

CONFLICT OF INTEREST IN THE ALBANIAN POLICE: AN ANALYSIS OF LEGISLATION AND PRACTICE

by Arjan Dyrmishi, Elira Hroni

I. EXECUTIVE SUMMARY

THE LEGAL FRAMEWORK on prevention of conflict of interest is in place since 2003 with the adoption of the Laws on Declaration and Audit of Assets and Financial Obligations and the Law on Prevention of Conflict of Interest in the Exercise of Public Functions (2005). Conflict of interest in the Albanian State Police is regulated by a number of legislative acts which refer specifically to security sector actors. The general legislative framework on conflict of interest regulates, however, cases of conflict of interest only for high and mid-management official level in the Albanian State Police (ASP) and does not cover the whole police organization. Based on this general framework, data on conflict of interest prevention in the ASP remain very limited. Moreover, different reports do not refer specifically to alleged cases of conflict of interest in the Police or investigations conducted in the regard.

The main authority for controlling and overseeing the conflict of interest in the public administration is the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests (HIDAA) established in 2003. There is a performance track record of this central responsible authority. The results and achievements of this institution are, however, part of its self assessment report. In this regard, HIDAA plays a limited role as an independent supervisory or auditing authority.

Additionally, inter-institutional cooperation in solving alleged cases of conflict of interest has been successful to a certain extent. However, the engagement of the responsible authorities in fighting conflict of interest situations has been limited. Despite continuous efforts to improve the existing legal framework and some institutional adjust-

ments, reports and data indicate that deficiencies in the implementation, enforcement, and coordination of authorities responsible to cope with issue of conflict of interest still persist.

The findings also show that existing legislation reveals several shortcomings, such as lack of clear obligations and sanctions to the officials in preventing cases of conflicts of interests as well as unclear and deficient procedures in tackling conflict of interest cases.

The paper makes an assessment of the legal and institutional framework and the practice on preventing the conflict of interests in the Albanian State Police. The analysis is based on a review of the legislation and other regulatory framework regulating the area of prevention of conflict of interests overall and inside ASP.

II. INTRODUCTION

THIS PAPER presents an analysis of the legal and institutional framework and the practice on preventing the conflict of interests in the Albanian State Police. The assessment features a review of the legislation and other regulatory framework regulating the area of conflict prevention inside ASP, data and reports from ASP cases of conflict of interest.

The Albanian legislation regulating the conflict of interest¹ defines the latter as “*a situation of con-*

¹ This definition is similar to that adopted by the Organisation for Economic Co-operation and Development (OECD), which has developed a very simple and practical definition of the term. A “conflict of interest” is: A conflict between the public duty and private interests of public officials, in which public officials have private-capacity interests which could improperly influence the performance of their official duties and

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*flit between the public duty and the private interests of an official, in which he has direct or indirect private interests that affect, might affect or seem to affect the performance, in an incorrect way, of his public responsibilities and duties.*² While there is no specific definition on conflict of interest in police organization, the law on prevention of conflict of interest clearly provides restrictions to senior State Police officials. Thus, only a limited number of ASP officials are part of the category of subjects that fall under this legal framework. Based on this general setting, conflict of interest is more specifically regulated through a number of internal regulations that define norms and principles of ethics for Albanian State Police involving the entire personnel of the organization.

While the legislative and institutional framework is mostly in place, there is a lack of thorough analysis on the legal and institutional framework as well as on the level of implementation and effectiveness of the legislation and policies in the field of corruption including the sphere of preventing and fighting conflict of interest in public administration in general and the Albanian police in particular.

This paper provides an overview of the existing legislation and regulatory framework on prevention of conflict of interest cases in the Albanian State Police and examines how this legislation is being implemented in practice. It is structured in three main sections. The first section analyses the legislative framework on prevention and fighting of conflict of interest with specific reference to the general framework regulating this area and specifically in the police organization. The second part analyzes the institutional settings in Albania in the sphere of conflict prevention as well as the practice and findings in this field. The last section provides conclusions and recommendations for addressing the main issues.

III. LEGAL AND INSTITUTIONAL FRAMEWORK ON CONFLICT OF INTEREST

• *General Framework on Prevention of Conflict of Interest*

Conflict of interest, in both private and public sector, has become an issue of concern in the recent

responsibilities. OECD Guidelines and Overview "Managing Conflict of Interest in the Public Service", 2003.

2 Article 3, Law No. 9367, dated 7.4.2005, "On the Prevention of Conflict of Interest in the Exercise of Public Functions"

years. In Albania, the issue of conflict of interest has been addressed both legally and institutionally. The legislative framework preventing conflict of interest situations is very broad. Various provisions on conflict of interest are first established by the Constitution of the Republic of Albania (1998), which provides restrictions and imposes limitations to the activity of a number of high officials such as the President, Prime Minister, Ministers and Members of Parliament (MP). According to the Constitution, the President of the Republic may not hold any other public duty, may not be a member of a party or carry out other private activity and may not benefit from contractual activity.³ The Prime Minister and other Members of Government may not hold other executive positions. A Minister may not exercise any other state function nor be a director or member of the organs of for-profit companies.⁴ Members of Parliament are prohibited from holding simultaneously positions as executing public officials.⁵

The Law on the Status of the Civil Servants⁶ of the Republic of Albania (1999) defines that a civil servant shall not undertake any work or other activities that present a conflict of interest with, or hinder the performance of their official duties. In such cases, they shall inform the institution where they are employed of any gainful activity carried out outside of their official duties. In cases of violation of this responsibility, the law establishes some disciplinary measures.⁷ This law also prohibits external activities for the civil servants if such work and activity presents a conflict of interest with, and hinders the performance of his official duties.⁸

Law on the Rules of Ethics in Public Administration (2003) defines that specific public officials such as the former Head of State, Ministers, MPs and civil servants shall not represent any person or organization, in a conflict of interest or commercial relation, with the Albanian public administration, concerning the function he has previously exercised, for a period of time of two years after leaving the function.⁹

The main legislation regulating conflict of interest is the Law "On the Prevention of Conflict

3 Article 89 of the Constitution (1998)

4 Article 103, subsection 2 of the Constitution (1998)

5 Articles 69 and 70 of the Constitution (1998)

6 Civil servant, according to the definition of this law, are employees of institutions of central or local public administration who exercise public authority in functions of a managerial, organizational, supervisory or implementing nature.

7 Article 19, Law No. 8549, dated 11.11.1999, "On Status of Civil Servant"

8 Article 20, *ibid*

9 Article 17 of the Law "On Rules of Ethics in Public Administration" (2003)

of Interest in the Exercise of Public Functions”.¹⁰ This law defines the rules, means, manners, procedures, responsibilities and competencies for the identification, declaration, registration, treating, resolution and punishment of case of conflicts of interest. According to this law, conflict of interest is defined as “*a situation of conflict between the public duty and the private interests of an official, in which he has direct or indirect private interests that affect, might affect or seem to affect the performance, in an incorrect way, of his public responsibilities and duties*”.¹¹ While it does not define public interest, with a very detailed enumeration of private interests which may influence the decision-making of the public officials in the exercise of public functions, this law seeks to prevent falling into conflict of interest of the public officials as well as the damages that this conflict could cause to public interest and public trust in the institutions and the rule of law. More specifically, it states that private interests are those interests that derive from property rights and obligations of any kind of nature; every other juridical civil relationship; gifts, promises, favours, preferential treatment; possible negotiations for employment in the future by the official during the exercise of his function or negotiations for any other kind of form of relationships with a private interest for the official after leaving the duty performed by him during the exercise of duty; engagements in private activity for the purpose of profit or any kind of activity that creates income, as well as engagements in profit-making and non-profit organizations, syndicates or professional, political or state organizations and every other organization; relationships: of family or living together; of the community; ethnic; religious; recognized [relationships] of friendship or enmity; prior engagements from which the interests mentioned in the above letters of this article have arisen or arise.¹²

Every official holding a public function is subject of this law. Accordingly, every public official who exercises public authority is obliged to exercise their functions in conformity with public interest, preventing the conflict of the latter with private and personal interests and acting upon the principles, restrictions and obligations of this law. This

10 Other sectoral laws which include provisions on conflict of interest are: Law 0 on Organization and Functioning of Local Government adopted on July 31, 2000; Law on the Protection of Competition adopted on July 28, 2003; Law of the Republic of Albania on Public Procurement adopted on November 20, 2006;

11 Article 3, Law no. 9367, dated 7.4.2005 “On the Prevention of Conflict of Interest in the Exercise of Public Functions”

12 Article 5, Law No. 9367, dated 7.4.2005, “On the Prevention of Conflict of Interest in the Exercise of Public Functions”

law provides in more details restrictions for a number of public officials. Consequently, the President of the Republic and a number of public officials may not own shares in an active manner or parts of capital in a commercial company of any form.¹³ Members of Parliament and the Government may not be engaged in entrepreneurial activities in general, may not own shares in an active manner or parts of capital in a commercial company of any form, are prohibited from governing boards of commercial organizations, must not be engaged in other employment, may not be engaged in labor unions.¹⁴

Other public officials of high and mid management level and civil servants may not hold other executive positions, may not own shares in an active manner, may not be board members in general, may not be engaged in management bodies of commercial organizations, unless otherwise prescribed by law, may not be engaged in any other paid activities, except in certain cases.¹⁵

Public officials are also prohibited from receiving gifts with the exclusion of cases defined in acts of the competent organs that permit the receipt of gifts or preferential treatment for reasons of protocol.¹⁶ The law provides for restrictions on the interests also for persons (spouse, adult children and parents of the official) related to an official.

Restriction of other form of employment and restrictions of certain activities are established by the Decision of Council of Ministers No.714, (2004) “On External Activities and Receipt of Gifts by Public Officers during Exercise of Their Office”.¹⁷ The DCM states that gifts with a value over 10,000 Albanian Leks must be declared within 30 days of receipt and turned over to the human resource unit of the official’s agency which will store them and use them for institutional purposes. Gifts of purely monetary value may never be accepted.¹⁸

• Legislation Regulating Conflict of Interest in Police

The law on conflict of interest clearly defines specific restrictions also for security sector actors.

13 According to Article 33 of the Law “On Prevention of Conflicts of Interests in the Exercise of Public Functions (2005)

14 Article 28 and 27 of the Law On Prevention of Conflicts of Interests in the Exercise of Public Functions (2005)

15 Article 31 of the Law On Prevention of Conflicts of Interests in the Exercise of Public Functions (2005)

16 Article 23 of the Law On Prevention of Conflicts of Interests in the Exercise of Public Functions (2005)

17 According to the Articles 1 and 2 of the Decision of Council of Ministers no. 714 (2004)

18 According to Articles 14, 15, 16, 17 of the Decision of Council of Ministers, no. 714, (2004)

High and medium level officials, director of the public administration, other public institutions, the **State Police** and the Armed Forces of the Republic of Albania may not exercise any type of private activity or any other function. Pursuant to this law, an official of the high and middle level of the State Police and the Armed Forces, a) may not be managers in profit-making organizations; b) may not be members of the management organs of a commercial company or a not-for-profit organization, c) may not exercise private activity that creates revenues ç) may own, in an active manner, shares or parts of capital of a commercial company, without any limitation, with the exception of the case when the company exercises activity in a sphere that is the same as or overlaps with the sphere of jurisdiction of the official and his competency to act.¹⁹

Other restrictions for the State Police officers (SPO) are sanctioned in the Law Nr. 9749, dated 4.6.2007, "On State Police". This law puts limitations to SPO for any other concurrent employment and private activities, which may infringe the exercise of police duties. If any of these cases exists, SPO shall inform the General State Police. The responsible authority in this case is also informed in case SPO's close relatives undertake any kind of activity or run a business that may be in conflict of interest with the competencies and duty as a police officer.

The ASP has, however, a number of internal disciplinary and personnel regulations as well as other policies acting as roadmaps during exercise of duties by ASP to tackle the area of the prevention of conflict of interest for the entire police organization.

With regard to regulation of conflict of interest in ASP, the State Police Disciplinary Regulation defines norms and principles of ethics for the personnel of the Police and their implementation in practice in terms of respect for human rights and law enforcement. This regulation sets out the rule for cases of other employment opportunities for police officers. The latter is obliged to inform his superior and the Human Resources Department in the General Directorate of State Police that should decide on the approval of this employment when it is not in conflict of interest with applicable legislation.²⁰ The same procedure is applied to cases where close relatives undertake an initiative or run a business that could lead to conflict of interest

19 Article 31, Law no. 9367, dated 7.4.2005 "On the Prevention of Conflict of Interest in the Exercise of Public Functions"

20 This article remains obscure in terms of referral to other legislative acts.

with his duty as police officer.²¹

Pursuant to this regulation, a policy on external activity/employment of the ASP was enacted. This policy aims to offer to the Police officers of all levels the opportunity to fulfill legitimate interests that are not in conflict of interest with their duty. It further aims to preserve the professional image and integrity of the State Police officers by allowing the police personnel to conduct a business activity and allowing at the same time the State Police organization to decide whether this activity or employment falls under conflict of interest with the ability to conduct police services in an impartial manner.

Article 5/22 of the Regulation also prohibits accepting any gratuities or other kinds of compensation granted due to police service. When they are not in exercise of police duties, the offers may be accepted in accordance with the law on conflict of interest. Accepting or requesting without authorization of any services or gifts constitutes a disciplinary breach from the police officers.

Pursuant to this article of State Police Disciplinary Regulation, a Policy Directive²² was drafted on registering, accepting, refusing of gifts, gratuities and favors. This policy covers the whole personnel of the Albanian State Police and provides detailed description on how the police personnel should act and the modalities for the registration and declaration of these offers. As police officers during exercise of their duties are usually prone to corruption, complying with this policy aims to positively impact the effectiveness of the police officers so the reputation and integrity of the institution may be preserved.

According to the Directive provisions, senior officials of state police department are responsible of keeping special registers for the registration of gifts and favors given to police officers as well as their actions in cases of acceptance and refusals of those offers. Moreover, they are obliged to fulfill a monthly report with the entire list of all gifts and favors, even in those cases when nothing has been received during that month.

• *Institutional Framework and Practice*

In 2003, the High Inspectorate for the Declaration and Audit of Assets (HIDAA) was established

21 Article 4/14/15 of the State Police Disciplinary Regulation, DCM No. 786, dated 04.06.2008, published in the Official Gazette No. 100, dated 26.06.2008

22 The Policy Directive was drafted by the Professional Standards Directorate in the General Directorate of the Albanian State Police and the representatives from PAMECA.

upon the Law 'On the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials' as an oversight institution in charge of collecting public officials' assets declaration and identifying cases of conflict of interest of politicians and high-ranking public officials. HIDAA verifies and audits the declarations of assets, the legitimacy of the sources of their creation, financial obligations of elected persons, public employees, their families and persons related to them. HIDAA's mandate was expanded in 2005 with the adoption of the Law 'On Prevention of Conflicts of Interests in the Exercise of Public Functions'. According to this law, the HIDAA was designated as the enforcement body which exercises, monitors, audits, and evaluates the implementation of the law as well as administers the asset declarations, financial obligations, and its control pursuant to the law.

Apart from HIDAA, responsible authorities in public administration institutions have the duty to take the necessary measures for the prevention of conflict of interest. Responsible authorities for the prevention, control and resolution of cases of conflict of interest are the senior officials in hierarchical manner in a public institution, directories, human resources units or special units inside the institution as well as superior institutions.²³

The ASP's Directorate for Professional Standards is the responsible authority for handling cases of conflict of interest inside the police organization. According to the information provided by this authority, in the recent years, there have been no cases of conflict of interests in the Albanian State Police. Therefore, there is no information available about how the cases of conflict of interest are resolved if they occur. The existing legislation states that cases are either resolved internally or refer for further investigation or resolution to HIDAA. In this regard, the law on prevention of conflict of interest states that every responsible authority inside each institution should cooperate with HIDAA.

The cooperation of the main responsible authority, HIDAA, with the responsible authorities inside each institution is very important. Data shows that cooperation with institutions in solving alleged cases of conflict of interest has been to a certain extent successful. However, the engagement of the responsible authorities in fighting conflict of interest has been limited. The number of cases referred for prevention or resolution by responsible authorities and officials remains low. In most cas-

es, the activity of responsible institutions is limited to transferring the cases to HIDAA without any preliminary review, as envisaged in the law. One of the reasons explaining this low performance is that officials acting as responsible authorities have difficulty to acquire information from high rank officials.

Table 1: Treatment and prevention of conflict of interest cases

Treatment and prevention of conflict of interest cases	2010	2011
Cases followed for interpretation and solution from the officials, institutions, etc., Responsible Authorities institutions	38	55
Cases of alleged conflict of interest presented by various institutions of public administration (mainly in tax and customs administration), addressed and resolved in collaboration with the High Inspectorate.	47	35
Cases treated with the responsible authorities of central institutions of local governance (municipality, commune, and region) during periodic meetings held in them, in the time frame to prevent cases of conflict of interest.	110	52
Cases treated with the responsible authorities of central institutions of local government during periodical audits performed by HIDAA	-	40
Administrative investigation initiated in cases of alleged conflict of interest based on indications coming from the public, other institutions and responsible institutions	-	28

Source: Compiled with data from the HIDAA

In relation to this, one of the problems relate to the fact that resolving the cases of conflict of interest remains in the discretion of the officials, as the law has not established clear obligations and sanctions to the officials in preventing cases of conflicts of interests. For examples, with regard to the manner of performance of public duties and the obligation to prevent conflicts of interest, the law states that: "an official has the duty to prevent and to resolve himself, as soon as possible and in the most beneficial manner possible, every situation of a conflict of his interests. If the official is not convinced of the existence of a conflict of interests connected to him, he should consult with his superior as soon as possible"²⁴. As stated above, this provision leaves a lot of discretion to the official, when and how a

23 Article 41, Law No. 9367, dated 7.4.2005, "On Prevention of Conflict of Interest in the Exercise of Public Functions"

24 Article 6 of the Law No. 9367, dated 7.04.2005 "On the Prevention of Conflict of Interest in the Exercise of Public Functions"

case of conflict of interest may be resolved.

Another shortcoming of this law relates to the fact that it allows more for fighting conflict of interest cases rather than its effective prevention. The procedures and mechanisms inside every institution remain evasive and unclear. The only mechanism for the prevention and fight of conflict of interest remains the declaration of assets of the public officials. This area is regulated by the Law "On the Declaration and Audit of Assets, Financial Obligations of the Elected and Certain Public Officials". This law determines the rules for the declaration and audit of assets, the legitimacy of the sources of their creation, financial obligations for elected persons, public employees, their families, and persons related to them.

According to this law, senior SPO (general directors, the directors of directorates and the chiefs of sectors (commissariats) in the centre, districts and regions, of the General Directorate of the Police) as well as Minister of Interior (Mol) senior civil servants (the ministers and deputy ministers)²⁵ and civil servants of the high and middle management level have the obligation to periodically make a declaration to HIDAA on their properties, financial obligation and private interests. The above officials are obliged to declare to HIDAA within specific deadlines all information about their assets, the sources of their creation, and their financial obligations.

As specified by the law, the security sector officials have regularly fulfilled their obligation to report their assets to the HIDAA. Only one official from General Directorate of State Police was given a fine for not having respected the deadline for submitting the declarations.²⁶ According to the "Register of the officials in office who have the obligation to make the declaration to HIDAA until 07.03.2013" 54 Mol and 145 SPO senior civil servants have reported to HIDAA. Based on the lottery method that HIDAA applies to conduct further verifications of the declarations, security sector officials have regularly appeared in the list (Table 2). However, HIDAA annual reports neither mention specifically security actors nor do they reveal information on senior officials' involvement in corrupt or conflict of interest cases.

All officials under this law have the obligation to make a declaration in specific time periods and

within determined deadlines. They are first obliged to declare all accumulated assets, financial obligations as well as their sources and origin before they take office. For the periodical declaration these officials declare only the changes made to their properties, financial obligations and private interests that have been previously declared. The same declaration is made after leaving the function. This is done only one time, and unless the official starts another function, where he/she remains a subject under this law.

Table 2. Security institution officials that have been selected by the HIDAA for further verification of the declared assets

Year	Ministry of Interior	State Police
2009	1	–
2010	4	4
2011	–	7
2012	1	4
2013	3	5

Source: Compiled with data from the HIDAA

The HIDAA has the right to conduct full audit on the accuracy of data contained in the declaration of assets and private interests. This is done every three years for the high civil servants of public administration; every four years for the high officials of central and local state institutions and for the rest of the officials, subject to periodical declaration, the audit is performed every year over a 4% of the total number of declarations. This is done by lottery, in the presence of media, representatives of civil society and union.²⁷

According to HIDAA annual reports, 10,004 officials (4,546 officials in function) have made the declaration to HIDAA in 2010. Some 475 officials were subject to full audit, from which 75 were investigated because of the discrepancy found between the created assets and their financial source and 185 for conflict of interest. Some 190 officials were selected for full audit based on the lottery method and 23 officials went under full audit from the information given from media and public.

During 2011, 10,426 officials (of which 4,550 in function) have declared their private interests to HIDAA. Out of a total of 422 officials, 116 have been subject to full audit because of the discrepancy found between the created assets and their financial source. According to the law on the prevention of conflict of interest which states that every 2 years the high officials of the public administration are due to full audit from HIDAA, the later

25 Article 3 of the Law No. 9049, dated 10.04.2003 "On the Declaration and Audit of Assets, Financial Obligations of the Elected and Certain Public Officials"

26 Balkanweb online, Declaration of Assets, <http://www.balkanweb.com/gazetav5/newsadmin/preview.php?id=117588>

27 Article 25/1 of the Law "On Declaration and Audit of Assets, Financial Obligations of the Elected and certain Public Officials"

was performed for 108 officials. Based on the lottery method, from the list of the officials that have declared their private assets during 2011, 188 officials were classified for full audit. Based on the information provided by legitimate sources, media, civil society organizations, and the public, full audit was performed for 10 officials.

When during the audit it is discovered that the declarations are not accurate or the sources declared are not identified and do not cover the declared assets, or there is information from legitimate sources indicating that interests are being hidden, or about false declaration, the Inspector General initiates administrative investigation (as stipulated in article 25/2).

Table 3: Full audit performed by HIDAA for 2010-2011

Performed Audit	2010	2011
Discrepancies found between the created assets and their stated financial source	75	116
For conflict of interest	185	108
Full audit based on lottery	190	188
Information from legitimate source: media, public	23	10
Persons linked to the declaring officials	2	–
Total	475	422

Source: Compiled with data from the HIDAA

While the number of the declarations and undertaken full audits remains high, upon completion of full audit HIDAA has filed criminal charges on “Refusal for Declaration, Non-Declaration, Hiding or False Declaration of Elected Persons and Public Employees” against 18 officials in 2010 and 16 officials in 2011 from various levels of central and local administration. One of the major issues is that the cases referred by HIDAA to criminal justice authorities are not finalized by the judiciary and are not punished with sanction penalties.

Table 4: Cases reported by HIDAA to the Prosecutor’s Office and the status of these proceeding

	2010		2011	
Refusal for declaration or non-declaration of assets of the elected persons or of the public employees	8 charges		5 charges	
	3 cases sent for trial	5 cases dismissed	5 cases dismissed	1 case under investigation

	2010			2011		
Hiding or false declaration of assets of the elected persons or of the public employees	10 charges			11 charges		
	4 cases sent to trial	2 cases dismissed	4 cases under investigation	8 cases sent to trial	2 cases under investigation	1 case dismissed
Total	18			16		

Source: Compiled with data from the HIDAA

As stated above, only a limited number of security sector actors that hold director position at ASP are obliged to file annual declarations of revenues and assets or are obliged to abide by the law on the prevention of conflict of interest. The rest of the police organization is not incorporated in this legal framework for the prevention of conflict of interest.

Some data from the Internal Control Service (ICS)²⁸ reports indicates that corruption remains high among police, particularly at the lowest levels of the organization. ICS has undertaken investigations for criminal offences committed by police officers. As can already be seen from the tables below, the number of police officers reported for corruption during exercise of their duties is very high as compared to those who are arrested. The number of complaints against police officers and the number of police officers involved in corruption affairs is also high. The table below shows that the operational level is involved in most corruption cases.

Table 5: Investigations of Service of Internal Control for corruption

Description	2011	2012
No. of Complaints	63	64
No. of Employers	94	85
Mid -Management	3	1
1st line of supervision	28	41
Operational	63	39
Arrested	11	12

Source: Compiled with data from the HIDAA

The internal regulations on prevention of conflict of interest in the ASP, including the State Police Disciplinary Regulation and, consequently, the Policy Directive, cover the ASP officials of each and every level of the organization. As explained in the previous section, these documents set out

²⁸ According to the Directorate for Professional Standards, the ASP does not have any standardized procedure for continuous declaration of gifts from ASP officials.

clear procedure and modalities (on accepting, registering and declaring any gifts, gratuities and favors) of avoiding any cases of conflict of interest. In practice, however, according to the responsible authorities in the ASP, there is no track record of any declaration of this kind.²⁹

According to the same regulation, cases of other employment opportunities for police officers have to be declared and approved by the Human Resources Department when this does not constitute conflict of interest with the police duty. According to the Professional Standards Department, ASP officials submit regularly a request for approval to this authority in cases of another employment opportunity. The table below presents the approved cases for other employment for ASP officers. However, no information is available on the number of officials who have applied or have been rejected based on situations of conflict of interest.

Table 6: Cases approved from the Directorate for Professional Standards

2011	2012	2013	2014
19	16	11	1

Source: Compiled with data from the Directorate for Professional Standards

IV. CONCLUSIONS AND RECOMMENDATIONS

This paper analyzes the legal and institutional framework and the practice on preventing the conflict of interests in the Albanian State Police. It concludes that even though the legislative framework in this sphere is in place for more than a decade, the level of implementation in practice remains an issue of concern. A review of the existing legislation reveals several shortcomings, such as lack of clear obligations and sanctions to the officials for preventing cases of conflicts of interests as well as unclear and deficient procedure in addressing conflict of interest cases. HIDAA, the main authority for controlling and overseeing the conflict of interest in the public administration, plays a limited role as an independent supervisory or auditing authority. Additionally, inter-institutional cooperation in resolving alleged cases of conflict of interest has been to a certain extent successful. The engagement of the responsible authorities in fighting con-

flict of interest situations has been limited, too.

The general legislative framework on conflict of interest regulates also cases of conflict of interest for the ASP officials. This covers, however, only high and mid-management official level but not the entire police organization staff. The rest of the police organization is not part of this legal framework on the prevention of conflict of interest. Accordingly, data on conflict of interest prevention in the ASP remain very limited, while corruption is endemic among police and especially at the lowest levels of the organization.

Thus, the ASP has a number of internal disciplinary and personnel regulations as well as other policies acting as roadmaps during exercise of duties from ASP to tackle the area of the prevention of conflict of interest for the entire police organization. However, limited data are available on the level of implementation of these policies and preventive measures to tackle this area.

The paper suggests that clear and precise rules are important to increase the transparency as well as the responsibility and obligations of each institution in order to establish effective internal control system. Adequate implementation of the legislation encompasses regular reporting of conflict of interest cases, including the establishment and implementation of uniform standards for each institution; resolution of conflict of interest cases inside the institutions, enhancing inter-institutional cooperation and coordination with HIDAA for the prevention of conflict of interest cases. However, in more details, the following recommendations need to be addressed for the prevention of conflict of interest in the Albanian police organization:

- Provide continuous training on the rules and implementation in practice of the legal and regulatory framework in place for the prevention and fight against corruption in the State Police organization
- Enhance and promote accountability and oversight according to hierarchy in the police organization through regular investigations and inspections
- Establish implementation of mechanisms in the regulatory framework of the ASP for the enhancement of ethics and prevention of the conflict of interests
- Oversee the implementation of policies and regulations that address the integrity of the state police
- Implement professional and ethical standards

²⁹ According to the Directorate for Professional Standards, the ASP does not have any standardized procedure for continuous declaration of gifts from ASP officials.

which promote the work and activity of police officers of every level in the police organization

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The Institute for Democracy and Mediation (IDM) is an independent, non-governmental organization, founded in November 1999 in Tirana, Albania. It works to strengthen the Albanian civil society, to monitor, analyze and facilitate the Euro-Atlantic integration processes of the country and to help the consolidation of good governance and inclusive policy making. IDM carries on its objectives through expertise, innovative policy research, analysis and assessment-based policy options. DM's choice of activities to achieve its strategic objectives is an effort to go beyond simple one time delivery projects. They form part of a continuing struggle to strengthen shared values and efficient interactions across the broad spectrum of political and non-political actors in Albania. IDM is dedicated to develop a profound understanding on contemporary challenges to shape sustainable reforming strategies and public policies in key socio-economic and political development pillars, as well as to advance regional cost-effective approaches in support of intra / cross sectoral cooperation initiatives of key actors based on comprehensive research, policy assessment and multifaceted analysis.