Law Enforcement Agencies
 - Intelligence Services and Agencies
- on the:
 - implementation of laws and policies
 - protection of human rights
 - budget implementation
- Improving of the legislation dealing with the coordination of the prosecution offices with the judicial police. .

3. Parliamentary Control and Oversight

- Legislation to provide for standard parliamentary oversight procedures of all the security institutions:
 - Armed Forces
 - Law Enforcement Agencies
 - Intelligence Services and Agencies
- Legislation to provide for clear responsibilities of the executive and the security institutions vis-a-vis the parliament for the control and oversight of:
 - adoption and implementation of policie
 - adoption and implementation of laws
 - adoption and implementation of the budget
- Given the nature of the political system where the executive and the majority in the parliament belong to the same ruling majority party/ies, legislation to provide for better access of the opposition in the process.
- The Rules of Procedures of the parliament to provide for better coordination of the activity of the Parliament's standing committees.

4. Legislation on Independent Oversight Institutions

- Revision of the legislation on the independent oversight bodies in order to strengthen their independence by:
 - improving election procedures not involving the executive
 - providing for independent oversight bodies to propose own budget to The Parliament
 - providing for independent oversight bodies to issue their own bylaws
 - facilitating their interaction with the security sector

5. Judicial Control

The overall relations of the security sector with the judiciary do not differ from those between the judiciary and other sectors, except for the military, which has its own sections within the judicial system.

The area where legislation needs to be improved is the one that regulates the relations between law enforcement structures within the security sector and the judiciary pertaining to the use of special investigative measures. These may include:

- Improvements of legal provisions (in the Criminal Procedure Code) dealing with the control by the judiciary (directly or through another authorised body) of the compliance with the warrants issued by the enforcement agencies (prosecution office, other law enforcement authorities).
- Criminal Procedure Code to include similar procedures of approval and control, as the one applied for interceptions and other special investigative measures.
- Much clearer definition of the role of the Prosecution and the Prosecutor General that, according to the law, acts both as a law enforcement agency and an authorising and controlling body pursuant to the law on the interception.

Another area not falling under the remit of the judicial control, but related to it is the improvement of legislation governing the use for operational purposes of special investigative measures by the law enforcement agencies and the intelligence services. In this light, the following issues need to be addressed:

- Legislation dealing with interceptions in terms of the control and oversight provisions is incomplete;

- New legislation, similar to the law on the interceptions, needs to be adopted to cover the use of other special investigative instruments;
- There is a need for legislation to clearly divide the responsibilities of approving, implementing and controlling of the use of special investigative instruments;
- There is a need for legislation to give a clear role to the executive, which should be entitled to the political responsibility for the use, and/or misuse, of special investigative measures;
- Legislation to consider regulating both interceptions and secure government communications within the same package is also required;

6. Transparency

Areas to be considered:

- Improvement of the legislation on access to official information;
- Establishment of clear responsibilities for enforcement and sanctions;
- Establishment of clear responsibilities for the enforcement of the law on the classified documents:
 - declassification procedures
 - sanctions
- Harmonization with other laws, which, in different instances, pertain to and cause problems with the implementation of the law on access to information, such as:
 - The Administrative Procedure Code
 - The Law “On Archives”
 - The Law “On the Collection, Administration and Protection of the Police Classified Information”
 - The Labour Code
 - Kodi i Punës
 - The Law “On the Disclosure and Control of Assets and Financial Obligations of the Elected People and of Some Civil Servants”
 - The Law “On the Personal Data Protection”
 - The Law “On the Collection, Administration and Protection of the Classified Information”

7. Financial Transparency

Areas to be considered:

- Legislation on the budget management system should be revised:
 - to include provisions that require the government to publish its pre-budget statement
 - to include the mid-year review
 - to include the citizen's budget
- Legislation on public procurement should be revised to:
 - better clarify the procedures of public procurement in the defence field on the basis of national security.
- Establishment of a clear framework on the oversight and monitoring system in general, and of the classified procedures of public procurement due to national interests.

Further reading on the topic:

1. Evaluation of National Security Decision-Making Structures, Arjan Dyrmishi, IDM Center for Security Studies, December 2009
2. Interception of Communications in Albania: Legislation and Paractice, Arjan Dyrmishi, IDM Center for Security Studies, June 2010
3. Context Analysis & Chronology Of Security Sector Reform In Albania, Arjan Dyrmishi; Besnik Baka; Mariola Qesaraku, IDM Center for Security Studies, July 2010
4. The need to reform the intelligence system in Albania, Arjan Dyrmishi, IDM Center for Security Studies, July 2011
5. An assessment of the role of the Independent Oversight Bodies in Security Sector Reform in Albania, Arjan Dyrmishi, Besjana Kuçi, Egest Gjokutaj, IDM Center for Security Studies, November 2011

Summary of the Conclusions - Panel I

Arjan Dyrmishi

The panel on ‘Harmonization of constitutional and legal framework of the security sector’ focused on the legal and constitutional framework covering Albania’s security sector and problems imposed by such framework in proper governing of the sector. Contributions and discussions at the panel are closely related with the main topic of the Conference – that is the need for a new generation of reforms.

Placing the security sector under the rule of law, the establishment of institutions and structures responsible for delivering security, the clear definition of their missions and competencies as well as those of the institutions responsible for their command and supervision, are the basic criteria that guarantee a democratic governance of this sector. The successful conclusion of this process marks the end of the first generation of reforms and the beginning of the second generation of such reforms, which focus on the consolidation of the structures and practices of good governance and democratic oversight of the security sector.

As already seen from the discussions of this panel, progress of reforms in Albania is in such a phase that renders it difficult to define according to the above mentioned criteria. This because, on the one hand, one might say that the first generation of reforms in the security sector in Albania seems to already have been concluded: there is a legal framework on armed forces, the law enforcement agencies, the intelligence services, or even on private security services, and there are also constitutional and legal provisions that lay down functions and competencies of command, control and oversight authorities, but, on the other hand, as already highlighted by the panellists and discussions of participants, this legal framework poses a number of issues that render it unqualified to concentrate on democratic governance, which is in fact the focus of the second generation of reforms.

First, as highlighted by Mr. Rexhep Mejdani, who discussed the matter from the perspective of his experience as the former President of Albania, the Constitution has several ambiguities that make implementation difficult. More specifically, the formulation of the provisions on exercising the competences of the President in peace and war times but also of the other actors such as the

Prime Minister, the Minister of Defence, and the Chief of the General Staff of the Armed Forces would render decision-making unpredictable in a number of scenarios. With Albania's membership in NATO, and the lack of constitutional provisions to reflect obligations of the collective defence deriving from the North Atlantic Alliance Treaty, the processes become even more complex.

In the same context, it was discussed the lack of legal framework to regulate the activity of the National Security Council, which despite being an advisory body is the highest level structure on security matters. Speakers at the panel expressed their preoccupation for the almost inexistent activity of this Council.

Apart from the ambiguity of these provisions, discussants focused as well on the need to include more competencies of the President for appointment of the high ranking leaders of security institutions in the Constitution, as this approach would yield more transparency and sustainability for these institutions.

Another issue raised during the discussions was the one related to the legislation required to define the roles and competencies of the security institutions, given the current ambiguities in their missions, competencies and in the division of labour, for ensuring a more effective cooperation among them. Hence, participants referred several times to the issue of the law on the Republican Guard and its unclear status as a structure with mixed police and military features, which render its management and effective supervision and coordination of the Armed Forces and the State Police difficult. Many of the participants were of the opinion that if the Republican Guard would not be transferred into a structure similar to the Italian or French Gendarmeries, it would continue to represent an 'obsolete' and 'superfluous' structure, as the Albanian State Police has all the capacities and instruments to protect the individuals in charge of governing the country as well as the state's intuitions premises.

In the same context, the legal framework that enables the operation of a large number of police structures was also considered as problematic, as the mission of several of these structures could easily be covered by the Albanian State Police. Similarly, the legislation that allows for the establishment of many agencies and services that collect secret intelligence was mentioned as a concern. While discussing the trend to fragment police and intelligence structures, participants also raised the concern of the lack of a centralized crisis management structure, although the establishment of such a structure is a specific request of the NATO.

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Hence, the main questions remain the following: can security sector reform focus on governance with the existing this constitutional and legal framework? Or should this framework be revised and improved, in order for the new legislation to provide for all the indispensable principles and clauses that ensure the good governance of this sector, or as otherwise put by the panellists, to provide for an 'accountable' and 'transparent' security sector? The common denominator of discussions in this panel was that not only there is a need for a full revision of the legal framework on security sector, but in order for such undertaking to be successful such revision should be accompanied by a transparent and participatory process of all the interested stakeholders. This would avoid the repletion of the situations that have often been the case in the last 20 years; of the approval of laws that are either partially implemented or not implemented at all, as some of the discussants warned.

PANEL II

Improving the Executive Management and Control of the Security Sector

Despite the achievements in guaranteeing the full civil control of the security sector politically, administratively, and operationally, there are still other remaining aspects that require further improvement for having an efficient and effective security sector. In this regard, further efforts are needed to set in place a clear division of tasks between the executive and security actors as well as to avoid politicization. Therefore, there is the need for a clear division of tasks and competences between the President, Prime Minister, ministers, and the heads of security institutions (Armed Forces, Police and other law enforcing agencies, intelligence services, prosecution, etc). The absence of a clear and precise definition of roles and responsibilities of the above-mentioned actors as well as the failure to allocate sufficient resources for them to conduct their functions professionally under the public service spirit, results in negative outcomes regarding the sectors' efficiency as a whole. Some concrete consequences include fragmentation and lack of coordination among different actors of the security sector, competition among the most powerful political actors for exercising influence over the sector, un-coordinated actions in cases of crisis, etc. All these undermine the efficiency, effectiveness, and legitimacy of the security sector as a whole. Indeed addressing these problems is complex and above all requires political willingness.

However, a concrete issue that can be easily addressed (and which if resolved can help to create the conditions for addressing the whole group of the above-mentioned problems), is the creation of permanent administrative structures at the center of the executive. It is a fact that actually there exist coordination difficulties among different actors of security sector such as police, prosecution, and intelligence services as well as between the Ministry of Defense and the diplomatic service regarding external security. So far attempts have been made to achieve better coordination by the heads of several security institutions by signing memorandums for closer cooperation. However, such documents do not ensure long term and sustainable coordination. Within this framework, this panel will evaluate the actual state of affairs. Moreover, it aims to generate proposals for the future based on best international practices as well as on successful domestic experiences.

Executive Control of the Security Sector

In a democratic system, besides the Parliament, the independent bodies and the judiciary, the executive power is one of the most important actors for the control of the security institutions. The executive control refers to legal procedures and instruments, norms and standards that allow for the appropriate control of the security actors authorized to use coercive means in order to perform their tasks. Control of the executive should be regulated with clear, precise and complete primary and secondary legislation, in order to allow for full political and operational subordination of the security institutions, as well as to enable the security sector institutions enjoy full professional autonomy and freedom from any political interference. Essential elements of the control of the executive are the internal control bodies that, depending on the organisation of the executive and the division of labour among its constituting parts, are directly accountable to them. Supplementary elements to such control are the internal control bodies established within the security institution and directly accountable to head of the executive.

In Albania, the executive is composed of the President, the Prime Minister and the Council of Ministers, which, in turn, is composed of all the cabinet Ministers. Those parts of the executive which have managing and controlling responsibilities over the security institutions are the President, the Prime Minister and the Council of Ministers, the Minister of Defence, the Minister of Interior, the Minister of Finance, the Minister of Justice and the Minister of Environment. Security institutions include the Armed Forces, the Military Intelligence Service, the Military Police, the State Police, the Service for the Internal Control of the State Police, the Republican Guard, the State Intelligence Service, the General Customs Directorate, the General Tax Directorate, the Prisons Police, the Service for the Internal Control of Prisons and the Forest's Police. The Prosecutor General, positioned between the Executive and the Judiciary, has managing and controlling authorities over the Judicial Police.

There is a whole set of laws and codes, including the Constitution, governing the activity of all these institutions and the relations between them. However, given that such complex institutional web has evolved in a period of twenty years, in different reform periods and political circumstances, and with no clear overarching vision or principles, it reflects many flaws that need to be addressed.

First, there is a need for horizontal and vertical harmonisation of the legislation that has many gaps and overlaps and, in some instances, is even lacking. In addition to the poor legislation, the allocation of structures and resources do not provide for an effective and balanced control of the Executive.

More specifically, some of the main identified concerns relate to the control by the Executive on different matters such as:

- the control on implementation of policies,
- the control of lawfulness of action, and
- the control on budget implementation

It is more than obvious that the effective control on all these matters and the proper division of labour specifying who does what, when and how are a complex matter calling for constant assessments and reviews. In this regard, establishment of the latest system on the budget implementation control is a good example.

A deep reform was launched in 2005 aimed at harmonizing the national legislation with the European Union standards and at building the necessary administrative capacities to give life to it. As a result of this reform, the control over the budget spending has been centralised under the responsibility of the Minister of Finance. Such reform is still ongoing, as stipulated in an action plan approved by the Council of Ministers and scheduled to be completed in 2014.

When we speak of the control on implementation of policies and lawfulness of actions the situation is different. We are of the opinion that the following need to be improved with regard to legal framework, structures, division of labour and procedures.

1. Executive Control by the President and the Prime Minister

After the political crisis of 1997, the provisions of the new Constitution were an attempt to lay down a more balanced system of competences within the Executive, involving even for the security sector and security-related matters. The President was given more authority on external security matters, namely the authority over the Armed Forces, an important say on the State Intelligence Service and the final approval of the ambassadors. The Prime Minister was given more authority on internal security matters – more specifically on the law enforcement agencies. However, such a division of labour has been more or less conceived to

offer a certain physical division of competences, thus failing over time to be the most advantageous. The best illustrations are the conflictual relations produced between all the Presidents and the Prime Ministers since 1998 and their failure to agree on a large number of security-related issues. One major negative effect of such relations is the dysfunctional National Security Council headed by the President.

2. Executive Control by the Ministers of the Security Institutions

Except for the State Intelligence Service and the State Police, the legislation on the security institutions lacks provisions for the establishment of distinct control mechanisms by the Executive. So, the main feature is the diversity of frameworks and practices applied in different ministries. Furthermore, even within the ministries that have more than one actor under their control, different control models apply.

While there is a focus on the control of lawfulness of actions, which is translated in the introduction of provisions for such control and the respective structures, the control and review on the effective implementation of policies is nearly inexistent, or, at the best, difficult to identify. An institutionalised form of such executive control has been the traditional yearly review taking place in each institution at the end of the year, but there are no proper terms of reference on how the whole process works. Therefore, the whole process is basically a mere formality inherited from the previous regime.

ANNEX.

Executive Control by the Ministers

Given the lack of centralised structures at the centre of the Executive, nearly all competences and responsibilities for the control of the security sector have been delegated to the Ministers. More specifically, the legislation and structures for ministerial control on lawfulness of actions are provided below.

In the **State Intelligence Service (SIS)**, the control activity on behalf of the Executive is performed by the Inspector General (IG). Since the SIS is answerable to the Prime Minister directly, marking an exception compared to the other stakeholders, the IG is appointed by and reports to him.

The main problem though remains the division of responsibilities between the President and the Prime Minister, as well as the coordination between the activities of the Internal Control of the SIS and the activity of the IG. According to the law, the IG is required to get clearance from the SIS Director before assuming any control procedures.

In the **Ministry of Defence** the control activity is performed by the General Inspection Directorate, which functions are deliberated on the order issued by the Minister. The General Inspection Directorate reports to the Minister. The task of this Directorate is to inspect, observe, and verify implementation of the defence policies, of the legislation, orders and instructions of the Minister of Defence as well as other matters related to the Armed Forces. No legislation dealing with the performance of this structure is yet in force.

The Armed Forces lack proper internal control structures to support control of the Executive. There is no legislation governing such relationship, while control per se is spread through the chain of command as down as to the lowest ranks only through guidelines and regulations.

One main problem for the control of the Executive over the Armed Forces is the division and sharing of responsibilities between the President, the Prime Minister and the Minister of Defence. The President has no staff to support him, except for a very limited number of advisers; therefore the President has to rely on the structures of the Ministry of Defence.

Referring to the Military Intelligence Service, it is the Prime Minister having authority to set its policy guidelines and priorities and to appoint its director, while the Minister of Defence has the authority to control operations

and to report them to the Prime Minister and the President at least once a year. The Minister of Defence also defines the manner in which MIS cooperates with foreign agencies. However, despite current legal provisions there are no permanent structures and procedures for facilitating this process, therefore most of the activity is based on personal communications and correspondence exchanges between the given authorities.

In the **Ministry of Interior** the Minister is responsible for controlling the activity of all stakeholders under his authority, including the State Police, the Republican Guard and the Ministry of Interior's Service of Internal Control (SICMI), all regulated by different laws. Of the three actors, SICMI is responsible for the control of the executive on behalf of the Minister of the two other institutions. SICMI is a separate structure from the State Police; it is directly answerable to the Minister and reports to him. \

Besides SICMI, the State Police has its internal control structure -- the Directorate of Professional Standards -- established after the adoption of the new law "On the State Police" in 2007, mandated with the inspection of the police performance in a broad range of programs.

Compared to the Ministry of Defence, in the Ministry of Interior the Executive and internal control are better regulated, but improvements are still needed. One area, for instance, is the Executive control on the Republican Guard which is quite unclear, as it does not fall under the mandate of SICMI. The same may be said for the control of the activity of the SICMI itself which has extensive powers needing to be checked.

In addition, one common problem for all the ministries having security stakeholders under their control is the lack of specialised and permanent structures responsible for the control and the performance review of these actors in terms of policy implementation

In the **Ministry of Justice** the control functions over the penitentiary system is performed by the General Directorate of Justice Matters. Given that the General Prisons Directorate is detached from the Ministry, many control functions are delegated to the General Prisons Directorate Head.

The same system of delegation is applied in the **Ministry of Finances**, where the Minister has delegated the control procedures to the directors of subordinated agencies -- namely to the Financial Intelligence Unit, the General Customs Directorate and the General Tax Directorate. All these three agencies report to the Minister of Finances, but have their own autonomous resources for performing controls and inspections. So, practically there is an overlap between

the ministerial and internal control.

The system applied by the Ministry of Justice and the Ministry of Finances provides for a much weaker ministerial control. In the Ministry of Finances, in particular the customs service and the tax service are seen mostly as financial actors rather than law enforcement agencies with considerable coercive powers. Therefore, the ministerial control focuses mostly on their performance as revenue generators.

In the Ministry of Environment, the Forests' Police is controlled by the Directorate for the Environmental Control. Given that the Forests' Police operates in remote and mountainous areas of the territory, it is decentralised in fourteen districts under the Directorate Forest's Service operation.

As it may be seen, there are many discrepancies in the ministerial control of the different security stakeholders. For the more traditional stakeholders, such as the Armed Forces, the Police and the Intelligence, the ministerial control is formally in place despite the problems encountered. For other smaller stakeholders, both legislation and structures are not complete. However, they enjoy similar powers as traditional security actors, such as collection of intelligence, collection of evidence and initiation of criminal proceedings, collection and processing of personal data, etc. As a result they are similarly exposed to potential violations of human rights as well as to breach of laws as the other more traditional actors.

Summary of the Discussions and Conclusions - Panel II

Thimi Hudhra

Improvement of the security sector management from the executive was in the center of proceedings of this panel. Panelists and discussants taking the floor at the panel reported that important reforms are undertaken during the last 20 years in the security sector, leading to a significant progress. Nonetheless, they highlighted that the status of progress does not meet expectations of experts, society, and of the international community in general. Consequently, in this context achievements could as well be more sufficient.

Panelists and participants identified that the 20-year long reforms in the security sector are a product of the work of all political forces. They appreciated the reforms in the security sector, and in particular in defense, which, according to them has shown of a more sustainable continuity from one government to the other, marking a constant progression of parties' consensus. These achievements are also dedicated to a considerable presence of foreign aid, in particular from the strategic partners, which have facilitated and enabled realization of reforms based on the professional expertise in the field, strongly avoiding positions of political parties.

The panel highlighted that albeit reforms for achieving big quantitative cuts in number of Armed Forces, order police, intelligence services, not many structures have successfully managed the staff made redundant because of the reforms, in particular in regards to the social consequences caused by them, as well as other issues related with the labor code and other staff benefits. As an example, they mentioned the fact that during the last two decades several cases of failure to implement laws were remarked, such as the respect for the status of military forces and of other services. This has led to a high institutional cost, as several cases have been filed to the courts.

Many discussants highlighted that there have been nuances of politicization of reforms in the last 20 years in the field of security, while in not a few cases their transparency has left much to be desired. Reforms and integrity render the justification on the grounds of "state secret" growingly outdated. Also, in some cases tendencies of hiding of fund under the "secret" justification are also identified. Participants asked for more transparency for the use of budgets by security institutions.

Likewise, participants in the panel highlighted that almost in all the security institutions there are not yet stable professional career practices, leaving a lot of space to party clientelism and partisanship.

Remarks were also addressed to education and training of security institutions, of academies or schools of military institutions, police, services that ask for a qualitative improvement to reflect other new issue of the national and international security agenda. Country's reality of public security shows the need for the review of the training and education curricula for the police staff. For a panelist, deficiencies of vocational education are in particular evident in the newly-graduates of the professional education center. Also, more ideas were taken for more reflection and better coverage of security-related issues in the university curricula.

From a general overview one might say that shortcomings of national security are identified only in cases of extraordinary events, or of public emergencies. Experience has shown participants that the exact copy and paste taking of foreign policing models have turned out to not be successful. Laws, structures, or practices of other countries with different cultures, stages of development or conditions might not necessarily be successful in Albania's reality. Therefore, more creativeness and realism is sought in developing the national system according to modern experience, raising local ownership of reforms. Remarks were made on the fact that while, on the one hand, we have a lot of working groups being established, several plans being made, as well as programmes, strategies, strategic documents, in reality, on the other hand, they have mostly shown to be only instruments of propaganda.

In addition, discussants gave remarks directly related with cost effectiveness of investments in the security sector. No former leader in the country has been made legally responsible for the damages caused to public finances due to investment ineffectiveness. In this verge, discussants brought the example of many wrong activities or decision-making accompanied by public financial costs having a severe consequence for the society.

Most of the panelists and discussants agreed that coordination among security institutions and identification of the closed-circle work of some of these institutions was a must. As example of the later they referred to publication of contradictory statistics on certain issued from the police, courts, prosecution offices, etc. In certain cases, there are parallel structures, competition or overlapping structures, missions and tasks between different institutions. In this context, the great number of police in the country was highlighted, as one discussant re-

ported that “it is now becoming a trend for each ministry to have its own police forces”. In this direction, ideas were launched for an integrated policing system review reform, which should professionally be assessed in the future.

Other ideas were launched for other concerns in the public order and security domain, such as banking security, property security, criminality, food safety, etc. Panelists shared the same opinion on the stake of the new general reform in the security sector, which is higher than ever now, as such reforms have to reply to the new status of Albania as a NATO member country and as an EU aspiring country. This required an absolute depolitizing of accompanying processes and reforms, more focus to quality, cost and effectiveness.

Future reforms in the sector should see security institutions as institutions in service of the taxpaying citizens, not as institutions of violence. Some panelists and discussants reported that the spectrum of security tasks should better integrate the three components of a modern concept of a wider security composed of state security, social security and human security, giving approaches that are closer to the reality.

Participants hailed the Defense Strategic Review process started from the Ministry of Interior, with the support of the United States Department for the Defense, where most of the security institutions are involved. Also, participants encouraged acceleration of work to approve the National Security Strategy, of the Military Strategy and of the Joint Armed Forces Doctrine, which are under process. This because documents in force reflect the situation of the security situation of a NATO partner country, while the National Security Strategy, according to the law, should have been reviewed since 2004.

Discussants reported that institutions in the country are not appropriately replying to the security issues at the international level, by assessing them only as processes related with the Armed Forces. The current status of international commitments asks for developing of civil capacities for stabilization and reconstruction, on their turn related with the implementation of the 49 objectives of the Force. Some of these contributions belong to institutions of diplomacy, internal security, justice, transport, education, etc. So far, only capacities of the Albanian Armed Forces and of the Order Forces have contributed to international missions. This remains an open field for the reforms of civil capacities.

Another issue discussed from the participants was the one of gender representation in security institutions. Progress in the Armed Forces, police, intelligence services, establishment of relevant associations was mentioned, but, in

addition it was said that there is still a lot to be done in this direction. A higher participation of women in all round tables and security reforms is sought.

Discussants, particularly foreigners, concluded that after 20 years of reforms in the security field, more elite national capacities should be utilized for reforms in the sector, as well as independent experts in the security domain. Appreciating the expertise of other countries, participants said it should not be used as justification for decision-making. Participants appreciated the participation of several senior professionals in the Conference, and reiterated that the country should utilize the experience of the elite in the field of security reforms, in the format of the “group of the wise”, or of a National Security and Defense Center, using it as a ‘think tank’ for the independent assessment of the sector.

PANEL III

Improving Effectiveness of Parliament's Control and Oversight over the Security Sector

Albania is a parliamentary democracy what implies that the Parliament enjoys wide constitutional powers over the executive, including also the security sector. The Parliament approves: the budget of security sector and the laws related to this sector, the security strategies, as well as other important policies. For oversight over the enforcement of laws, budgets, and policies, the Constitution, and the relevant legislation defines that the Parliament makes use of a set of legal and institutional instruments including also investigative committees. However, in practice the performance of the Parliament reveals many weaknesses. Some of them derive from: the incomplete legal framework, the weak administrative and from an unfavorable political climate that has prevailed during the last 20 years and does not enable the Parliament to exercise its competences in normal conditions. Addressing such problems is a great challenge since the functioning of the Parliament is related to the political culture as well as to the relations between political parties. So far experience has shown that the majority in the Parliament has not exercised the necessary willingness to undertake decisions that can risk the government it supports, setting party loyalty over the functions and obligations granted to the Parliament by the Constitution. Although the support for the government in power is a normal practice of parliamentary democracies, the excessive use of this norm goes in opposite direction with the common European practice where in cases where the parliament's position is challenged, members of parliament are supportive to constitutional position of the legislative. The panel gathered members of parliament and independent experts, aiming to find the ways and means to achieve a bi-partisan common understanding in order to enable the security sector and its leading organs in the executive to be totally accountable to the Parliament.

One of the fields that require immediate action and where results can be easily achieved is the improvement of the legislation on the intelligence

services' oversight. Currently the legislation concerning different actors of security sector does not include all the necessary dispositions concerning control and oversight of the security sector from the Parliament. Therefore, until today, only the State Intelligence Service and General Prosecution Office present every year an annual report on the work they have conducted. Two of the key security sector actors: the Armed Forces and State Police, together with some other state agencies, have not fulfilled their obligation to present an annual report to the parliament. Considering that the Albanian Parliament, with the support of OSCE, started in 2010 to discuss a new law concerning the oversight of intelligence services, this panel aims to provide an opportunity to explore different ways how this initiative can be successfully accomplished. Furthermore it is valuable to stress the necessity to provide a more effective oversight of the Armed Forces, Police and other agencies of the rule of law according to European practices and standards.

Another field that this panel was concerned was the improvement of the administrative capacities of the Parliament. Traditionally, the activity of the parliament is largely based on expertise, knowledge and competences of its members, while lacking the support of a professional administration which is recruited based on their expertise, knowledge and training. As a consequence the permanent commissions, which are in charge of the control and oversight of the security sector, currently have a minimal support concerning human and administrative resources.

Issues discussed during the panel

Legal basis for parliamentary oversight over the security sector derives from the constitutions, laws and the parliamentary regulatory framework (Rules of Procedure). In general, the functions performed by parliamentary bodies in regards to the oversight of the security sector, are grouped in three main fields:

- debating the draft budget for the respective ministries and institutions and overseeing the implementation of the budget;
- examining any lawmaking initiative and normative decrees;
- overseeing the general public institutions' performance to find out whether their activity complies with the legal framework and program.

In general, the necessary conditions for an effective parliamentary oversight are: clear and well defined constitutional and legal provisions; resources and expertise to support parliamentary functions; political will of the MPs to reach agreement on important security-related issues. Accordingly, there are several weaknesses undermining the effectiveness of the parliamentary oversight function over this sector.

a) Improving the legal framework

Parliamentary oversight implies the responsibility of the security sector actors to be accountable before the Parliament on the exercise of their competencies and duties, in order to minimise the abuse of power from these institutions and to contribute in the efficiency of these actors in fulfilling their legal obligations. Hence, the oversight is possible through different mechanisms, such as parliamentary debates, question and answer time, interpellation and parliamentary inquiries.

The proper use of these mechanisms from the parliament in order to access information on important security matters and to oversight effectively the activities of the security institutions/actors, enables this body to exercise its control function adequately over the implementation of legislation enacted.

Currently, not all legislation on the various security actors lays down provisions for parliamentary control and oversight; for example, through hearings, annual reports, etc. As a result, currently only the State Intelligence Service and the General Prosecutor present yearly reports to the Parliament. Two of the major security actors, the Armed Forces and the Police, as well as some other security agencies, have so far failed to regularly report to the Parliament.

Areas for improvement:

- legislation to provide for standard parliamentary oversight procedures of all the security institutions:
 - o armed forces
 - o law enforcement agencies
 - o intelligence services and agencies.
- legislation to provide for clear responsibilities of the Executive and of the security institutions towards the parliament for the control and oversight of:
 - o policies
 - o the laws
 - o the budget.
- Given the nature of the political system where the Executive and the major-

ity in the parliament are a fusion of the same political party/ies, the legislation to provide for opposition's better access to the processes

- The Rules of Procedure of the Parliament should provide for better coordination of the activity of standing committees.

In order to increase effectiveness and build standards of the parliamentary oversight, legislation should be improved to guarantee and clearly define the responsibilities of the institutions to oversee the security sector.

b) Provide adequate administrative capacities (support staff and expertise)

An effective parliamentary oversight of the security sector institutions requires adequate support staff. Traditionally, the activity of Albania's Parliament has largely been based on the knowledge, competencies and activism of its members, and less on a parliamentary apparatus consisting of a professional staff to support the elected representatives of the people.

Based on the specificities of this area, the most important role is attributed to the standing committee on National Security which has a wide range of functions in overseeing national security policies, legislation, budget allocation in areas such as the organization of national defense and Armed Forces, military cooperation, internal affairs, civil emergencies, public order and secret services. One of the major concerns is that the PCNS which is responsible for evaluating, scrutinizing, analyzing every aspect regarding security and defence sector in Albania currently has minimal human and material resources to exercise its duties. Besides, for an effective oversight over the security sector, better and effective procedures need to be defined for the activity of this Committee and greater responsibility should lead the actions of its member in overseeing this sector.

c) Increase the effectiveness of the Parliamentary Committee on National Security

According to the IDM's recent study "On the Work of the Parliamentary Committee on National Security", some of the major concerns refer to the following shortcomings:

- The engagement of individual PCNS members in discussions has been in low levels. This degree of participation reflects the need to improve the level of expertise and capacities of Committee's support staff.

- the oversight of the security institutions through hearing sessions is marked by a very politicized debate with a clear cut political position between the majority and the opposition and with missing constructive debate
- most of the draft-laws reviewed in the PCNS meetings are not part of a substantial oversight and constructively discussed among the members of the Committee
- The decision-making process of the PCNS does not reflect the proposals or objections of the opposition related to specific draft laws, as the majority is formed by the political force in power.
- the budget allocation for the security institutions is another sensitive highly conflictual and politicized area.

Debating the draft budget for the respective ministries and institutions and overseeing the implementation of the budget remains one of the most important areas of parliamentary oversight. Control of the security sector through budgeting (drafting and implementation of the national budget) is an important feature of the democratic governance, which helps to strengthen budget control and reduce mismanagement of public money and corruption and abuse. Accordingly, the Parliament holds the executive accountable for security sector priorities and ensures that funds are disbursed appropriately and effectively. Furthermore, an ex-ante control is performed by the parliament through the approval by of the budget of security actors within the entire state budget upon proposal from the Council of Ministers.

Nevertheless, according to IDM study “Parliamentary Oversight of the Security Sector through Budgeting” problems and weaknesses undermine and restrict the oversight role of the Parliament are:

- absence of constitutional provisions to render the broader consultations between the government with the parliament mandatory
- lack of available information in the process of exchanging information between the PCNS and the governmental bodies,
- lack of democratic debate when it comes to budget allocation for security institutions, where political tensions between majority and the opposition are highly prevailing, leaving no space for constructive discussions and consensual decisions.
- lack of resources of expertise in budgeting or a limited number of qualified technical staff available to the Parliament.

Given the wide range of authority given to the PCNS, its role should be further enhanced and need to be played constructively in this area. Measure

should be taken:

- o to develop sufficient knowledge and expertise of the MPs on security issues. Human and administrative capacities related to Parliamentary Commission on National Security should be increased and consolidated in order to provide better expertise and advice for members of the commission in their daily activity related to security sector oversight.

- o training and available permanent expert staff inside the parliamentary committees is a very important measure that contributes to increase the effectiveness of the oversight function exercised by the legislative body.

- **An adverse political climate**

Another major concern when it comes to important legislation also in security field is the missing political understanding. In most of the cases the majority in Parliament is reluctant to embark on any action that risks undermining the government it supports, thus putting party loyalty ahead of the Parliament's constitutional role. Besides that, discussions and parliamentary debates are highly politicised where both sides blindly argue in favor of a settled position based in their political positions and far from building constructive dialogue and reaching consensus on important security matters.

Therefore, it would be valuable to bring together parliamentarians and independent experts in order to explore ways to achieve a bipartisan common understanding on how to make the security sector more accountable to the Parliament.

Further reading for this topic:

Jahaj, Suela, Kojdheli, Genci, Baka Besnik, Parliamentary Oversight of the Security Sector through Budgeting, IDM, Qershor 2011,

Monitoring Brief No 1, IDM, "Monitoring Brief No 1 / On the work of the Parliamentary Committee on National Security"

IDM, Democratic Control and Civil-Military Relations, Still an Unfinished Business, IDM, December 2009

Summary of Discussions and Conclusions - Panel III

Gjergji Vurmo

The panel's concluding message does in fact provide the most important introduction for the report on discussions, remarks and suggestions provided in this forum. More specifically, it is a question of the dilemma that in fact received a reply – that is the need for (other) “reforms” or (better) “governance” of the security sector and the Parliament's oversight role, institutional framework, legislation, interactions among and within the public institutions and the state stakeholders.

The response to this dilemma, mostly formulated in the term of “good governance” in the sector, vis-à-vis the need for other reforms, lays in fact in the heart of most of the presentations of panelists and comments of discussants. However, various discussions were characterized of positive messages related to the achievements and progress of the security sector, targeting more specifically on the Parliament's control and oversight on the security sector.

In principle, most of the talks stemmed from the assumption that legal framework governing the security sector in the country is complete, while its correct enforcement keeps yet being a challenge. In addition, in some special cases and problems, discussants highlighted that the various concerns and issues can easily and only be tackled by a correct enforcement of the legislation and of its spirit. Consequently, this also suggests the reply to the above-referred-to dilemma, according to which, the real main challenge related to the culture of governance, good governance, law enforcement, professionalism vs. political leadership, accountability, transparency, division of powers and functions of institutions and of other elements that are in fact a component part of the democratic culture and good governance. In grounds of the security sector and parliamentary control encountering problems and a weak infrastructure, despite the clarity of all legal obligations for all the institutional actors involved in treating a certain issue, the reply is not necessarily related to the concept of the “reform” and to legislation amendments. Similar situations, which are frequent to the parliamentary oversight often times suggest only the need for building and consolidating a democratic culture of proper governance, which in no case can be ensured by only new laws, but also by

institutional supremacy and responsibility.

In addition, basic concepts accompanying a considerable part of the discussions in this panel were related with the transparency, responsibility, division of power, a clear “check & balance” system, supervision and the need to ensure a powerful role of the Parliament to prevent abuse of the rights of citizens by the security sector.

The panel moderator, Mr. Knudsen, forwarded two main issues for discussion: first, is the Parliament and its security committee exercising the appropriate control and oversight powers and, second, which are the challenges and alternatives for improving Parliament’s role?

The chair of the Parliamentary Committee on National Security Mr. Leondard Demi in his address shared with the participants achievements of the committee on controlling and supervising the security sector, highlighting the importance of his committee as a connecting and intermediary chain between the public (citizens) and the security institutions. Mr. Demi focused on the parliamentary committee’s activity in supervising not only security institutions, but also of a range of problems seeking involvement of other traditional security institutions (the Ministry of Economy, Ministry of Agriculture, Ministry of Environment, etc.), but having a direct impact on the citizens’ quality of living and their security. In this context, Mr. Demi noted that the role of the commission is limited in delivering recommendations which should further be addressed by the executive and relevant institutions. Such was the case with the example he brought on the committee’s recommendations on protection and depositing of armament four months prior to Gërdec tragedy. This tragedy, which terrible consequences are not yet legally dealt with, stresses the concluding message of the panel – that is, the main challenge is the accountability and proper governing of the security sector.

However, need for further adjustment in the legal framework and in the policy framework is still evident, but probably not with the intensity of a reform. For this purpose, the national security committee is in particular focused on the need to ensure the widest possible consensus between political parties. Mr. Demi spoke of some of the initiatives undertaken by the Committee, such as the need for a special law dealing with supervision of intelligence services, legislation on career, defense strategic documents, the national security strategy and the like.

Other challenges for improving this function of the Parliamentary Committee, according to Mr. Demi, involve the issue of capacities and expertise at the disposal of the committee, issues dealing with the practice of closed-door meetings, where issues considered a state secret are deliberated upon (leak of information), etc.

Mr. Van Eekelen presentation started by taking up one of the issues introduced by Mr. Demi. More specifically he dealt with the focus of achieving political consensus on the commission reforms. “If at the moment focus is not cast in this aspect, the reform outcome would not promising”, according to him. Therefore, it is important to focus on the three main words of the parliamentary activity, namely lawmaking procedure, policy-making role and sector budgeting. Transparency and accountability are in the very heart of the Parliament role, which appears as the only and the best positioned body to ask the executive to reply to the three main issues:

1. *Reveal*
2. *Explain*
3. *Justify*

Referring to the initiative for a new special law on supervision of the intelligent services, Mr. Van Eekelen shared the Dutch experience in two stages, through a professional structure that follows these services from first-hand, and through reporting.

One of the supervision forms available to the national security committee of Albania, which, according to him, is not fully used, is the written questions by the MPs. According to him, such questions are important because they are informative even for the public.

Another issue highlighted in this presentation had to do with the relations among military professionals and civil leaders (in the Executive, or the Parliament), which should be based on a balance of common trust. Role of the Parliament in this policy field was further treated by the examples brought by the presenter. For instance, the issue of the mission we contribute with in the context of NATO interventions is discussed at large even by the Parliament in terms of what is the cost, what are the risks, in what ways would the risks be handled if they occur, what is the contribution of other NATO countries, what chances are out there to success, and what is the exit strategy for the mission.

In addition, Parliament's involvement in issues affecting social policies of this category, especially procurement, should take more attention (in order to prevent corruption).

Last, but not least, another fundamental issue has to do with the involvement of non-state stakeholders by the Parliament and cooperation with civil society, on which there is a need for clear rules and procedures, which would ensure a greater participation for all.

PARALEL PANEL I

Public Oversight of the Security Sector in Albania through Civil Society and Media

Transparency is the cornerstone for an accountable security sector and constitutes one of the key features in the democratic control of the security sector and related actors. The public involvement in the democratic oversight is crucial to ensure accountability and transparency across the security sector. The engagement of civil society organizations and the media in the security policy domain strongly contributes to good governance. In this context civil society organizations and the media act not only as government ‘watchdogs’, but also as representatives of public interests concerning the performance of institutions, respect of human rights, efficiency, fight against corruption etc. Actions such as monitoring government daily activities, policy, compliance with laws, budget spending and human rights observance, directly contribute to this process. In addition, advocacy by civil society groups representing the interests of local communities helps to give voice to marginalized actors and opens up the policy-making process to a wider set of perspectives. By improving the credibility and performance of public institutions, public oversight mechanisms contribute to increased public faith in democratic governance. Public oversight also provides space for civil society participation in governance processes thus increasing cooperation and synergy between the state and civil society.

International standards and norms

Albania has adopted the most important international documents concerning freedom of expression and access to information. As such, Albania has ratified the Universal Declaration of Human Rights, which in its Art. 19, stipulates that “... Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”. In addition Albania is part of the “Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Univer-

sally Recognized Human Rights and Fundamental Freedoms”. According to this declaration which Albania has committed to respect, the state shall adopt legislative, administrative and other steps to effectively guarantee these rights. Other important international documents concerned with the right to information are “European Convention of Human Rights”, International Covenant on Civil and Political Rights, Aarhus Convention, etc.

Considering the sensitive nature of the security sector related to human rights, as a rule of thumb, public oversight actors should be able to access almost all information about its work. Within state actors that use force there is a clear distinction in regards to the type of data in their possession as example the police which is dealing with public security, it is expected to be more transparent than defense or the intelligence agencies. However, all exemptions regarding protection of data whose leak may endanger security or human rights of citizens must be regulated in individual piece of legislation, subject to judicial scrutiny and in legitimate interest of citizens. The general principles on limitation of free access to information are prescribed in internationally recognized in the Johannesburg Principles on National Security, Freedom of Expression and Access to Information.

It can be emphasized that state actors in most democratic countries are subjected to the same legislation regarding freedom of information as other public administration bodies. Nevertheless the requirements regarding public disclosure of information are not applicable to non-state actor’s, such as for example to private security companies and civil society organizations. However, if non-state actors have been contracted to do a service paid from public budget (national, regional, local government), the information about their work and spending of the budget or used resources should be made available in the same way as with state actors.

Legal framework and institutional capacities

Public oversight of the security sector in Albania took another path in 1999 with the revision of the legal mechanisms and establishing institutional capacities to increase transparency in the state institutions.

The Constitution of the Republic of Albania, guarantees the right of every citizen independent body to access official information stating that “...everyone has the right, in compliance with law, to get information about the activity of the

state institutions”. This fundamental right is regulated by the Law “On Access to Official Documents”. In addition, the Administrative Procedure Code (Law No. 8485, of 12 May 1999) foresees the right to information as one of the basic principles of Public Administration functionality.

The People’s Advocate is the main authority responsible for overseeing its implementation and identifying potential breaches of this law. Nonetheless, the legal framework concerning official information has not been revised since its foundations (1999), while gaps in the legal provisions can be found.

As the law lies in the principle that the disclosure of official information is the rule, and the restriction is the exception, the current law lacks a clear list of exceptions to the main provisions on access to official documents. Furthermore, it allows the right of access to information to be restricted by any other law, including organic laws of security sector institutions, such as is the case of “National Intelligent Service”. Its organic law simply strips institutional obligations in regards to access to official information. On the other hand, overwhelmingly security sector institutions do not refer to transparency provisions in their organic laws or institutional regulations. Remarkably, the Ministry of Justice is one exception, having established detailed procedures regarding the distribution of official information, recognizing the obligations of all the officials to respond to official requests for information. Another deficiency related to the legal framework is that it lacks important safeguards such as protection for “whistleblowers”, and sanctions for the breaches of the law by public administration.

In Albania, despite the fact that all public institutions are bound to the law “On Access to Official Information” (with the exception of National Intelligent Services), the non-state actors are excluded from these obligations. However non-state agencies, contracted by the government, should have the same transparency responsibilities towards the public. Such approach is necessary to be envisaged in the law.

The principles of accountability and transparency require that information only be withheld for legitimate and tightly defined reasons. However, traditionally the nature of the security sector has produced bureaucratic unwillingness to reveal information and sometimes even to classify this information for public use with the excuse of national security or public interest. In the case of Albania, the gaps in the legal framework and lack of experience in this field make this process difficult and controversial. Such approach is often utilized through the application of the law “On Classified Information as ‘State Secret’” (1999) which delegates to the security sector institutions the right to classify informa-

tion for the public according to their needs. Despite the fact that there are legitimate reasons to keep undisclosed specific information related to security sector on the grounds of national security, basic information should be accessible to civil authorities and members of the public. The need for confidentiality should never undermine the civil oversight. But, in principle the law “On Classified Information as ‘State Secret’” does not acknowledge the society the right to override government classification in case the information involves public interest. Furthermore, in Albania, in difference from western democracies the legal framework does not entitle the judiciary to apply the public-interest test to evaluate the government’s classification concerns. The procedures and the practices of classification and declassification of the official information in all the levels are non-transparent and hidden from other actors.

Implementation

Despite the improved legal framework and institutional capacities related to transparency in the last 10 years, the implementation of the law remains a major concern. Administrative incompetence is a factor that negatively influences the process as there is a will to put procedures on place but not to comply with them. According to People’s Advocate mostly the breaches are related to noncompliance of deadlines to reply to official requests. In addition the public administration in the security sector generally lacks knowledge of the law, what is reflected in the poor application.

For illustration, the Institute for Democracy and Mediation during the research in the framework of the project “Mapping and Monitoring Security Sector Reform” in the course of the last 2 years, submitted a total of 27 requests for official information and received only 8 (formal replies) related to different fields of observations, such as transparency, gender representation, rule of law, executive control, etc. The official information and available sources were provided by the concerned security sector institutions. The requests were relatively low for a governing system which is deemed to be based in the democratic principles of transparency and accountability. The limited information received was mostly insufficient and formal: 5 replies with irrelevant or limited information, 1 reply with adequate information, and two appointments for face to face interviews. In total, public institutions responded in 29% of the cases and provided the relevant information only in 11% of the cases. Such data might provide some hints on the application of the law “On Access to Official Information”.

People's Advocate authority, as the main body responsible to monitor the implementation of the law "On Access to Official Information", must be strengthened in order to guarantee a proper application of the law. However, its authority and competences are limited mostly to identify breaches and produce recommendations directed to high officials in different state institutions, however lacking any punishment competences for the identified breaches. It can be stressed that the reports of PsA since 2005 emphasize the poor and problematic implementation of the Law; but no major intervention or significant measures have been taken so far. Since 2007, the PsA has recommended a template regulation to the Government for use by all state institutions in implementing the legislation on the right to access information, but it has not been adopted yet.

In this framework it can be claimed that the security sector governance in Albania is lacking a uniform approach to enforce transparency practices and principles in the public institutions, depending largely on the will of the heads of each body rather than by compliance with the law. Lack of a uniform scheme of implementation in the entire security sector has negatively affected institutional performance concerning transparency and public oversight.

Civil Society and Think Tanks

The public oversight of the security sector from the civil society organizations in Albania can be considered problematic and insignificant. The contribution of non-governmental organizations concerning oversight and control of this particular sector as well as contribution to policy and decision making is subordinated in all the levels: from the law drafting, to institutional practices and daily activity of public institutions governing security sector.

The Constitution of Albania stipulates the right of the public and independent bodies to attend collective governmental meetings, however, legally speaking the drafting process does not oblige the institutions of central government and the parliamentary bodies to consult with and inform interested actors about drafted or revised laws (although some level of transparency is required when the process is finalized). Such governmental approach towards the non-governmental organizations and independent expertise has weakened the role of civil society concerning public oversight of the security sector reform. In difference from what the law stipulates, in reality often bureaucratic restrictions delay and sometimes prevent external participation and consultations in the drafting of the laws and policies (in the governmental and parliamentary level). It seems

that the predominant attitude among government and parliamentary officials is that public participation hinders the lawmaking process, instead of improving it. Due to the lack of binding procedures and lack of will to provide a greater role of civil society in the oversight of the security sector governance, relations between the government and NGO community depend heavily on the goodwill of governmental officials. Consequently, the value of transparency itself is not internalized, institutionalized or passed on to lower levels of bureaucracy. In this regards, it can be stressed that there exists a gap between the activity of public institutions and civil society organizations, which somehow has caused a distance between the two powers.

Another factor that may have influenced public oversight of the security sector from civil society is lack of in-depth expertise and capacities of civil society to contribute to security sector oversight. However, it can be noted that in the last years the capacities and expertise of CSO's devoted to security sector has been strengthened providing a more active role in the oversight and control of security sector institutions.

Media

An important actor in the public oversight of the security sector is the Media which scrutinizes and serves as a 'watchdog' to the activity of the security sector institutions. In a broad perspective two problems can be identified as regards media difficulties to contribute to public oversight of the security sector reform: (1) control of the media by the government or businesses with political affiliations, and (2) the media's own lack of competences and expertise to administer and deal with information on security and defense.

Despite the fact that the Constitution guarantees the freedom of speech and expression, the legal framework concerning the media activity remain incomplete, leaving gaps for attacks on media people. An indicator concerning difficulties of the media in security sector oversight is the fact that in Albania, 'seditious libel' continues to be part of the Criminal Code, an obvious threat for independent journalists. Despite the fact that compared to the past, in the last years less journalists are sued and no one has been imprisoned, the current and past politicians find it appropriate to keep this provision in the Criminal Code and, therefore, utilize it as a tool of influence over the free media whenever the need arises. Thus, according to Freedom House yearly assessments, "...lawsuits

against journalists for voicing legitimate criticism have been a common trend in Albania”. In those few cases efforts to conduct investigative journalism by independent media outlets have been silenced by the government through the use of legal and financial pressures on media owners.

In the last 10 years a growing phenomenon can be identified concerning the media neutrality and professionalism; the private media intermingles with powerful business, political, and media interests, inhibiting the development of independent outlets, a necessity for independent and investigative journalism. Media control by their owners linked to political and economic interests have brought into a situation where the journalists are obliged to strictly fulfill the demands of their owners to keep their job. As such, with few exceptions, media’s role in monitoring and criticizing the governance of the security sector has been diminished to a reporting tool for government actions, rather than a mechanism to scrutinize and control government decision making and related activity in the reforms of the security sector.

Summary of the Discussion - Paralel Panel I

Besnik Baka

There was a lot of attention at the work of the panel discussion on “Public Oversight of the Security Sector”, held during the national conference “20 Years of Security Sector Reform in Albania”. The panel was attended by civil society representatives, distinguishing leaders of environmental organizations and road security organizations, university professors, experienced journalists in the field of security sector as well as high representatives from public institutions. The session of this panel was dedicated to various aspects of public oversight of the security sector in Albania, such as transparency practices and standards of the governing structures and the inclusion of civil society organizations and groups of interest in the political decision-making processes.

The meeting started with a brief overview of some of the most important aspects expected to be covered during the discussions, such as the importance of transparency from the institutions of the security sector, opening-up of governing structures to civil society expertise and proposals, political decision-making processes by state institutions and a more active role of civil society regarding definition of the official national security agenda.

This panel was distinguished for being largely orientated on the needs and the human context of security sector issues, focusing mostly on the human dimension and related aspects of the security sector governance, directly affecting the quality of living for the Albanian citizens.

The panel discussion, which was conceptualized as an open platform of opinions from the participants, started with some opening remarks and a brief overview of the main issues expected to be treated in the course of the meeting. Representatives from the environmental organizations stressed the need for closer cooperation between state structures and civil society organizations both at the central government and local government level, concerning specific policies related to environmental security and measures generally undertaken in situations of risks. According to the panelists, environmental threats continue to be hostage of the lack of long-term policies, mostly limited to some reactive measures against emergency situations and natural disasters rather, than developing preventive policies.

During the debate discussants stressed the fact that security policies

and strategies concerning the environment and other fields generally needs to take into account different studies, assessments and concrete proposals issued from civil society organizations and research institutions with expertise and knowledge in the field. This may enable an independent assessment of the issues and challenges surrounding the reform of the security sector in Albania and setting up of a more inclusive political agenda that is primarily led by civil people needs. In this context, representatives from 39 organizations operating in the field of environment emphasized the problems embodied in the current national agenda, which assess the threats related to national security illustrating the gaps that can be noted between the state budget allocated to defense and the budget allocated to environment, despite the ever increasing environmental risks and threats in the last 10 years. Periodically, Albania is facing different environmental disasters and challenges, but the budget for environment has not substantially changed in the last years. Furthermore, the panelists expressed their concerns about the decision-making processes and extend in which it reflects national interests and people needs, stressing that currently environmental risks constitute a greater threat than terrorism. Lack of realistic and efficient policies and strategies in facing environmental threats has a greater cost for the state budget and, consequently, for the citizens. This situation proves that decision-making practices and mechanisms have to be revised in order to better adjust to the evolving reality.

The new generation of the security sector could not be defined without including and reflecting various aspects of the needs and perceptions of citizens. In general this is recognized within the framework of “human security”, in itself composed by seven main elements: economic security, food security, environmental security, health security, personal security, community security, and political security. In this framework, 2 years ago, a group of researchers under the support of IDM, prepared a study specifically concerned with the aspects of human security. The panelists stressed the need to inform and raise awareness of policy makers about different aspects of human security in the country, while without the contribution of civil society such approach is difficult to achieve. Stemming from here, IDM undertook three years ago the initiative to establish the Security Management Network, a group of 15 researchers from different fields with a particular interest in security issues. They conducted different research studies and policy papers providing tangible proposals in regards to different issues concerning security sector reform in Albania.

Most importantly, the panel was focused in the components that relate to environmental security and road security. Representatives of each field gave their arguments concerning lack of realistic assessment from governing structures dealing with environmental and road security, providing a good example of how the national security agenda continues to focused on traditional threats.

During the discussions of this panel, participants were concentrated in implications of the state budget on different actors, bearing in mind that large funds continue to be directed to traditional aspects of state security, while little attention is dedicated to the so-called ‘second generation of reforms’, which is based in the features related to human security. In this context, security should be thoroughly analyzed as a problem related to development of the state in general, rather than a specific sector or selective analysis of some aspects concerning security. Therefore, the reform of the security sector should be seen in complexity considering that in conclusion the reform is mostly related to management of resources.

Nevertheless, the debate revealed differences between the state institution approach and civil society approach. Referring to the representatives from the High State Control (HSC), the real issue is not related to the allocation of funds for different security sector actors, but to poor management of these funds from public administration and other implementing structures. HSC representatives expressed their concerns, noting that the real problem does not lay in the concept and the vision of national security policies, but in difficulties of implementation of these policies. In this framework, the moderator of this session mentioned the first steps of the “Results Based Management” model that IDM has endeavor to introduce as an effective instrument for project and policy assessment in the governing structures and beyond.

During the discussions participants focused on the possibility for improving institutional practices in order to guarantee more space to civil society organizations to contribute in security policies, and in the same time to be informed about every government initiative which is not labeled as ‘national secret’.

In addition, panelists coming from the media milieu (journalists, editors from the press), emphasized difficulties that they face during their work to obtain necessary information and data from public institutions concerning the security situation in the country, as well as potential threats and risks.

The invited journalists provided concrete examples of the lack of

transparency practices and hidden information in the public administration especially related to security sector very often through breaching the law. One of the panelists, an experienced journalist in the field of security, revealed for the participants the practices employed by the public administration to prevent journalists to obtain information for the public interests. In this context there is an immediate need to revise the process of classification of the information as 'secret'.

In conclusion, the participants agreed about a more institutionalized approach of cooperation between civil society organizations and state structures in all the levels of decision-making

Recommendations

- Improvement of transparency practices in the public institutions, assessing the circumstances when specific information should be held or protected.
- Inclusion of civil society organizations and independent experts' proposals, in the political agenda and decision-making processes. This remarks the first step towards a greater cooperation and engagement of civil society, local and central government and communities.
- Better assessment capacities of current policies and situations in the ground having in mind the holistic approach of all the governing system.
- Development of the capacities of civil society organizations in their expertise and knowledge about specific issues of security sector.

PARALEL PANEL II

Corruption in Security Sector in Albania

Corruption represents one of the biggest threats to the functioning of the rule of law and democratic institutions in Albania. According to the most widely shared definition corruption is any course of action or failure to act ('omission') by individuals or organisations, public or private, in violation of law or trust for profit or gain'. In this regard corruption in security sector is particularly sensitive because not only does it undermine the security of the society, but it also reduces the trust in public institutions.

Security sector comprises those actors that protect the state and its citizens from security threats. They range from operational structures such as the Police and the Armed Forces, to managing institutions like the Ministry of Interior, Ministry of Defence, Ministry of Justice, Prosecution and intelligence services. When the professionals part of these institutions, abuse with their office powers for private gains, not only is trust between security actors and the public compromised but also the security of the citizens is at stake.

Despite progress in legislation during the recent years, corruption remains a significant concern in Albania. Various laws on fighting corruption as well as on security actors such as the law on the State Police, on Intelligence Services and on Judiciary were significantly improved for reducing opportunities for corruption. The Criminal Code criminalises the main forms of corruption and the Criminal Procedure Code lays down key tools for fighting corruption, including special investigative measures. The cross-cutting Strategy for the Prevention and Fight against Corruption and for Transparent Governance 2008-2013 is clearly a positive development. However, the strategy itself is very ambitious and must be correctly implemented in order to generate a positive change in the corruption situation in the country.

On the other hand, Albania has ratified various international treaties related to corruption and is also part of various international organizations dealing with corruption and organized crime. Also different important institutions have been established for the fight against corruption, including:

- The Department for Internal Administrative Control and Anti-Corruption (DIACA) that performs internal controls on administration,
- The High Inspectorate for Declaration and Audit of Assets in charge of receiving and verifying the declaration of assets of public officials and their compliance with the law on the conflict of interest,
- The Internal Control Service at the Ministry of Interior, to investigate corruption cases in the police,
- The Joint Investigative Units for Economic and Corruption Crimes.

Despite all these, corruption is still perceived as a major concern in security sector because implementation is still deficient. Security sector in Albania is exposed to corruption due to several reasons the most important of which include:

- Gaps in legislation due to the change of regime and the approval in the last 20 years of new legal framework. Due to lack of experience by lawmakers, the first version of laws has been deficient and ambiguous. The lack of clarity and gaps in legislation encouraged corruption in all sectors including security. For instance, the immunity granted to MPs, ministers and judges has proven to be a serious obstacle to the investigation of corruption increasing the risk for the presence of this phenomenon. Therefore, there is a need to change the law on the immunity of high public officials.
- Another major concern regards the enforcement of legislation. While Albania has improved its legislation regarding security sector as well as that concerning the fighting against corruption, the biggest concerning issue regards to the implementation of laws since practice is deficient.
- There is a need to strengthen the capacities of DIACA, which is the administrative body in charge of coordinating the anti-corruption strategy, since its resources are limited.
- Due to its specificity, security sector lacks transparency. On the other hand, transparency constitutes a necessary condition for monitoring how security sector works, if it operates in an appropriate manner, and regarding further involvement by the public.
- There is insufficient participation of civil society in monitoring the implementation and anti-corruption legislation and initiatives;

As a result of these concerns it is necessary to change the situation. The following section explores some concrete solutions. In order to tackle corrup-

tion in security sector there are five main questions that the country should address:

1. *What* is the level of corruption in the country's security sector?
2. *How* can security sector corruption be tackled?
3. *Who* should be responsible for tackling corruption in security sector?
4. *Where* should the focus be?
5. *What* are the conditions for efficient anti-corruption measures and what are the encountered difficulties?

Within this framework first, it is necessary to have a clear idea of what constitutes corruption in security sector in the country, what are the causes, the extent and the forms of such corruption. Second, it is important to be aware on the different methods used in fighting corruption that include the legal, administrative and educational methods.

Legal methods

In the framework of legal methods it should be demonstrated that there is serious engagement in tackling corruption. Security sector professionals who have been subject to inappropriate behaviours are often treated not severely enough by their superiors. This could set bad examples for other officials. On the other hand, the perception that judges are being too soft and the lenient sentencing of security sector personnel involved in inappropriate behaviours has and could increase corruption.

In order to reduce corruption improvement of legislation, which is often times confusing and unclear, is needed. Legislation must define terms and clarify what corruption means for the police, the military, and the judiciary and so on.

Administrative methods

Administrative solutions may be sought to address issues such as recruitment, working conditions and risk assessment. It is of crucial importance that recruitment is based on qualifications and meritocracy. Legislation which clearly pre-defines criteria for appointments or advancement in carrier should be enforced. Maybe, the practice of rotation - by regularly moving the staff from one depart-

ment to another – could be a solution to reduce opportunities for development of corruption.

Also the improvement of working conditions such as increasing salaries of security sector personnel -being the most basic condition to widespread corruption- may further contribute in tackling corruption.

It is important to conduct a risk assessment yearly or systematically in order to identify those areas in security institutions which are more conducive to corruption and to prioritize them. For instance, while in the military the departments who deal with procurements are more conducive to be corrupt, in police it might be the divisions dealing with high profitable forms of crime such as drugs, etc. that might be more inclined to being corrupt.

Educational methods

Two main educational methods that might contribute in fighting corruption are continues training and public awareness campaign. Continuous trainings and seminars with security sector personnel on the change of values in society are important for raising awareness on what is acceptable and what has changed. Values change with time and what was acceptable a decade ago may not longer be tolerated.

Public awareness campaigns about corruption in order to educate the public on the best ways to inform authorities (ex: through anonymous free telephone lines) might prove to be effective in reducing corruption.

Being such a complex phenomenon, corruption is very difficult to be tackled if bodies responsible for addressing it do not perform their duties in an appropriate way and do not cooperate with each-other. Therefore, internal control mechanisms and external oversight and control mechanisms are crucial tools in detecting and preventing corruption as well as any other form of misconduct. Internal control encompasses all aspects and activities performed and initiated from within the security sector institutions and are usually internal audit divisions established within the institutions. External oversight mechanisms monitor the behaviour of security sector institutions from the outside of institutions and have the main goal to prevent and identify corruption. Such institutions that perform oversight functions in Albania are the parliamentary committees, the media, civil society etc. External control mechanisms instead is external to the security sector actor chain of command (ex: Police, Armed Forces) and is able to give directions, for instance, in prioritising an issue such as the Executive, the

Judiciary etc.

One of the key internal control institutions performing internal controls on the administrations is the Department for Internal Administrative Control and Anti-Corruption (DIACA). DIACA's capacities for being a coordinative body are limited for enabling it to play a coordination role in the context of the strategy and action plan due to the lack of resources. Monitoring of implementation of the action plan by DIACA and in particular corruption reporting statistics are insufficient.

While there have been improvements in the internal control mechanism within the Albanian State Police through Internal Control Service of the Police concrete results have been achieved only on petty corruption. Therefore, strengthening the internal control service could contribute on dealing with major corruption cases.

The parliament exercises oversight over the executive and security sector institutions through its Committees. However, the Albanian parliament has not exercised effectively and efficiently its oversight and control function due to many factors. The administrative capacities of the parliamentary committees are weak in order for the parliament to exercise its oversight role because of lacking expertise, insufficient administrative staff, resources, etc. Also the politicization of the parliamentary staff and experts has a negative impact in properly conducting this role. Instruments of exercising the oversight role are used very rarely. Therefore, an improvement of the oversight role of the Parliament may significantly contribute in the reduction of corruption.

The focus should be particularly in the areas where the potential benefits are high as the risks of serious security sector personnel corruption increase.

- Change could start with a strong support by all stakeholders involved in the fight against corruption such as the political elite, media, NGOs, public institutions, public etc.
- Then, if there are ambiguities on the legislation tackling corruption it is most likely that it will be unsuccessful, therefore objectives should be clearly defined, should be achievable, and specific.
- The best use of resources could highly contribute to the fight against corruption. Not only equipments and funding are important, but human resources with experience and adequate expertise are crucial in addressing such a challenge.

- Further contribution in tackling corruption could be offered by the Action Plan on implementing the National Strategy in fighting corruption. If the action plan has concrete measures, identify the bodies in charge for implementation and clear division of labour, have clear deadlines on implementing measures and have the necessary budget to achieve these objectives, could offer a big contribution in the fight against corruption.

Further reading on this topic:

- David M. Law, “Transparency, Accountability and Security Sector Reform in South East Europe: An Analysis of the Stability Pact Self-Assessment Studies”, in Defence and Security Sector Governance and Reform in South East Europe Self-Assessment Studies: Regional Perspectives, DCAF, 2004
- European Commission, “Commission Opinion on Albania ‘s application for membership of the European Union”, 09 November 2010
- Robert Perito and Madeline Kristoff, “Fighting Corruption in Security Sector Reform”, United States Institute of Peace, 2010
- Sida “Albania Anti-Corruption Study”, January 2008
- Transparency International UK, “Corruption risks in the security sector: highly important, under-researched and urgent”, December 2011, <http://www.ti-defence.org/publications/990-corruption-risks-in-the-security-sector--highly-important,-under-researched-and-urgent>

Summary of the Discussion - Paralel Panel II

Mariola Qesaraku

During the panel's work on corruption in the security sector the main idea raised by most of the speakers and shared by all participants had to do with the fact that fight against this phenomenon has a special importance because of the security sector specificity and it still represents a big concern. Emphasis put on fighting corruption in this sector is first important because involvement of security sector staff in corruption reduces public trust in institutions and jeopardizes the safety of society and citizens.

One major challenge is the lack of transparency of the security sector. Given that transparency represents an essential condition for monitoring and evaluating the level of corruption in this sector, a lot still remains to be done in this regard. Therefore, laws should be drafted in a way as to provide for filters of transparency, going from procedures for appointing employees of this sector to the powers granted to them. Furthermore, procedures should be transparent as to not leave room for corruption and favors. Speakers also spoke on the need to leave as little space as possible to individuals, while a big contribution is provided by electronic procedures to this end, therefore it would be good to extend such procedures to all structures.

A good part of the debate was focused on the existing legal framework. The legislation has shortcomings and gaps, thus leaving room for corruption. Panelists discussed several laws having problems, such as for example there is no legal protection for victims and collaborators of justice in the fight against corruption and they are not involved either in specific laws on witness protection such as in the "Witness Protection law". Consequently, witnesses get manipulated, corrupt and change their testimony rendering it even more difficult for security institutions such as the Prosecution, courts and other law enforcement agencies to exercise their functions. Another law that was discussed by participants was the "Law of Confiscation of Financial Assets", which says nothing about corruption. As a result, no property investigation can be done using preventive measures for corrupt activities. Furthermore, participants mentioned the necessity of amending the legislation regarding the immunity of judges, deputies

or ministers, as immunity has proved to be a serious obstacle in investigating corruption cases.

In this light, failure to enforce laws was again raised as a permanent concern. The representative of Armed Forces brought the example of the Law “On Armed Forces” by stating that the law is good, but not implemented properly, hence there are interferences and corruption while meritocracy is not respected in promotion procedures.

Since corruption is a very complex phenomenon, some participants highlighted the fact that to achieve tangible results in the fight against corruption the approach of “smart intervention” should be used. So, an intervention focused on specific sectors will give more outcomes compared to a general intervention. Such intervention should be based on the analysis of risks of corruption conducted by each institution/actor of the security sector and then focus on suitable financial resources and energies. In this context, examples of the most corrupt sectors were mentioned by the State Police such as the traffic police, while the MoD considered procurements/tenders as being mostly involved with corruption.

The State Police representative raised an important issue remaining a major challenge in combating corruption dealing with breaking the code of silence and apathy, characteristic for our society. There is a very low awareness of public opinion that is very passive in denouncing corruption. To combat this code of silence awareness raising campaigns are needed aiming at educating the public on the importance of denouncing corruption (using hot lines offered by the state police, etc.).

Another important issue treated in the panel was the need for fighting the culture of impunity, as it creates grounds for a more aggressive development of corruption. Penalties should be severe not only within the structures of the institutions themselves, but also by the judiciary. As a result security sector officials against who punitive measures are taken, or who are fined for corruption would become a model for other colleagues, while measures themselves would serve as a sign of a more serious commitment to fighting corruption.

A highly debated issue in the panel was the unstable public administration, leA highly debated issue in the panel was the unstable public administration, leading to a major drawback because it makes employees more prone to corruption. In this context, the representative of the Public Administration Department highlighted the work being conducted by DAP in order to reduce and fight corruption, while public administration staff is gaining trained with anti-

corruption modules. Additionally, the current law on the civil servants' status is being amended so as to provide for a merit-based career leading to a more stable public administration.

Finally, panelists criticized the civil society because of the limited role it has shown so far. They voiced that civil society organizations and media should perform ongoing monitoring on the security sector and anti-corruption initiatives.

PARALEL PANEL III

Independent Oversight Bodies in Security Sector Reform in Albania

Independent Oversight Bodies (IOBs) constitute an essential part of the democratic governance of the security sector. Generally, IOBs are defined as those institutions that are established by the Parliament and are accountable to it. The main oversight bodies in Albania are the People's Advocate, the Supreme State Audit Institution, the High Inspectorate for Declaration of Audits and Assets, The Procurement Advocate, the Commissioner for the Protection of Personal Data and the Commissioner for Protection from Discrimination. These institutions control and monitor the implementation of the legislation that guarantees the fundamental human rights and freedoms, public funds, procurements, and fight against corruption. In addition, IOBs may also accept and review complaints, investigate on cases that involve the above rights and issue recommendations to other public institutions, including security sector institutions.

With regard to the security sector, it is important to emphasize the role played by IOBs in terms of accountability and increased transparency. In view of the fact that contributions on this subject were scarce, the Institute for Democracy and Mediation carried out last year the first research study on this matter. The study attempted to fill the gaps and addressed issues to be further analysed in future research studies. Therefore, an assessment of the performance of the IOBs was made possible by analysing the scope of their mandate, the legal framework regulating their establishment and activity, available resources as well as relations with the security institutions, the government, the Parliament and the civil society.

For the purpose of this study a series of consultations were conducted with the representatives of the IOBs with a special focus on the issues concerning the security sector institutions which they are mandated to oversee. Furthermore, a conference was held in order to share the findings of this study with the IOBs representatives, members of the Parliament, civil society as well as with the representatives of the security sector institutions in Albania. Throughout this event the participants of the above bodies and institutions highlighted the importance of the study as a tool for strengthening the consolidation of oversight

in security sector in Albania.

The study highlighted several problems concerning the functioning and performance of IOBs activity such as:

1) Operational and institutional independence

Based on the findings of the study, generally some IOBs appeared lacking independence and their mandate did not sufficiently cover the issues and problematics involving the institutions operating in the security sector. Basically, the lack of independence does negatively affect the IOBs capacity to operate free from interference in the decision-making process, develop a more proactive approach, appointment of the heads of the IOBs and tenure on merit and transparent basis.

A trend towards the politicization of IOBs activities was also pointed out. Another factor to be taken into consideration is the particular nature and the specifics of the security sector. The best practice of Western European countries shows that the high level of secrecy in the security sector can impede the fulfilment of the IOBs mandate and functions.

2) Sufficient funding and resources

One of the major constraints that affect the performance of IOBs is the inadequate financing and human resources. Nearly all of the above mentioned independent institutions maintain that their budgets have shrunk and that the human resources they possess do not suffice to allow them fulfilling their mandate. Thus, adequate funding and the proper training of oversight institutions personnel are critical to the effective exercise of their oversight responsibilities.

Moreover, there is also the need to enhance cooperation among the independent oversight institutions and the Parliament. As provided by law, all the IOBs report regularly to the Parliament and their reports are discussed in the standing parliamentary committees. Reports are formally and not substantially discussed, lacking a thorough debate over their content. In many cases the discussion is focused on procedural aspects and scarce attention is given to the recommendations that should be contained in these reports. The periodical meetings with the representatives of the IOBs and the Parliament should serve to explore ways of strengthening the oversight responsibility as well as to address problems and challenges faced by each institution.

In order to effectively address the above problematics, a stronger emphasis should be put on the IOBs independence and adequate funding by:

- the revision of certain aspects of the existing legislation on independent oversight bodies in order to improve the security sector oversight and facilitate interaction with the security sector;
- improving appointment procedures and security of tenure of the heads of IOBs by the Parliament;
- providing for independent oversight bodies to propose their own budget to the Parliament as well as improve their capacity to raise funds from alternative sources such as the donors community;
- providing for independent oversight bodies to issue their own bylaws and engage in proactive actions.

Summary of the Discussion - Paralel Panel III

Besjana Kuçi

The purpose of this panel was to discuss the experience and relations of independent oversight institutions of the security sector as well as to come up with proposals for an effective oversight of this sector. Attending the panel were representatives of the Supreme State Audit, People's Advocate, Procurement Advocate, Commissioner for Protection of Personal Data, Commissioner for Protection against Discrimination, and Classified Information Security Directorate.

Primarily, representatives of these institutions briefly presented the mandate, functions and legal framework of the respective institution. Afterwards, they analyzed relations with the security sector institutions and brought examples of the concrete experience from their working with these institutions. Panelists agreed on the importance of independent oversight institutions in a democratic society. In this context, it was highlighted that "a functional democracy is a prerequisite for the proper functioning of independent institutions".

Furthermore, during the discussion, participants highlighted the importance of independent oversight institutions for the democratic governance of the security sector. During the panel proceedings, representatives from independent institutions stressed that oversight of security sector institutions is similarly performed as for any other public institution in the country.

One of the issues discussed in the panel was the role of independent oversight institutions in increasing accountability and transparency in the security sector. Based on their day-to-day experience, discussants put to the fore the need for a more qualitative commitment which goes far beyond the reporting period. Currently this commitment is limited by insufficient financial and human resources and lack of legal provisions.

Another issue addressed by this panel was the relation of the independent institutions with the Assembly and the National Security Committee in particular. In this regard, the participants mentioned the Assembly's Monitoring Department on Independent Constitutional Institutions and Independent Institutions, where independent institutions regularly report and inform the Assembly. The latter issues regular reports on the performance of these institutions.

Discussants focused as well as on the importance of awareness rising on the role of the independent oversight institutions among security sector institu-

tions and the general public. Thus, this would lead to an impartial and efficient oversight of the security sector institutions.

At the end of this panel, representatives of the independent institutions made the following recommendations:

1. The independent oversight institutions should foster cooperation and partnership amongst them to effectively fulfill their mandate and functions in compliance with the legal framework of each institution.
2. The independent oversight institutions should enhance cooperation with security sector institutions through Memorandum of Understanding and other mechanisms to facilitate interaction in this sector.
3. In order for independent oversight institutions to perform their functions effectively, sufficient funds and a qualified staff should be made available for them.
4. The independent oversight institutions should focus more on the oversight of the security sector, taking into account the specificities of this sector and improving the oversight mechanism.
5. The independent oversight institutions should be involved in and consulted while the Executive drafts bills related to the oversight of security sector institutions.

PARALEL PANEL IV

The Role of the Judiciary vis-à-vis the Security Sector

The overall relations of the security sector with the judiciary are not different from the relations of the judiciary with other sectors, except for the military, which has own sections within the judicial system. In Albania, the activities of the security sector actors and agencies are subject to judicial oversight with no explicit limitations. The judicial control means that the security sector is subject to civilian justice system. However, unlike the executive and legislative branch of power, the judiciary may not initiate on its own investigations or is not legitimised to have accountable any public official from the security sector.

Judicial oversight means that the judiciary exercises a priori control function. First, courts decide whether a law enforcement agency receives the authorisation for using exceptional powers (interference with private communication and property). The courts play an important role whether it is legally justified to use powers which infringe upon human rights, e.g. interception, surveillance, house searches.

The judiciary also exercises ex post control. The overriding principle is that courts have the jurisdiction to determine whether operations complained of are within the law. As a matter of fact, everyone whose rights and freedoms are violated should have an effective remedy through judicial bodies. Judicial ex post control is necessary in case when rights are violated by members of the security services.

Hence, the core task of the judiciary related to the security sector is to interpret and implement the law and to judge whether its actions conform to the constitution and relevant legislation, whether they infringe human rights either of citizens at large, or of citizens in uniform (members of the armed forces).

Therefore, the role of the judiciary needs to be enhanced and supported when exercising the control against any member of the security sector institutions. In this regard, the independence of the judiciary system is a very sensitive and important issue. The independence of courts when it comes to appointments needs to be guaranteed in order to minimise any political interference. Additionally, the important role that judiciary might play in controlling the legality

of the actions or policies of the security sector institutions/actors needs to be understood by individuals or any other actor in order to encourage them to bring to the court any case of abuse from these institutions/actors.

Apart from the ordinary judiciary system, the Constitutional Court with its special jurisdiction in reviewing the constitutionality of laws and other normative acts plays an indirect role in promoting good governance of the security sector when it comes to reviewing important legislation in this sector. As a result, good practices of referring cases of applicable unconstitutional law or provision to the CC by the specific subjects allowed to put into motion this court need to be enhanced in order to contribute to improving the legal framework.

Another important area that needs attention is legislation. There are areas where legislation needs to be improved, such as for instance the area which regulates the relations between the law enforcement structures within the security sector and the judiciary pertaining to the use of special investigative measures. These may include:

- Improvements of legal provisions (in the Criminal Procedure Code) that provide for the control by the judiciary (directly or through another authorised body) of the compliance with the warrants by the implementing institutions (Prosecution, Law Enforcement Agencies).
- Criminal Procedure Code to include similar procedures of approval and control, as the one applied for the interception of telecommunications, to other special investigative measures
- Much clearer definition of the role of the Prosecution and the Prosecutor General, which acts both as a law enforcement agency and an authorising and controlling body pursuant to the law on the interception of telecommunications.

Summary of the Discussion - Paralel Panel IV

Elira Hroni

The role of the judiciary in the security sector represents a very relevant topic. Since the interaction between these two bodies has never been part of the debate and research in the past, it sparked the interest and curiosity of the panel members. The first comments expressed the relevance of discussing this issue and enhancing the debate, focusing on the relationship between the judiciary and the security sector. The lack of debate on this issue, lack of the perceptions of judiciary in this position and the lack of endeavor to address this interaction, shows that the role of judiciary vis-à-vis the security sector is lagging behind in Albania. Moreover, one of the areas where this interaction between the two seems rather problematic is in the case of authorizing intrusive actions and guaranteeing that these actions are necessary and professional. The difficulty relates to judiciary not observing or paying great attention to the fact whether these intrusive methods are proportional and necessary.

The panelist agreed on the need to enhance and support the role of the judiciary when exercising the control against any member of the security sector institutions. As a matter of fact, the overriding principle is that courts play a very important role on the oversight of the legality of actions which may violate human rights. Hence, the core task of the judiciary related to the security sector is in the right interpretation and implementation of the law and to judge whether actions performed from security sector actors are pursuant to the Constitution and relevant legislation. Thus, whether this actions infringe human rights either of citizens at large or citizens in uniform.

Following this argument, as regards the ability of judges to become partners on the general attempt to guarantee security in the country, the judiciary remains in a conservatory position. In general, crimes constitute a threat to national security, but under this vast category there are certain crimes, which from their nature, consequences, tendency to include state officials and violence manifested are more dangerous for the security. Especially in this regard the role of the judiciary is essential in concluding a long process from the policymaking to sentencing criminal offences.

From the first discussions, considering the new and rarely discussed topic, came out the proposal that the role of the judiciary shall not be addressed following a strictly institutional approach but for the sake of a comprehensive debate other institutions dealing with the guarantee of legitimacy should be included such as the Prosecution Office which from the constitutional point of view operates close to the Courts. Therefore, the debate on the role of the judiciary requires a more inclusive coverage of the relations with other institutions including the Ministry of Justice for as far as it is concerned with the organization of the Courts.

One of the raised issues concerns the need for improvement of the judiciary system in general and the improvement of concrete legal framework and dispositions in particular. Within the framework of legislation review, more adequate formulas shall be found when dealing with the protection of individual rights in terms of both substantial and procedural aspects. These formulas aim to secure national security or the consequences that security might have by the enforcement of concrete dispositions or legislation pieces.

Taking into account its particular role vis-à-vis the security sector, reforming the judiciary requires more seriousness and increased awareness considering the over 20 years of reforms undertaken in the security sector so far. This is even more evident taking into account the adherence of our country in many international organizations that has brought to the need for harmonization of the legal framework as well as of the practical one. Regarding this fact, one of the emphasized suggestions refers to the increase of cooperation between judicial actors and international organizations in the framework of conventions and other multilateral acts or bilateral agreements where the Republic of Albania is a party. As a part of them, Courts and the Prosecution offices shall cooperate and support each-other.

Another issue emphasized during this panel was the corruption of the bodies responsible for discovering, investigating, and judgment. This phenomenon was considered particularly harmful for the judiciary. It was emphasized that attention shall be focused on the actions to be taken to fight corruption. This is particularly important in regard to the 12 recommendations made by European Commission, one of which recommends the removal of immunity of judges.

The last issue discussed regards the importance of organizing trainings and specializations of judges for cases that fall under specific areas. All agreed that this is particularly important since the judicial decisions apart from the facts are based on personal conviction which leaves room for subjectivity. In this re-

gard, a specialized training of judges would impact and affect their mentality, in order to increase the active role of the judiciary in the security sector.

Moreover, judges should act proactively in using international law. There are conventions and monitoring committees in the level of Council of Europe or UN that process the achievements and materialize them in concrete dispositions in international conventions. The Albanian judges generally apply national body of legislation, while there is no formal impediment to directly invoke international law.

AN OPINION ABOUT THE CONFERENCE

Overview on the Conference '20 Years of Reforms in the Security Sector of Albania: Towards a New Generation of Reforms'

Prof. Assoc. Dr. Luan Hajdaraga

In an effort to make a summary of some of the main findings of the conference on “20 years of reforms in the security sector in Albania: for a new generation of reforms”, I would like to halt the attention in some of the aspects, which, according to my opinion, are the most relevant ones when it comes to the organization, content and issues treated in this Conference as well as the role and approach of institutional stakeholders and the society.

Having in mind that it is a difficult undertaking to offer an exhaustive list of the 20-year long reforms in the sector, one of the most positive achievements of the Conference is submission of detailed studies and analysis and focus on the shortcoming of the-so-far security sector reforms in Albania. Also, I would like to add that for me this was the first experience in an activity of national dimensions on security issues, bringing together a big number of experts, scholars, both national and foreigners, who articulated their assessment and arguments on the hitherto progress of reforms and gave their recommendations for their improvement, highly needed for a country being an full NATO member and aspiring to be part of the EU family.

Participants in the Conference highlighted the need for future reforms not to be fragmentized and detached, but be instead conceived in the context of an integral vision. It is only in this way that fragmentarization, lack of coordination, overlap of competencies and responsibilities between different sectors, avoidance of task of each of the security and oversight institution would be laid aside.

The main conclusion from panel discussions was the need for a good and effective coordination of the work of security institutions, more professionalism, and quicker approximation with standards of other NATO member countries. Reforms in the security sector should be further aimed at reaching a deep and qualitative improvement of the activity of relevant institutions, built more professionalism, a better coordination between them both at the internal

plan and in the cooperation with the countries in the region and wider.

In the panels of the Conference it was voiced that our reforms are sought of being realized under the same standards with the reforms of other NATO member countries, because Albania is also responsible for the regional security and for offering the most serious cooperation possible.

In a repeated manner, participant at the Conference stressed the need for the democratic control and oversight of security of institutions. The Parliament and parliamentary committees should be effective instruments in efficiently meeting their role as civil control bodies receiving the appropriate information on the work of the security institutions and control of application of policies and of lawfulness of these bodies. The legislative is sought of exercising a greater impact for improving the legislation, for approximating it with the legislation of NATO member countries and for overseeing implementation of laws, management of resources, and respect for the fundamental rights of the individual through a greater transparency with the media and with the public.

Providing relevant arguments, participants spoke of the need for establishment of a coordination body as soon as possible, so as it assesses drafting, enforcement, oversight, completion of priority tasks of the Executive vis-à-vis security institutions. In the absence of such a body, it has not been infrequent that actions of security institutions have shown of lack of coordination and, consequently, lack of effectiveness and inappropriate outcomes.

Experience of these years has identified the lack of an efficient system for drafting and assessing policies and strategies in the security sector and for coordinating in the most professional manner possible management of crises and natural calamities.

Issues of internal security and responsible institutions of this important component of security in the country were discussed at more length in the Conference. Given that internal or national security is realized by a wide range of security institutions and agencies, private security companies included, participants highlighted the need for improving organizational, legal and managerial practices. The need for more criminality preventive policies was as well highlighted in the Conference. In this context, participants spoke of topics related with the information systems security, infrastructure, finance and banking.

Reforms of the security sector are one of the main policies in the country as they contain a number of objectives, tasks, strategies, organizations of a political, economic, social, financial, environmental and other kinds, which together contribute to guaranteeing the internal and external security plan, to the

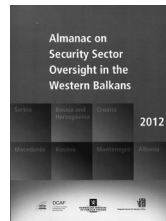
state security plan and the human security plan. For realizing these reforms, which are first political issues, main responsibility lays with the Parliament of Albania, the Executive and with security institutions. But, as already highlighted during the Conference, a special role should also be played by civil society and the media. Civil Society and media need to be part of security-related reforms, because issues aimed at being resolved by these reforms need to be debated by actors ranging beyond state institutions and should serve as a connecting bridge for involvement of citizens in these processes, as the level of knowledge on these issues has constantly increased. It is for a while now that security issues have started to be part of debates in media and topics of researches and PhDs amongst the academicians in the country. Security issues are growingly becoming a part of the graduate and post-graduate level, in the academic module programmes.

This tendency should be seen as a possibility to involve as much citizens possible in the reform-related discussions. A first step to this end would be opening of a wide debate during the review of the national security strategy. This document needs to be reviewed as soon as possible in order for it to reflect Albania's new status as a NATO member country, and to provide for the new roles and responsibilities of the collective security emerging from there.

IDM CONTRIBUTION IN THE SECURITY SECTOR REFORM

Almanac on Security Sector Oversight in the Western Balkans *Study*

“Almanac on Security Sector Oversight in the Western Balkans” was developed by a consortium of researchers as part of the project Civil Society Capacities Building to Map and Monitoring Security Sector Reform in the Western Balkans. This publication aims to provide an independent research-supported overview of the key achievements and weakness in the accountability of security sector of Albania, Bosnia and Herzegovina, Croatia, Macedonia, Kosovo, Montenegro and Serbia. The Almanac consists of seven case studies, one review chapter and the chapter explaining the methodology developed during the project. The country case studies provide critical and streamlined analysis of the practice of key legal and institutional mechanisms related to security sector accountability



Context Analysis & Chronology **of Security Sector Reform in Albania 1991 - 2009**

Study

This study analyzes the context in which the Security Sector Reform (SSR) has taken place in Albania since the fall of the communist regime. It has been conceptualized in three main periods, based on the social, political and economic perspectives featuring each phase during the Security Sector Reform process; Period 1: 1991 (collapse of communism) – 1997 (the institutional crisis); Period 2: 1997 – 2000; Period 3: 2000 – 2010.



The context analysis lies in a chronological framework and provides analysis of each security sector actor in the light of what has shaped their attitudes and their relations with other actors and the general context.

Cost and Benefits of NATO Membership

Collection of Papers and Speeches

This publication comprises summaries of the speeches held during the regional conference “Cost and Benefits of NATO Membership”, as well as recommendations emerged in relation to Albanian and regional challenges. The overall aim of the conference was to offer an analysis on the costs and benefits that these countries encounter to successfully coordinate and reform their policies on regional security issues and to face the challenges of NATO membership.



Democratic Control and Civil-Military Relations: Still an Unfinished Business

Collection of Papers and Reports

This publication includes the proceedings of the national conference “Democratic Control and Civil-Military Relations: Still an Unfinished Business” organized by Centre for European and Security Affairs (Institute for Democracy and Mediation) on 20-21 November 2009. This publication in the Albanian language includes all presentations/panel reports and studies, while the English part of the book includes only panel reports and results of the three surveys carried out in the framework of this conference.



Developing National Security Strategy 2008 – 2010

Collection of Papers – 2007

This publication is a result of the National Workshop on the “National Security Strategy”, which was organized by Geneva Center for Democratic Control of Armed Forces (DCAF) and the Institute for Democracy and Mediation (IDM), in coordination with the Government and the Parliament of Albania, on September 21st 2007. The publication includes comments and suggestions of local and foreign experts on the importance and the multiplicity of dimensions of the Strategy, thus offering a valuable contribution to the Governmental Working Group in their work to draft the new National Security Strategy.



European and Security Affairs

Periodic Journal

European and Security Affairs is a quarterly journal. Its objectives are: (1) informing a specialized public on issues of national security; (2) informing the public at large on NATO; (3) creating a discussion forum on national and global challenges to human security in Albania and developing efficient strategies to meet them. This journal constitutes the main daily academic publication in the Albanian market, specialized in the security issues and the European integration. The journal is published every three months in Albanian with English abstracts. It contains studies and research papers from national and international experts in the field of security sector and European integration.



Assessment of the Independent Oversight Bodies in the Security Sector Reform in Albania

Study

This study provides an analysis of the activity of Independent Oversight Institutions (IOI). IOIs are institutions created by the Parliament and report to the Parliament. These structures represent an important part of the democratic governance. Together with the executive and judicial power, the IOIs contribute directly to holding the security sector actors accountable. This study aims at assessing the performance of IOIs, mostly concentrating on their role on the check-and-balance system in the security sector.



Security Reform Issues in Albania - VOL I

Research Studies



This publication constitutes a compilation of the research work conducted by the members of the Security Monitoring Network, a pool of 15 researchers in different fields sharing a particular interests in security issues. The publication was devoted to these issues:

- **“Human Security in Albania”**

(Backgrounder)

Analyzing the main strategic documents and reflecting on the current situation regarding security issues in Albania, we can come into the conclusion that overwhelmingly the aspects of human security are poorly handled either in the strategic documents, or in the public discourse. This backgrounder is comprised of seven components of human security in relation to Albania, aiming at identifying the salient elements featuring the framework of human security in Albania.

- **“Albania: Developing a National Security Concept”**

(Policy Paper)

The periodic review of the fundamental security document of the Republic of Albania, known as “National Security Strategy”, is necessary, nay legally obligatory, for the main political and institutional actors of the country. This review raises a lot of concerns mainly due to the dynamics of the security environment either domestically or regionally, or even globally.

- **“Security Sector Reform in Albania: A gender approach”**

(Policy Paper)

Gender is a crucial component of our identity. However, gender interacts with and is influenced by many other factors such as class, ethnicity, nationality, sexual orientation, age, etc. These sharp (to various degrees) gender differences are present in all areas of life, including security.

- **“Performance Based Management”**

(Policy Paper)

This paper introduces a new approach to governance -- the Performance Based Management. This model is considered as a tool through which public officials proceed with reforms and offer maximum transparency with the end goal of optimizing the social value. Referring to IDM “PBM integrates existing financial, operations and other data into eye-opening and actionable facts for enlightened decisions. It is able to consistently track cost and performance over time and improve predictive ability”.

Security Sector Reforms Issues in Albania - VOL II

Research Studies

The publication of Security Sector Reforms Issues in Albania (Vol II) constitutes the second edition of the research work conducted by the members of Security Management Network (SMN). The SMN is a pool of 15 independent researchers in different fields of expertise sharing a particular interest in the security sector, trained and supervised by IDM and international experts during a period of two years. The publication included these topics:



- **“The need to reform the intelligence system in Albania”** *(Policy Paper)*

This paper analyses Albania’s intelligence system aiming to make an assessment of the main problems it faces. The paper calls for the need of a comprehensive reform to bring the intelligence system in line with the international norms and standards. Through a thorough analysis the paper provides insights on the main obstacles and necessary interventions to improve intelligence system in Albania.

- **“Promoting Women in the Albanian Armed Forces”** *(Policy Paper)*

Based on a thorough legal analysis, the institutional assessment and introduction of a best practice - case of Rumania targeted at serving for a comparative review, the document will aim at exploring the dynamics of the gender equality, the patterns of integrating women in promotion procedures in the armed forces and, consequently re-establishment of gender relations within and outside the Albanian Armed Forces in general.

- **“An Assessment of Albanian Elites’ Perceptions on National Security Threats, Risks and Strategy”** *(Assessment / Survey)*

The study and analysis of the perceptions of local elite’s representatives aims at giving a valuable contribution to the process and work of policy-making institutions. In addition, this study will serve to help establishing a thorough process and benchmark that would lead to improved processes of drafting, reviewing, implementation and monitoring of the national security policy framework, in line with Albania’s obligation as NATO full-right member country and contemporary standards of the North-Atlantic Alliance

- **“Parliamentary Oversight of the Security Sector Through Budgeting”** *(Policy Document)*

This document addresses a wide audience in the public administration who have jurisdiction in the affairs in the defense and security sector, as well as members of the Committee for National Security along with all MPs, and interested international, governmental and nongovernmental organizations and the media. We expect this analysis to encourage a more competent and intense public and professional debate on the parliamentary oversight of the security sector concerning the development of democratic values, accountability and transparency..

- **The New National Security Document: Evaluation of Risks, threats and challenges** *(Policy Paper)*

Improving the process of Challenges, Risks and Threats (CRT) assessment is one of the most important challenges of defining and drafting a comprehensive National Security Document. This document aims at giving a general view of the current implication of the process, but also at ensuring a useful platform for discussion on the eve of the review and drafting of the new National Security Strategy Document.

Public Trust – A Challenge for the Police

Collection of papers



This publication consists of papers from the Fifth National Conference “Public Trust – A Challenge for the Police”. This was an annual event that IDM held in cooperation with the General State Police Directorate to analyze activities implemented in the framework of the project “Improving Law Enforcement at the Local Level”. Outcomes of the project during the last year are related to drafting of the “Local Strategy for Prevention of

Crime” in some regions and the institutionalization of Boards for Prevention of Crime in Police Commissariats.

Police and Media Relations

Study

The communications of the State Police with the public remain at the heart of efforts to open up the police structures, to strengthen cooperation between police and the community, boost public trust in the police and to coordinate efforts to prevent crime. In addition, the media and police relation is of crucial importance and has a direct impact on improvements of security services for the public.



Towards Regional Advocacy for Cooperation in the Balkans

Collection of papers

This publication includes findings of research, contributions, and proceedings of the regional conference “Towards Regional Advocacy for Cooperation in the Balkans via European Best Practices” organized by the Institute for Democracy and Mediation in (March 2009), in cooperation with Institute of Public Affairs, Warsaw (Poland), International Centre for Democratic Transition - Budapest, Institute for European Policy - Prague, Slovak Foreign Policy Association - Bratislava with the support of International Visegrad Fund and Open Society Foundation for Albania.



Interception of Telecommunications: Oversight and Control Interception of Telecommunications: Legislation and Practice *Policy Papers*



These policy papers are two fundamental documents in the field of interception of communications. The first document constitutes the first attempt by civil society organizations endeavoring to draw attention on the status of democratic control of the interception of telecommunication process. The latter is a policy paper providing a more detailed analysis on

the matter and coming up with some conclusions and recommendations about future intervention to improve the system of interception of telecommunications in Albania. The paper suggests that the legislation governing the interception of the telecommunications needs to be reviewed in line with the standards required by the best practices and to provide for clearly mandated control and oversight mechanisms.

An Albanian agenda for regional security

Collection of papers

This publication includes speeches and recommendations deriving from the national conference named “An Albanian Agenda to Regional Security”, supported by NATO’s Public Diplomacy Division in Brussels. It points to an overall conclusion – to the need for drafting a national agenda of regional security, which will serve as a guide of Albania’s cooperation with regional and international partners. In this context, a special emphasis is expected of Albania’s initiative for improving its legal framework, fostering cross-border cooperation, exchanging of best practices, consolidation of local government management capacities so as it can take part in different projects and encourage cross-border cooperation.



Community Policing: Philosophy and the Challenge of Implementation *Policy Brief*



The policy brief focuses on the main issues arising precisely from the transformation of the policing model – from the traditional conservator model towards the community policing theory and practice – through paying particular attention to impediments and other characteristics of this model. Based on the analysis of the institutional, legal and policy framework, this document emphasizes that the implementation of the community policing is in the best benefit of citizens.

On the Activity of the Parliament’s Committee on National Security

Monitoring Report

Based in a thorough methodology, IDM published the main findings of a monitoring process and an assessment of the performance concerning the activity of the Parliamentary Committee on National Security during year 2011. Given the increased focus on control and oversight of security sector, the role of this parliamentary committee gains particular importance for both national security and NATO partners’ security.

Some of the main recommendations presented in this monitoring report are: more human resources and expertise are needed as well as improvement of the capacities available to the Committee; it is necessary to allow for more space and time to the parliamentary contextual review and active involvement of all PCNS members in the discussions; gaining of expertise in partnership with think-tanks and research entities; strict observance of formal procedures of parliamentary review at PCNS etc



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