

SECURITY REFORM ISSUES IN ALBANIA

Collection of Policy Papers prepared by
Security Monitoring Network Experts

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Institute for Democracy and Mediation

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The project and the research process was mentored by
IDM Executive Director Sotiraq Hroni

The publication was prepared by:
Besnik Baka

Assisted in the preparation:
Marsida Bandilli
Besiana Kuçi

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PREFACE

Why this initiative on behalf of IDM

Year 2009 marked a significant move forward of Albania's Euro-Atlantic integration, with the NATO membership and the EU membership application. Although the progress made in various fields, to careful observers of country's reforms to achieve standards and their sustainability in terms of institutional capacities, such progress is highly questionable and fragile. Security Sector institutions and their governance system remain weak due to several reasons, widely described during the last decade in periodic monitoring reports prepared by the EU, OSCE, State Department etc. but also other independent sources' reports. Local independent institutions and the public as well are rather sceptical on the achievements and performance of the sector.

When it comes to reforms and legislation, it continues the same tune for several years. Legislation of the sector will be approved either as an internationally motivated act, or (most commonly) as an exclusive reform of the political majority. Even the Parliament and its respective commissions, as a rule have either tried to avoid any debate, or carry out a very politicized one, by voting exclusively the draft legislation prepared by the government. Experience shows that government would avoid any consultation process of the legislation prior to its approval with interest groups, or even within institutions.

Security sector institutions are beyond any focus of a monitoring process especially in the implementation of legislation or policies, except for few annual monitoring reports, which on their part indicate to be partial or exclusively to the interest of foreign donors or international practices. Local reports that would reflect mismanagement or ineffectiveness in policy implementation would accidentally appear by

opposition political parties solely in cases of certain public failed events.

Lack of a dynamic role of CSO, think tanks or independent experts in policy issues, policy monitoring and implementation has not only affected governance of the sector by leaving to circumstantial developments or events, but has also largely contributed to the undisputable fact of donor driven security sector reform agendas. Furthermore, it is not only mutual suspicion and lack of confidence between government and civil society due to the past legacy of authoritarianism, but also the lack of capacities and experience that have further jeopardized the CSO involvement in issues related to the security sector and efforts to contribute to the governance of this sector.

While donor organizations have focused on restructuring and improving technical capacities of security agencies and services, they have failed to pay due attention to the development of capacities for democratic governance. Consequently, civil society actors sometimes find themselves squeezed not only to cope with governmental institutions but also international donors. This is evidenced clearly by the almost missing donor community in the country to support work of CSO and independent experts on such important policy issues. Therefore, an essential element of any action agenda is to support civil society in promoting and developing democratic security sector governance. Until these institutions are governed by democratic principles, it will be difficult to develop legitimate and transparent security institutions that enjoy full trust by the citizens.

Based on experience and intensive evaluation of needs on the role of CSO and independent expertise in improving SSG and assisting locally owned sustainable SSR, IDM initiated this project and currently jointly with the network members preparing a mid term Strategy for SMN Development.

- IDM - Centre for European and Security Affairs (CESA)

CESA represents IDM's specialized research unit, whose activities are conducted by experienced researchers and scholars in an effort to promote excellence of research, studies, policy options and reforming processes. CESA mission is to advance European and security studies & research and develop human capacities at the national and regional level that will serve contemporary challenges for reform, integration processes and

cooperation of the security sector through an educational and problem-solving approach, to encourage informed debate on key European and security developments. Security sector governance & democratic control and oversight, challenges to integration processes as well as opportunities of regional cooperation, constitute CESA's core focus.

- “Security Management Network”

Year 2009 marked a significant move forward of Albania's Euro-Atlantic integration, which can be illustrated with the NATO membership and the EU membership application. Despite the progress made in various fields of security sector, to achieve standards and their sustainability in terms of institutional capacities, such progress remains fragmented and vague particularly as regards the involvement of the third sector through independent expertise, monitoring and assessment. The sector is currently missing a functioning oversight & control mechanism, except few annual monitoring reports, which on their part indicate to be partial or biased. From the point of view of norms and standards in evaluating security sector governance in Albania, the need for a direct role of independent experts and/or civil society organizations is quite evident. Nonetheless this situation is also an outcome of the limited resources of independent capacities to advance and improve governance through monitoring,



fostering change, and providing input to the process of policy making in the country. The lack of a dynamic role of civil society organizations, think tanks or independent experts in policy issues, policy monitoring and implementation of SSR has not only negatively affected the security sector governance but it has also largely contributed to a donor driven security sector reform agendas.

Based on a profound understanding of the potential role of civil society's expertise in improving security sector governance and assisting locally-owned sustainable reform, IDM launched the Security Management Network as an initiative that aims to build independent capacities and expertise among third sector actors and which would get actively involved in the policy and reforming debates related to security issues through qualitative research, studies, and policy work based on assessment and monitoring.

- Short overview of Security Monitoring Network

In March 2009 IDM, with the support of Geneva Centre for Democratic Control of the Armed Forces (DCAF) and NATO Public Diplomacy Division, launched the "Security Management Network", a genuine initiative aiming to create a permanent network of 15 independent experts from civil society, professionals and academics from various fields who have a particular interest in security issues, as well as representatives of public institutions and non-governmental organizations with remarkable achievements in their careers.

The rationale behind the SMN initiative incorporates a two-fold purpose – to build and consolidate independent expertise of various CS structures (think tanks, academia, journalist community interest groups etc.); and secondly, to contribute to overall reforms and governance in the security sector through qualitative research and policy options. In the first year of the SMN initiative, IDM has organized a series of capacity building activities (training/workshops/lectures) with selected researchers and has also facilitated the research and policy work of the network's members (a total of five research/policy works delivered during 2009)..

SMN's key activities include:

a) Developing capacities and expertise of civil society organizations, governmental agencies, and oversight bodies in matters related to security sector governance

b) Improve governance of the security sector institutions through inputs coming from and enhanced role and expertise of independent civil society actors.

c) To improve political and institutional culture on the role of civil society and academic institutions in good governance of the security sector institutions.

d) To continuously identify issues of public and governance priorities and develop independent expertise and alternative policy solutions that will help informed public debate and efficient policy making in SSG.

e) To develop CSO and academic capacities to improve education and training of young scholars in issues related to security sector governance

- Capacity building and training process

During the first phase of this project, six training seminars were conducted for the members of network with eminent speakers from Albania and the region. In the first training on March 2009 Prof. Dr. Velizar Shalamanov – former Deputy Minister of Defence in Bulgaria provided the audience with the basic concepts of monitoring instruments in the security sector, presenting best practices from the Balkan region and Western Europe. He was mostly focused on the efforts to establish a reliable scheme of democratic control of armed forces and security sector in general. Coming from the military ranks, Mr. Shalamanov briefly presented some of the most important aspects of the role of civil society in SSR by describing



the developing stages of this process based on the Bulgarian experience.

The second training titled “Benchmarking of security sector governance” took place at the end of April 2009, and was conducted by MA Sonja Stojanovic - Director of Centre for Civil and Military Relations in Belgrade. Ms Stojanovic provided a thorough of indicators leading to objectives and standards for measuring performance of the implementation of SSR.

Retired General Dr Luan Hoxha on May 2009 conducted the following training session on “Security Sector Budgeting: Transparency, Accountability”. In particular the SMN members were informed on how to conduct a political evaluation on the mission and capacities of the security sector actors. Mr Hoxha stressed the importance of a wider engagement of the civil society in the security sector budgeting in order to increase the effectiveness and transparency of SSR. The agenda of this training was followed by the presentation of Prof. Dr. Rexhep Meidani the fundamental concepts in building Human Security agenda in the country. This session of the training was fundamental for one of the product foreseen to be prepared by the SMN members in regards to a background paper on Human Security in Albania. Mr. Meidani pointed out the 7 components of this field by pinpointing the situation in Albania.

“Home Affairs policy areas – Albania’s challenges to meet benchmarks” was the joint lecture by Mr. Steffano Failla from the European Commission Delegation in Albania and Mr. Michael Colbourne - Head of PAMECA III happened on July 2009. The international representatives of two key institutions in the Security Sector Reform in Albania, gave an insight perspective of the implications and obstacles of SSR that Albania has to overcome in order fulfil its aspirations of European integration. The next training was conducted by the Ambassador Valerin Ratchev, member of the Bulgarian Academy of Science. He gave a remarkable lecture on the main research, analysis and policy assessment tools in the area of security sector. This session was particularly important for the future work of SMN in regards to the theoretical approach on how to conduct relevant research on SSR issues. The last session, on September 2009 was lead by Mr. **Goran Buldioski** – Program Director of Open Society Institute Think Tank Funds (SOROS) and Ms Barbora Marankova – Program Coordinator in NATO Public Diplomacy Division in Brussels. Mr Buldioski gave a presentation and opened the floor for related

questions on the topic “How to communicate and influence political issues in security sector” and Ms Marankova, based on long and consolidated NATO experience, briefed the audience with a lecture titled “The communication challenges of international organizations: Why the need for Public Diplomacy?”

- Final outcomes: Research on security sector reform

After the successful training sessions on most important aspects of security sector, 15 researchers involved in this network prepared under the mentorship of IDM, 5 research and policy documents after undergoing revision process by senior security experts of DCAF. These products are presented in this publication. Within this process IDM in close consultations with the members of the network established a working plan related to the activities and the outcomes of this initiative that for the first time is taking place in Albania. The first product which opened the process of a series of research studies on different aspects of security sector in Albania was the “*Backgrounder on Human Security in Albania*”. This document constitutes a brief analysis of the standards related to human security components in regards to the Albanian



context. On the one hand this initiative served as a sound test for the network to involve all the members depending on respective backgrounds and interests, working together for a joint product related to security sector research. On the other hand, it established a milestone for further research in this unexplored field. In difference from the first document, for the rest of the research, the members of SMN were divided in 4 main groups based on their interests and background.

The final documents each group was engaged to research in are as follows:

1. Assessment of the National Security Coordinating Authority
2. Developing the National Security Concept
3. Encouraging a Performance Based Management model
4. Gender in Security Sector.

The first document covered various issues related to constitutional and political contexts of the institutions governing the security sector, as well as analyzing the role and capacities of institutions in drafting and monitoring of implementation of national security policies etc. The study was finalized with a set of recommendations concerning the improvement of the coordinating authority of national security. The second group comprised by three independent researchers came up with a policy brief on how to develop the national security concept for Albania. Considering that the current National Security Strategy is outdated as in need to be revised since 2007, this study analyzes the main trends and implications to be taken into account on the future efforts to the national security policies for the future.

The third product of the group focuses on the institutional efficiency and management through launching a “performance based management” model. Work on this topic will remain a top priority for the Network even in the coming years.

The last group, based on the interests, knowledge and expertise of its members have focused on the gender perspective of security sector reform. The documents provides concrete recommendations and solutions for strengthening the awareness and sensitivity on gender aspects of security sector governance and development..

The launch of each document was done in a series of public events - roundtables with the participation of representatives from civil society, public institutions, international community, and academia. This aimed to present to the general public the research work conducted in the

framework of this project. In order to influence the policy and decision making audiences in different levels, IDM endeavoured to ensure not only a wide media coverage of the public events, but most importantly, qualitative participation of stakeholders and interest groups in the meetings. Vivid discussions and debates were conducted, that helped the process of awareness raising in regards to the issues under discussion.

- Future challenges

Based on the successful establishment and experience of SMN during the last year, IDM with the support of partner organizations would further consolidate the activity of SMN on research and monitoring work of security sector issues and institutions. For next 3 years SMN would develop a twofold perspective: *team training on “Performance Based Management Methodology”* and training on *“Advanced Research on Security Studies”*. Aware of the diversity in the fields of expertise that the network members enjoy, the monitoring of the implementation of policies in the SSR will be conducted in various angles.

- Monitoring the drafting process and the implementation of the new National Security Strategy, that will cover subjects related to their field of expertise such as: human security, protection of dignity and national values, Euro-Atlantic integration, rule of law etc;



- Monitoring public satisfaction of police performance. This is a regular review related to the performance of police activity, since IDM during the past has conducted various surveys on this subject.

- Monitoring the implementation of legislation and other regulations on community policing strategy. This strategy has entered in the 4th year of implementation, however has not provided any results while the process is lacking the evaluation and assessment tools due to the absence of periodical monitoring reports.

- Monitoring and annual reporting of policy implementation of security sector institutions especially the role of parliamentary commission on National Security as regards democratic control and oversight of security sector institutions.

- Since 'gender balance' has been introduced as an important component of the security sector reform in Albania, SMN in the future (through research and analysis) will concentrate on the possibilities to enhance public policies concerning gender balance and issues related to the security sector institutions.

- A research study on human resources management in the Armed Forces and State Police. The main objective of this research is to analyze the reform process in the armed forces and in the state police structures related to conditions offered to respective officers for career, while examining the dismissal practices in the military and police ranks for well educated officers and personnel.

- Research on trends of the development of social trust and authority in the framework of law enforcement during the last 20 years in Albania. This would constitute a sound opportunity to better understand the democratic pace of the institutions in regards to obligations, responsibilities, and values. By examining the relations between social trust and democracy in a region undergoing political and economic change we can be able to assess the causal direction of the relations between trust and democratic performance in a context in which there is substantial variation in levels of democracy.

- In the future the network will continue to produce policy briefs and reports on different issues of Security Sector Reform.

- The members would be involved in the activities of IDM, in the organization of round-tables, conferences and public debates with key stakeholders and representatives from various institutions in the security sector.

SELECTED CANDIDATES (EXPERTS) FOR THE SECURITY MANAGEMENT NETWORK

1. Mr. Enri Hide is a lecturer and Director of the Department for International Politics at the Institute for Social and Political Studies at the European University of Tirana. Mr Hide holds a Master Degree in International Relations and Strategic Studies from the Panteion University, Athens. He graduated from the Aegean University in “International Relations and Organization. He is the author of various articles and publications in the field of security studies.

2. Mr. Agron Sojati is the head of the Department of Witness Protection, in the Ministry of Interior. He has a extensive career in the police structures where for 7 years was the Police Liaison Officer for SECI Centre (Southeast European Cooperative Initiative). In the last years he has been a contractor with US. Justice Department International Criminal Investigative Training Assistance Program (ICITAP). He holds a Master Degree in Security Policy from Geneva Centre for Security Policy in Switzerland.

3. Mrs. Edlira Peço is a PHD candidate in sociology. She is a lecturer in the Faculty of Social Sciences in the University of Tirana, where she has been engaged in the last 8 years. She is working on her PHD thesis “Impact of Migration on the Albanian. Society Stratification”. Misses Baka holds a MA degree from the University of Bruges/Belgium. She is the author of many publications in the field of sociology and particularly in the field of asylum seekers’ rights.

4. Mr. Genc Kojdheli is a former officer of political affairs in OSCE. He was an adviser to the Minister of Public Order in 2005. Currently he is a trainer in “Friedrich Ebert Stiftung” foundation. Mr. Kojdheli has a

long experience in political arena and civil society, where he has been active in human rights issues. In the same field he obtained his Master Degree in the University of Utrecht.

5. Mr. Arjan Dyrmishi is a researcher affiliated with IDM. Referring to his professional engagements he has a wide expertise in security sector. He was Head of Centre for Interception of Telecommunications and Head of International Relations in National Intelligence Service. In the past Mr. Dyrmishi was holding the position of the Adviser to the Minister of Defence and prior to that Director of Defense Policies and Integration in the same ministry. He holds a Master in Political Sciences from the University of Siena, Italy and has obtained a large number of additional diplomas and trainings in security matters.

6. Ms. Mariola Qesaraku is working as researcher at IDM since 2008, in the area of security issues (more specifically, editor of EU Home Affairs Review, contributing for Security Issues Quarterly, in charge of a number of other initiatives – such as the Regional Summer School on Security Studies '08 etc.). Ms. Mariola Qesaraku holds a BA degree in Political Sciences (University of Siena, Italy) and an MA degree in Contemporary European Studies (University of Sussex, UK).

7. Mr. Avenir Peka has been for many years adviser of the Prime Minister for Security and Order issues. Currently he holds the position of Deputy Minister of Interior Affairs. He holds a university degree in law and holds a MA. Degree in Public Administration. Mr Peka has a long expertise in regards to issues related to constitution, organized crime, war crimes, terrorism etc. In the past he has been engaged in various leading position in UNDP, OSCE. Currently he is a lecturer teaching “Public Justice” in one of the private universities in Tirana.

8. Mr. Besar Likmeta is a professional journalist from Tirana. He has an extensive experience in investigative journalism and is the Albanian editor of Balkan Investigative Reporting Network – a regional cooperation network of reporters from all the Balkans covering issues in common interests as corruption, security etc. He has a University Diploma in Advanced Philosophical Studies from the University of North Florida (2004).

9. Mr. Besnik Baka holds a BA degree in Journalism (University of Tirana) and two MA degrees: MA in Global Journalism (Orebro University & Oslo University College) and MA in Democracy and Human Rights (University of Sarajevo and University of Bologna). Mr. Baka

has been involved with Albanian and regional think tank organizations, as a PR officer and researcher - Regional Environmental Centre (Tirana); Institute for Democracy and Mediation (Tirana); Centre for Civil Military Relations (Belgrade, Serbia) etc.

10. Ms. Ira Papagjika is a Law Coordinator in the Department of Public Administration, in the Ministry of Interior. She is finishing her MA studies in Public Administration from University of Tirana - Economic Faculty.

11. Ms. Evis Gjbrea is a teaching assistant in the European University of Tirana lecturing Economic Policies. She holds a MA in Banking and Finance for Development from University of Milan. She finished her Bachelor degree in International Economic Relations from Academy of Economic Studies in Bucharest. She was selected for the US Congress scholarship on advanced studies at GWU in 2007-2008 in Washington D.C

12. Mr Llukan Tako is an Administration and Finance professional being engaged in various independent projects during the past. In May 2006 he obtained his MA. Degree from Illinois University in USA. During the last period he has been the Director of Finance and Administration in "MJAFT Movement". Mr Tako has a special interest in economic issues related to security sector such as employment and economic security within the framework of human security.

13. Eureka Leka is lecturer Marlin Barleti University in Tirana. She holds a MA degree in Peacekeeping Management from University of Turin/Italy while she finished with "excellent" results the University of "La Sapienza" in Rome. Miss Leka has a relevant academic background in crisis analysis, conflict & post-conflict policies and crisis response situations covering three macro areas such as (1) conflict transformation, (2) mediation and negotiation in emergency management stabilisation and (3) Reconstruction Processes.

14. Mr. Geron Kamberi currently is an Advocacy Officer of Oxfam. His interest in Security Management Network relates strongly to his previous research experience at certain areas of security studies and in this framework. He holds a MA. Degree in European Politics at Sussex European Institute, United Kingdom. Mr. Kamberi has an extensive experience in research, as well as designing and monitoring projects. He has been active as associate researcher for IDM and has published various articles and studies.

15. Ledian Rusta is a lecturer of philosophy in the University of Tirana and he holds a MA degree in the same subject from University of Tirana. Mr Rusta is an independent researcher and translator in the field of philosophy and journalism.

16. Ms. Elona Dhembo is a lecturer in the faculty of Social Sciences in the University of Tirana. She obtained her Master of Science in Comparative Social Policy from the University of Oxford. She has an extended experience in research and trainings mostly related to the social issues such as gender, education, vulnerable communities and human rights. Ms Dhembo is the author of various publications related to social issues.

17. Ms Jonida Hoxha is a lawyer, graduated in University of Aristotle – Greece, and currently engaged with Classified Information Security Directorate in the Council of Ministers. For the moment she is finishing her MA studies in Amsterdam/Netherlands. Ms Hoxha has participated in various activities and academic events such as George Marshall Center for Security Studies in Germany, Regional Summer School on Security Studies in Albania etc.

BACKGROUND

HUMAN SECURITY IN ALBANIA

Content and Authors:

1. The Concept of Human Security	Enri Hide, Mariola Qesaraku
2. Economic Security	Evis Gjebrea & Llukan Tako
3. Food Security	Geron Kamberi
4. Environmental security	Besar Likmeta
5. Health Security	Besnik Baka
6. Personal Security	Edlira Peço & Ira Papagjika
7. Community Security	Elona Dhëmbo & Besnik Baka
8. Political Security	Arian Dyrmishi & Jonida Hoxha

Editor: SOTIRAQ HRONI

Abstract

The thorough review of the main strategic documents combined with the careful analysis of the current situation of human security indicators in Albania reveal that overwhelmingly the aspects of human security are poorly handled either in the strategic planning documents or in the public discourse. This risks creating a gap between citizens and the state institutions, considering that threat perceptions in the large public are tightly connected with human security due to their direct influence on individuals. The following backgrounder presents information on the state of the seven components of human security in Albania, aiming to identify the salient elements that characterize the framework of human security in Albania.

- Economic Security

A simple definition of economic security would cite *continued solvency, reliability of income and employment security* as its main components. Over the 10 last ten years the unemployment rate in Albania has decreased from 18.4 % in 1999 to 12.7 % in 2008, a marked improvement that can be attributed to stable economic growth which has hovered at 6%-7 % per annum.

Nonetheless Albanian families are still highly dependent on remittances, which represent one of the most important component of rural families' monthly income, accounting for about 40%. About 70% of workers' remittances for the first quarter of 2008 was used for non-productive purposes; everyday consumption, construction and reconstruction and education and medical purposes. In order to sustain high growth rates in the future the Government must adopt policies that encourage domestic production through the development of industries, infrastructure and enhancement of the labor pool in addition to other measures that will benefit current and future investments..

- Food Security

The definition of food security describes a situation in which people in every stage of their life have the opportunity and physical, social and economic ability to receive sufficient and safe food, endeavoring to fulfill their basic diet needs and food preferences for an active and healthy life. Major steps undertaken in the field of food security in Albania have been advances in the protection of the environment as well as farmers' support for organic products.

In Albania, the period following the fall of communism regime resulted in total dependence on imported food products. This raised the concern on food security and guarantees, which has a direct impact on human security. In addition the issue of malnutrition in young children remains a constant concern especially in low-income families. This phenomenon results in high infant mortality in some particular areas of the country.

Food security in Albania has been often threatened not from lack of natural resources to fulfill the country's needs, but because of mismanagement and political crisis that have lead sometimes to food emergencies.

- Environmental Security

Considered a central theme in national security, environmental security comprises the dynamics and interconnections among the natural resource base, the social fabric of the state, and the economic engine for local and regional stability. Albania's National Security Strategy, approved by the National Assembly in 2004, does not apportion much importance to environmental security, despite many aspects of the filed being intertwined to various security fields, like health and economic security. Emissions from the aging vehicle fleet that circulates on Albania's streets and from heavy industries are one of the main causes of environmental pollution in Albania. The government currently does not have in place a clear long-term policy on how to abate the air pollution and reduce emissions from these two sources. Municipal waste management also continues to be a major threat to the country's environment. Uncontrolled dumping and burning of urban waste is rampant, presenting an immediate health hazard. The report notes that Albania lacks a modern system of waste collection, disposal and recycling, and has not set up a clear strategy for the safe disposal of hazardous waste

- Personal Security

In its modern form personal security is perceived as more than individual security, and viewed the perspective of the conditions and factors (either physical or emotional) that have to exist in order that a person feel safe.

Firstly the personal security is an issue of qualitative factors; feelings and perceptions; making Albania a country with serious problems in the framework of human security regardless the fact that such approach doesn't find much space in the strategic documents prepared to set the milestones of security sector reform and development.

A UNDP study conducted in 2004 revealed that personal security is a sensitive and very relevant issue for the country, although little studied or analyzed. Referring to data of the same source, at least 14% of the Albanian population feels unsafe in their homes while no less than 20% of the Albanians feel personally unsafe in the streets. Such figures are also reflected in the statistics of various crimes and road accidents which are presented in alarming rates. This might show the gap that exists

between realistic personal security threats and lack of measures to face the situation such as establishing a long-term strategy to tackle such concerns.

- Health Security

Health Security aims to guarantee a minimal necessary protection from diseases, especially those infective and epidemic, or those caused by poor living conditions.

Health service in Albania is available throughout the country but poor quality remains a serious problem. Problematic continue to be the corruption which has been the main obstacle for health services in the last 15 years. The quality and access to health service is rather low and this sector suffers from poor infrastructure and lack of essential equipments and instruments, while there is a lack of motivation of qualified staff. According to the statistics, the annual amount spent for health service per person in Albania is 50 USD/year compared to the European average 1900 USD/year. This clearly indicates the misbalance and low standards of Albanian health system.

- Community Security

Community security is directly related to the freedoms and human rights to protect and develop their own identity.

The homosexual community in Albania is considered to be a group of the population which severely suffers from the consequences the weakness of community security in our country. The most serious problem is related to the overwhelming mentality that exists in the public and in the public institutions. A prevalent portion of Albanian society holds negative prejudices against the gay community and is also not informed. According to various national human rights organizations, the most serious violations happen from the police, where physical and psychological violence prevail.

In relation to the ethnic minorities, although the Greek minority is better positioned, there is an immediate need to for accurate and recent statistics, greater political decision-making representation, and better administrative division of the areas where these minorities live and better education opportunities in their native language.

The Macedonian Minority concentrated in Prespa area, near Korça, continues to raise various concerns and claims related to: lack of

education opportunities, lack of population registration, difficulties in preserving their own culture and national identity, lack of political representation and furthermore lack of investments and developing policies in this region.

The Roma community is defined as a vulnerable group with characterized by low education and economic conditions. Roma community is faced with numerous difficulties, that constitute the exclusion and social self exclusion from the rest of the society.

- Political Security

The concept of political security is based on democratic governance and protection and respect of human rights in Albania. The analysis of political security in Albania comprises 5 basic elements which are analyzed as follows.

a. Level of democratization

The Albanian Parliament has further consolidated its role as a focus for the political debate while the main political forces have started to cooperate in major issues.

This consensus between the ruling party and the opposition party have resulted in a progress achieved in regards to courts and election reforms. Nevertheless a few weeks before June 28th which is the date of this year's parliamentary elections, the process of delivering identity documents has not yet been finished, jeopardizing the whole election process and the right to vote for each citizen.

b. Protection from state repression (freedom of speech/press)

The Constitution of the Republic of Albania, approved in 1998, provides formal guarantees for the freedom of speech and freedom of the press (media). What is needed is the adequate implementation of the legislation and the resolving sensitive issues such as decriminalization of defamation in the penal code and the adoption of a new legislation regarding the transparency of media ownership.

c. Respect for human rights

The fundamental human rights and freedoms are guaranteed in the Albanian constitution. Regardless of the fact that the legislative

framework seems complete, the biggest challenge is the efficient implementation of the existing legislation.

d. Democratic Expectations.

Referring to the prestigious newspaper “The Economist”, Albania is ranked 81-st out of 167 countries, regarding the level of democracy development, leading the list of “hybrid democracy” countries. In this context various reforms and changes in Electoral Code and justice have taken place. Legal procedures have remained slow and substantially lack transparency.

e. Prevention of torture, abolishment of political sentences

The Republic of Albania has signed conventions that prevent imprisonment for political motives, torture, or people extinction. In the past there have been cases related to maltreatment of people arrested during the arrest and interrogation processes.

*The full version of this study in English
can be obtained online in the website of IDM: www.idmalbania.org*

EVALUATION OF NATIONAL SECURITY DECISION-MAKING STRUCTURES

By Arjan Dyrmishi MA, Senior Expert IDM

Translated by Urita Dokle

Abstract:

The way how national security policies are conceptualized, adopted, implemented and evaluated is vital to the country and citizens wellbeing. In order to realize the decision-making process and develop such policies it is necessary to establish well-organized and legitimate institutions. This study analyzes the Decision-making Structures of the National Security and tries to assess how adequate and well-coordinated these structures are in order to generate stable security policies and guarantee their effective implementation.

Introduction

This study analyses the development of the responsible decision making and coordination institutions of the national security policies. In addition, it also offers an assessment overview of their role and efficiency.

In its first part, the paper focuses at the concept on which is based the need of founding of the decision making and coordination institutions of national security policies. From an institutional perspective, the experience of establishing such structures is relatively new, and began in the US after the Second World War.

While in its second part, the study analyses the process of setting up and development of National Security Decision-Making and Coordination Structures. In retrospective glance, the paper analyses the circumstances

and factors that have influenced these structures and their functions. Research findings show that three main development periods of this structure coincide with the history of constitutional changes. Because of this, it is highly expected that any other change of the structure and role in the future would be accompanied with constitutional amendments.

The last two parts of the study sets several conclusions on why the responsible institutions for the coordination and the integration of the security policies remain weak, not adjusting to the political system and the country's needs and conclusively not able to develop sound security policies and guarantee their implementation. Some recommendations for further consideration are also included in the end.

The Needed National Security Decision-Making Structures

In many countries, the *National Security Decision-Making Structures* (NSDMS)¹ is an important element of the development, coordination and the delineation of foreign policy, defense and other policies that ensure the country's welfare².

Such structure was initially set up in USA in 1947, under the designation of National Security Council (NSC). The Congress proposed the endorsement of a legislation, which could serve to manage the national security issues³. The Congress also proposed the establishment of a unit within this executive that a) would integrate and coordinate the policies between the institutions and various agencies, and b) would advise the President over issues of a national security interests.⁴

¹ The term National Security Decision Making Structure is found in '*National Security Decision-Making Structures and Security Sector Reform*', RAND Corporation, 2005, and it has a general meaning without referring to any particular model.

² Alan G. Whittaker, Frederick C. Smith, Elizabeth McKune, (2008). *The National Security Policy Process: The National Security Council and Interagency System*. (Research Report, November 15, 2008)

³ Cody M. Brown, 'Project on National Security Reform, *The National Security Council: A Legal History of the President's Most Powerful Advisors*' (2008)

⁴ It has to be underlined that the political system in USA is presidential and the President retains executive competences, but similarly competences to propose legislation, a fact which cannot operate in parliamentary systems where the competences are executed by the Prime Minister.

Since then, different countries have set up and developed their own models of organising and functioning, result of political structures and preceding institutional structures as well as the specific needs or style of the high officials⁵. However, the model of the American National Security Council is considered as the most powerful one. NSC serves as a forum to initiate and formulate new policies by which the President, the advisers and members of the cabinet discuss over internal, foreign and defense policies related to the national security. NSC staff advises the President on the issues related to national security, coordinates with the different executive institutions for the development and formulation of policies, and nevertheless is not involved in the process of implementation.

The reason behind the establishment of the National Security Decision Making Structure is the need of setting up structures, which will consolidate and coordinate various aspects of national security. Such supportive structures would be called in order to coordinate, apply or simply evaluate these policies, and officially or not advise over them⁶. NSDMS could constitute in entities with decision-making or advisory (or both) competences and in most of the cases was established by Constitution, Law or Decree to perform a series of functions:

- Evaluation of policies relating to security
- Setting of security priorities
- Counseling on policies related to security
- Institutional Coordination
- Allocation of resources (Resource allocation)
- Coordination of emergencies (Emergency Coordination)
- Oversight on the implementation of policies for defense and security issues (defense and security policies)
- Other significant issues such as the appointment of high officials, drafting of National Security Strategy etc.

In general, NSDMS plays a central managing role for the security policies, but also serves as an independent advisory body to the high

⁵ Bearne, Susanna, Oliker, Olga, O'Brien. Kevin A., Rathmell. Andrew, 'National Security Decision-Making Structures and Security Sector Reform', RAND Corporation, 2005

⁶ Ibid

decision-making officials that depending on the political system could be the President or the Prime Minister.

Another important aspect that justifies the NSDMS establishment, is that it ensures that the evaluation of threats and decision-making in the security field is not done within separate boundaries of defense institutions, police and security services, but beyond such boundaries and carried on by high civil officials of the Executive.

Therefore, it is understandable that the key factors that guarantee for NSDMS to function effectively are the composition and the degree of the given competences. Membership in this body has to include all the significant institutions involved in security issues as well as in the Civil sectors of policies such as finance, foreign policy, economy and justice. This composition encourages a more thorough full analysis of security and defense.

National Security Decision-Making Structures in Albania

As mentioned above, the way that NSDMS was organized and functions in many countries resulted from a combination of a series of factors. Such as the political system, institutional heritage, way of governance and high officials' attitude like the evolution of the defense concept that has shifted the focus from the internal territorial security towards an ever-growing international dimension.

Albania's case seems entirely included in this model. Analyzed in this framework, how NSDMS was structured and functioned, there could be distinguished three main periods

- Prior to 1991
- 1991-1998
- 1998 and on

Up to 1985, the highest authority of defense and security in Albania was the First Secretary of Central Committee of Party of Labor (FSCCPL), who, even though did not have whatsoever any official executive functions, took the most important decisions in the security area. These decisions resulted in the format of party-platforms and were obligatory to all interested institutions. In 1985, when Ramiz Alia at the time the President of the Republic was elected as the First Secretary two functions were given to one person .⁷

⁷ Raymond Zickel and Walter R. Iwaskiw, eds. 'Albania: A Country Study'. Washington: GPO for the Library of Congress, 1994

For the sake of this analysis, the period might not have presented any importance at all, if not for the institutional heritage and the ways the transformation processes of the systems occurred during 1991-1992.

The fall of this one-party system and the establishment of the rule of law would also mean that like any other aspects of public policies, even the country's security and coordination of institutions assigned for this mission, could be set on constitutional and legal basis .

The political developments, at the beginning of 1991, which coincided with drawing of the Constitutional Draft, to be adopted by the first Pluralist Parliament, were obviously leading to the existing winning force, the Party of Labor. Therefore, the drafters of the Constitution, originating from the existing system, wrote the Constitution taking into consideration the fact that the future President would be again, Ramiz Alia.⁸ *That draft which would not succeed to be endorsed as a Constitution, but as the Law for the Principal Constitutional Dispositions that due to certain well commented circumstances and causes, remained to force up to 1998, although it predicted a Parliamentary Republic, it transferred to the President broad executive competences such as the right of legislative initiative.⁹ With these competences, the President was de facto the "Chief" of the Executive with the highest competences in the area of foreign policy and defense as the Commander in Chief of the Armed Forces.*

The Law for the Principal Constitutional Dispositions established the Council of Defense as a coordinating authority under the President with the mission "leading, organizing and mobilization of all country's resources for nations defense."¹⁰ The Council of Defense proposed by the President and approved by Parliament included: The Speaker of the People's Assembly, Prime Minister, Minister of Defense, Minister of Interior, Minister of Transports, Minister of Economy, Director of State Intelligence Service and Chief of General Headquarters. ¹¹

⁸ Jon Elster, 'Approaching Democracy: A New Legal Order for Eastern Europe', The University of Chicago Law Review, Vol. 58, No. 2, (Spring, 1991), pp. 447-482

⁹ Law no.7491, dated 29.4.1991 'For Principal Constitutional Dispositions'

¹⁰ Law no.7491, dated 29.4.1991 'For Principal Constitutional Dispositions, Article 32

¹¹ Decision of People's Assembly, No. 214,dated 11.12.1991 and Decision of People's Assembly, No. 319,dated 05.08.1997

In addition to the advisory function, on a majority voting, the Council of Defense retained the authority to take decisions, which the Government was forced to implement.¹² The Council of Ministers guided its activities for to the accomplishment of these assignments in compliance with the decisions of the Council of Defense.¹³

The council's competences reflect the security concept at the beginning of the 90-ies, based on the country's defense, and as a result, the focus remained on the Armed Forces.

Some of these competences included the drawing of military regulations for the preparation of the country for the defense, definition of the AF structures, establishment of defense headquarters; determination of strategic operational defense; review of measures needed for the protection of public order in case of states of emergencies or wars.¹⁴ With the same focus on the Armed Forces were also the competences of the President as the Chairman of the Council of Defense. Such as; the endorsement of a strategic operational plan on defense, assignment of the Chief of General Headquarters, provision of disciplinary measures for generals, setting and scaling the states of alert, the decision to use the Armed Forces in the military operations.¹⁵

Although being limited to defense issues, it is obvious that the concept of need for coordination was clear and reflected either in the Constitution as well as in and the organic law for the functioning of the Council of Defense.

Reflecting upon the new problems of security not directly related to defense and AF, in the year 1995, it was established another coordinating body at the Council of Ministers, The Committee of Policies on National Security (CPNS). It was established as a consulting body for the Council of Ministers. The aim was to coordinate and determine the governmental policies in important areas of state activities. CPNS included the Interior Minister, Minister of Defense, Minister of Justice, Minister of Foreign

¹² Law no.7528, dated 11.12.1991 'For functions of Defence Council and General Commander of the Armed Forces'

¹³ Law no.7491, dated 29.4.1991 'For Principal Constitutional Dispositions, Article 36, point 4

¹⁴ Law nr.7528, dated 11.12.1991 'For functions of Defence Council and General Commander of the Armed Forces', Article 5

¹⁵ Law no.7528, dated 11.12.1991 'For functions of Defence Council and General Commander of the Armed Forces', Article 8

Affairs and Chairman of State Intelligence Service. On invitation, even the General Prosecutor could participate. The mission of CPNS was the examination over issues of public order, of defense, of foreign policy and European integration, as well as the examination of draft-proposals and important draft-decisions for national security.¹⁶

Starting from the mission, it is evident that CPNS is the outcome of acknowledgement for new realities in security.

After the crisis of 1997 and the subsequent political rotation, the priority for the new majority was the endorsement of Constitution and reconstruction of the shattered system of security. There are a few data on the role the President and DC played during the period 1997-1998 as well as for decisions on home security and similarly on the way the competences for the new important decisions on security matters were taken by the Prime Minister and CPNS¹⁷⁻¹⁸ *But coordination from this structure was weak, meetings were held with no regular agenda and CPNS did not have the proper expertise to serve as filter for decisions by the Council of Ministers and to successfully contribute in the process of developments on national security.*¹⁹

It is evident that there has been a lack of vision on the way to coordinate policies and responsible institutions for national security; this is manifested not only by the Constitution, but also by the laws to be subsequently endorsed and further on the institutional practices that followed.

Regardless of being limited to defense issues, obviously the concept of the need for coordination is clearly seen and reflected by the Constitution and the organic law for the functioning of the Council of Defense.

After the 1997 crisis and the subsequent political rotation, the priority for the new majority in power was the adoption of the Constitution and the reconstruction of the shattered system of security. There are a few data on the role the President and Council of Defense played during 1997-

¹⁶ DCM no.81, dated 6.2.1995 'For the rules of functioning of Council of Ministers', Article 8

¹⁷ 'Nano says "Aid for Kosova refugees increases', Albanian Telegraphic Agency (ATA), 16 July 1998

¹⁸ 'Albanian Prime Minister Orders Action against Organized Crime', Radio Free Europe/Radio Liberty, Vol. 2, No. 145, 31 July 1998

¹⁹ Albania, Centre of Government Profile, [as at April 1998], SIGMA, Support for Improvement in Governance and Management

1998 as well as on decisions on home security and similarly on the way the competences for the new important decisions on security matters were taken by the Prime Minister and the Committee of Policies²⁰⁻²¹ *But coordination from this structure was weak, meetings were held with no regular agenda and the Committee did not have the proper expertise to serve as filter for decisions taken by the Council of Ministers and to successfully contribute in the process of developments on national security.*²²

It is evident that there has been a lack of vision on the way of coordinating policies and responsible institutions for national security; this is shown not only by the Constitution, but also by the laws to be subsequently adopted and on the institutional practices that followed.

The 1998 Constitution reconfirmed Albania as a Parliamentary Republic, with a stronger prime minister and with a president with more limited powers than before.²³ However, with the new Constitution the President continues to be the General Commander of the Armed Forces, but currently this competence is exercised through the Prime Minister or the Minister of Defense. In fact, the execution of a competence from another power implies delegation of competences. So, what can be counter stated is that these competences were not given to the Prime Minister, who de facto, even through the Council of Ministers is the highest decision-making authority which “determines the principal direction of overall state policies and is responsible for them.”²⁴ Therefore, the President is only an implementer of such policies, because by Constitution, the president has not been given any power to propose or formulate policies.

Based on the Constitution, stronger competences for the President are those for the assignment and discharge of the Commander of the Armed Forces, commander of ground, naval and air forces, nomination

²⁰ ‘Nano says “Aid for Kosova refugees increases’, Albanian Telegraphic Agency (ATA), 16 July 1998

²¹ ‘Albanian Prime Minister Orders Action against Organized Crime’, Radio Free Europe/Radio Liberty, Vol. 2, No. 145, 31 July 1998

²² Albania, Centre of Government Profile, [as at April 1998], SIGMA, Support for Improvement in Governance and Management.

²³ Constitution Watch, Albania Update, East European Constitutional Review, Volume 7 Number 3 Summer 1998

²⁴ Constitution of the Republic of Albania, Article 100 and 102

of the Director of State Intelligence Service, competences which he cannot execute without receiving a formal proposal by the Prime Minister. But, as practice has showed during the years that followed, these competences took more importance if the Prime Minister sought to discharge any of the abovementioned functionaries. With only these competences and considering the fact that with the new Constitution, the President has no competences to initiate laws, the establishment of the Council of National Security as an advisory entity could be considered as a recipe for failure, since the scope of its activities is enormously narrowed if we compare the typical functions for such an authority as mentioned in the introduction of this study.

The discrepancies were quickly manifested when almost on the same date with the decree of the Constitution, the President addressed the Constitutional Court to clarify the status of the Council of National Security, substitution of Council of Defense and his role as a General Commander of AF, by considering that the simultaneous existence of a law for the Council of Defense and the Constitution created a contradictory legal situation.²⁵ The Constitutional Court decided that law dispositions determining the functions of Council of Defense are not applicable and according to the Constitution “the unique direction of the Armed Forces is accepted, overruling the Council of Defense as a decisively collegiate body.”²⁶ Three months later, the Parliament adopted a new law determining the competences of the President as the General of the Armed Forces and Council of National Security. The law reaffirmed the President as the Commander in Chief of the Armed Forces at times of peace and war, who exercised the function through the Prime Minister, the Minister of Defense, and carried the nomination competences as sanctioned by the Constitution. As Commander in Chief, the President continued to retain even by this law similar competences to the previous ones such as: adoption of the strategic operational plan of defense and organizational structure of the Armed Forces, nomination of the Chief of General Staff of the Armed Forces, provision of disciplinary measures

²⁵ Constitutional Watch: Albania Update, East European Constitutional Review, Volume 8 Numbers 1-2 Winter/ Spring 1999

²⁶ Decision of Constitutional Court no. 77, dated 31.12.1998, with the object interpretation of article 178 point 1 of the Constitution in relation to law implementation no.7528, dated 11.12.1991 ‘For the functions of the Council of Defence and the General Commander of the Armed Forces’

for generals; determination of the alert scales, decision for the use of Armed Forces in military operations, the right to propose to the Assembly the declaration of the state of war etc.²⁷ The role of the National Security Council was redefined by the Constitution as an advisory body to the President of the Republic in the area of national security with the task of assisting him in the directing, organizing and mobilizing the human and material resources for the national security of the country.²⁸

The task of National Security Council, which differs from the task of Council of Defense with the exception that instead of the “defense of the country” the objective is the “national security”, in fact, indicates the evolution of environment and security concept, which has taken a wider dimension than the defense of the country’s integrity. Although the law gives rather weak competences to the National Security Council - it “discusses and provides opinions” - their focus remains almost completely oriented to military area.²⁹

In National Security Council, in addition to the President, participate: Speaker of the Assembly, Prime Minister, Minister of Defense, Minister of Foreign Affairs, Minister of Public Affairs and Transports, Minister of Local Government, Minister of Health, Director of State Intelligence Service, Chief of General Headquarters of the Army.

The Strategy of National Security which was adopted in January 2000, in the chapter where the constitutional responsibilities of strategic leadership are defined, the President is defined as “the highest responsible official to accomplish the mission, the principles and the objectives of the country’s security, defense and development of national interests” and for the first time it is seen as a principal task of the National Security Council “the conception and the adoption of the security strategy in the Republic of Albania which should be adopted, in principle, in the Assembly.” The Council of Ministers is held responsible for implementation of security strategy and principal directives of security policy which are forwarded to the National Security Council. Whereas, the Prime Minister, is defined as the authority who “conceives and presents the principal directions of security policies and ensures their

²⁷ Law No.8467, dated 31.3.1999, ‘*For the competences of the President of the Republic as the General Commander of the Armed Forces and of Council of National Security*’, Article 8

²⁸ Law No.8467, dated 31.3.1999, Article 7

²⁹ Law No.8467, dated 31.3.1999, Article 8

coordination and implementation in compliance with the law and Constitution.”³⁰

The competences of the President and National Security Council were redefined again in October 2000 with the law “on powers and authorities of command and of strategic direction of the Armed Forces”, which invalidated the law on the competences of the President as the Commander in Chief and National Security Council. According to this law the competences of powers and authorities of Command and strategic direction of Armed Forces were determined in a harmonized way. The National Security Council law is defined according to this law as “an aid to the President in security issues and defense policies, arms control, and other related issues of security and defense.”³¹

It is unclear, which mechanism ensures that the discussions and opinions given by the National Security Council could become part of a decision-making process for security issues. But the role of the Council has been insignificant”; it is obvious that during its second mandate up to 2002, the President has convened the Council only twice³²

With the election of the President in 2002, through a broad consensus, it seemed like a more appropriate climate of political and institutional cooperation was created. In his speech; held at the meeting of the *Committee of Policies on National Security* in August 2002, the Prime Minister would declare:

‘By assessing the initiative of the President of the Republic to put into action the National Security Council he leads, we are developing today the meeting of Inter-ministerial Committee of on National Security Policies, to put at a higher level the analysis and decision-making reflecting the current situation and the new rates of work in our institutions. Hence, this meeting logically precedes and I feel convinced that we are structuring the functioning of a normal working procedure

³⁰ Law No.8572, dated 27.1.2000, ‘For the adoption of the Document on Security Strategy in the Republic of Albania’, (33-34)

³¹ Law no. 8671, dated 26.10.2000, ‘For the powers and authorities in Command and Strategic Direction of the Armed Forces in the Republic of Albania’, Article 13.

³² According to the official data taken on the agenda of meeting of NSC, from President’s office as requested for the purpose of NSC, from President’s office as requested for the purpose of this study, NSC has been convened once on 14.11.1998, and another time on 03.04.1999.

*and democratic cooperation in various levels: where there are homologous bodies headed by the President of the Republic, where there are government members and other institutions which converge in coordinated actions for priority reasons, engaged in relation to the national security and tasks of integrations. And so, we are finally consolidating the models of cooperation, among constitutional institutions of the Albanian State with full respect to the universal principle on balance and equilibrium for the functioning of powers in a democratic society. By receiving your evaluations and opinions on issues to be discussed, I believe and assume altogether we come to formulate a document to be presented to the President of the Republic and National Security Council that he leads in his converging functions.*³³

It seems likely that the newly-elected President, and the Prime Minister who has been resituated into this post after resignation in 1998, are inclined to bring a further impulse in this aspect, inferring that reasons of weak coordination have been of voluntary character up to that time. But this declaration, by the Prime Minister witnesses out the existence of two coordinating authorities which appear as equal affronting one-another, and it is not clear on how to realize the coordination between or which of them has the last and final say.

Even though, the legislation endorsed after the Constitution of 1998, transfers many of the Competences to the Prime Minister, who is de facto the authority with the highest decision-making power, still, it remains unclear on how he exercises that authority and how decisions taken are incorporated by the National Security Council and the President.

Several months later, the Parliament endorsed a law for the organization and functioning of Council of Ministers, where among others are determined the competences of the Prime Minister who in addition to the competences as predicted by Constitution, with the endorsement of the Council of Ministers, can take over additional duties.³⁴ Similarly, this law established the Inter-ministerial Committees as consultative bodies of Council of Ministers, where bodies for

³³ From Prime Minister's Speech Fatos Nano, held at the meeting of Inter-ministerial Committee on Policies of National Security, 29 August 2002. Official Paper of Council of Ministers

³⁴ Law no.9000, dated 30.1.2003 'For the Organization and Functioning of Council of Ministers', Article 2

preliminarily discussed policies, important issues of executive activities, as well as the draft acts of special significance.³⁵ These committees are headed by the Prime Minister, the composition and area of activity to be treated, are determined by his Ordinance. In this regulation for the Council of Ministers subsequently to the endorsed law, a significant role is given to Inter-ministerial Committees in the process of formulating policies,³⁶ but in the regulation are not mentioned other typical functions for authorities of coordination of national security.

During the period 2002-2004, CPNS has been convening several times to discuss and take decisions on various issues like, the approximation of legislation and documentation for free movement of people in the Schengen Area and concrete measures to this;³⁷⁻³⁸ increasing measures and capacities in combating terrorism,³⁹ inter-institutional coordination to unify attitudes in the areas of foreign policies for incorporating Euro-Atlantic structures,⁴⁰ endorsement of the final draft of Document of Security Strategy.⁴¹

Nevertheless, according to the institutional reports for the improvement of governance, Prime Minister's office remains fragmented from the organizational aspect, with responsibilities' divisions between political cabinet and administrative units under the General Secretary which do not function in conformity with the best practices and are incapable to guarantee a coherent approach in support of collegiate activity of the Council of Ministers.⁴²

A gradual inclination of the balance by the side of the Prime Minister is evident, although the President is more active during that time and

³⁵ Ibid, Article 11

³⁶ DCM no.584, dated 28.8.2003 'For the Endorsement of Regulation of Council of Ministers,', Chapter V, Coordination of draft acts

³⁷ Meeting of the Inter-ministerial Committee of Policies of National Security, dated 29/08/2002

³⁸ ibid

³⁹ ibid

⁴⁰ Meeting of the Inter-ministerial Committee of Policies of National Security, dated 10/06/2003

⁴¹ Meeting of the Inter-ministerial Committee of Policies of National Security, dated 16/04/2004

⁴² 'Albania: Policy-Making and Co-ordination Assessment. June 2006', SIGMA Support for Improvement in Governance and Management

tries to put into efficiency NSC, or at least trying to convene NSC more frequently and regularly.⁴³

A review of the Strategy on National Security in November 2004 brought forth a new formulation for the roles of the decision-making authorities and their coordination. In addition to “conceives and presents principal directions of security strategy and ensures the coordination for their implementation compliance with the Law and Constitution”, the Prime Minister, according to this document retains the competence to initiate and renew the Security Strategy within a period of no later than three years from the date of its endorsement. At the same time, the new strategy assigns the Prime Minister with the task to create and lead the Committee of Policies of National Security.⁴⁴

Even in that case, there is not a clear positioning of the National Security Council and the President related to these amendments, as according to the prior existing National Security Strategy, the formulation and endorsement of which was a task of National Security Council. The NSC itself is redefined as an advisory body to the President over security issues and country's defense, as well as the direction, organization and mobilization of human and material resources to the benefit of security and defense of the country with the following composition: Speaker of the Assembly, Prime Minister, Minister of Foreign Affairs, Minister of Defense, Minister of Public Order, Minister of Local Government and Decentralization, Minister of Finance, Minister of Transport and Telecommunication, Chief of General Headquarters, Director of State Intelligence Service and General Police Director. With the new composition it is observed the removal of the Minister of Economy and incorporation of the General Police Director.

The political rotation and the venue of new majority in 2005 did not bring any new vision to the improvement and reform of coordinating authorities. NSC continued to be summoned two times a year for the period up to the Presidential elections in July 2007, a thing to be more of

⁴³ According to the received data on the calendar of meetings from the President's Office for purpose of this study, NSC has been summoned ten times under the direction of President Moisiu during the period July 2002 – July 2007.

⁴⁴ Law No.9322, dated 25.11.2004, 'For the Endorsement of the Strategy of National Security of the Republic of Albania'

CM 1991	CNS1999	CNS 2004*
1.President	1. President	1.President
2.Speaker of the National Assembly,	2. Speaker of the National Assembly	2.Speaker of the National Assembly
3. Prime Minister	3.Prime Minister	3.Prime Minister
4.Minister of Defense	4.Minister of Defense	4.Minister of Foreign Affairs
5.Minister of Interior	5.Minister of Foreign Affairs	5.Minister of Defense
6.Minister of Transports	6.Minister of Public Order	6.Minister of Public Order*
7.Minister of Economy	7.Minister of Economy and Privatization	7.Minister of Local Government and Decentralization
8.Director of National Intelligence Service	8.Minister of Finance	8.Minister of Finance
9. Chief of the General Staff	9.Minister of Public Work and Transport	9.Minister of Transportations and Telecommunications
	10.Minister of Local Government	10.Chief of the General Staff,
	11.Minister of Health	11.Director of State Information Service
	12.Director of State Information Service	12.Minister of Health
	13.Chief of the General Staff	13.General Director of Police

a tendency for the Council to enter into a normal procedure and institutional functioning, seems to be more of an individual attention and enhancement by President Moisiu. After the election of new President, NSC has been summoned once in September 2007 to discuss over the situation in Kosovo and the region, and another time in March 2008 to analyze the Gerdec's event.⁴⁵ So, out of fourteen meetings that NSC has been convening since the establishment from Constitution of 1998 and until now, ten meetings have been headed by President Moisiu.

Even after 2005 the coordination among different ministries, hence between NSC and Council of Ministers has continued to be a weak link. However, the need of coordination has been the refrain of several

* Composition of 2004 continues to be valid and current.

* Minister of Public Order and Minister of Local Government after 2005 is the Minister of Interior.

⁴⁵ According to the received data on the calendar of meetings from the President's Office for purpose of this study.

meetings of CPNS, and in fact has remained at a rhetorical level. The establishment of a permanent structure in the Council of Ministers to tackle with issues of national security has not come to be concrete. The Gerdec event brought to evidence the order of priorities for the Prime Minister when he declared that:

'At the Council of Ministers shall be set up a department to coordinate the work of all agencies dealing with the problem of security, where are included SHISH (State Intelligence Service), Guard of the Republic, Police, Taxation, Customs, Service of the Army, Military Policy and other inspection bodies. This model exists in many countries and is possible for this committee which is determined by law to take the attributes of a collegiate body, to periodically examine the problems of country's security'.⁴⁶

Although a year and a half has passed, there is not a law or regulation for such a structure. Neither the structure itself has been set up. For reason of integration priorities of the country, there is an overlapping of issues of national character and EU integration priorities, a thing which is obvious if one views the agenda of discussions of respective inter-ministerial committees.⁴⁷

Simultaneously, there is a continuity of vision of preceding majority regarding the format and weight of decision-making of coordinating authorities. Still there is not a new National Security Strategy endorsed by the current majority, neither a clear format of the authorities, of competences and of coordinating structures, at a time when military strategy approved in 2007, refers to the formulations of the National Security Strategy of 2004, except for the fact that in the military strategy is re-sanctioned the competence of the Prime Minister to initiate the review of National Security Strategy.⁴⁸

The Prime Minister realizes the coordination through his adviser responsible for security issues. A consistent weakness of this form of organization from the institutional viewpoint is that when Prime Minister changes, the institutional memory and real experience are lost and there is not a sustainable continuity in the seat of government to advice on

⁴⁶ Armand Maho, 'Berisha: A department at the Government to coordinate agencies of security,' Newspaper 'Tema', 5 June 2008,

⁴⁷ Meetings of Inter-ministerial Committee for Integration into NATO, dated 16/06/2008

⁴⁸ Law nr. 9858, dated 27.12.2007 'For the endorsement of military'

issues of security policy as this function is limited to the political advisers of the Prime Minister who also change with the Government.⁴⁹

Even NATO membership which could pressure on the need for a better inter-institutional coordination not only did not bring any new development in the field but NATO does not consider these complicated relations as problematic but mostly as a characteristics of the region, in general.⁵⁰

Conclusions

It is obvious that the NSDMS evolution in Albania is a result from a combination of changes in the political system; institutions inherited from the past, vision, political philosophy, way of governance, and changes of the concept of security.

From the institutional viewpoint, it seems likely that the best applicable model in Albania is the one regulated by the Law for the Main Constitutional Provisions. Nonetheless considering the fact that participation is the core of coordinating authorities, the stronger role of the President and weaknesses of the other political actors made this experience ineffective.

In regard to the establishment of this coordinative structure led by the President, who was also the de facto head of executive with constitutional competences needed for the legal initiatives, it can be pointed out that the Council of Ministers was well positioned in the cycle of policies⁵¹ to carry out the typical functions of such structure.⁵² Since this process is very complex, the cycle of policies includes the participation of several actors such as ministers, deputies, civil employees, private sector, civil society media etc. They try to influence each other to achieve a balanced result. Then, seen from this theoretical viewpoint, this coordinating structure was well set

⁴⁹ Albania: Policy-Making and Co-ordination Assessment. May 2009', SIGMA Support for Improvement in Governance and Management

⁵⁰ Pietz, Tobias and Marc Remillard, 'Defence Reform and Conversion in Albania, Macedonia and Croatia', Bonn International Centre for Conversion, 2006

⁵¹ James E. Skok, 'Policy Issue Networks and the Public Policy Cycle: A Structural-Functional Framework for Public Administration', Public Administration Review, Vol. 55, 1995

⁵² Theoretically, the cycle of policies implies the process that includes: (a) identification of the problem, and proposal, (b) policy formulation, (c) approval, (d) implementation, (e) evaluation

regarding the normative side. But empirically speaking and considering the fact that most of the other actors were weak, the decisions on the security policies were made not in cyclic but in a vertical way, bottom up. Particularly we can mention the weak role of the civil society and media, but specifically the parliament who did not have oversight powers over the President

Another negative aspect of this experience that had several consequences was the creation of a precedent for a weak role of the Parliament and parliamentary supervision, as well as the exclusion of media and civil society. Another negative experience was the fragmentation of the coordination concept between the two institutions; the President and the Prime Minister, a fragmentation which remains up to the present.

Hence, the model of coordination envisaged by the Constitution of 1998, instead of improving, weakened and further complicated this coordination. One of the weaknesses of the Constitution is that it identifies the concept of Security with the Armed Forces and has amended the regulation of provisions for the competences of the President and Council of National Security based upon this concept. Similarly, it remains undetermined the way on how President's Decrees and NSC are included in the decision-making over policies, in implementation or their articulation.

Later attempts to regulate by laws the existing constitutional gaps, made coordination vulnerable to challenges and political clashes, which led to more tendencies in awarding further competences to the Prime Minister and Council of Minister. As such NSC constituted a problem rather than a solution. So, the coordination over issues of national security at the government level continues to be weak, spontaneous and politicized.

The establishment of a single authority of national security is a complex and difficult task. To successfully realize such a thing, all parties involved have to view their benefits through this initiative and offer their support. At the current stage, home experience is not lacking, which to the best case could serve to learn from past mistakes, but also from best practices in countries with successful coordinating structures.

Recommendations

As it seems likely, from failures of our actual system, and experiences from other countries, it is necessary the establishment of a unique authority and a permanently supportive structure at the Executive.

This authority:

- would enable a better coordination of institutions for their role in the security sphere
- would accomplish a more coherent and detailed assessment regarding threats towards national security
- would assist country's leadership to formulate and promote defense and foreign policies
- would coordinate the activity of organizations involved in crisis management
- would create a continuity in the follow-up policies as it would survive to the shifting majorities in power

Traditionally, it remains problematic the fact that this structure is headed by the President and as stated, is the result of our institutional tradition, and the presidential model of USA, a model brought for the first time to Albania.

Hence, the establishment of this structure should be preceded by legislative reforms in order to ensure the Prime Minister at the centre of the process, because as Chairman of the Council of Ministers he is capable to realize a more collective organized leadership. Such a scheme is in full compliance with the constitutional principles of our Parliamentary Republic and enables an adequate parliamentary supervision, since the executive itself is subject to the supervision.

The supportive structure of this authority, established at the executive level, would comprise military officers, diplomats, high officials of the services, specialists and technocrats. This mixed composition would help to create a civil military structure and would serve as a basis to solutions of security in a consensual and flexible way in compliance with the complex environment of security sector.

In this framework, there would be a concrete role even for the advisers of the Prime Minister on security issues, as they would serve as an instrument to prevent the establishment of an influential institution beyond legal predictions, as well as the prevention of conflicts

and institutional rivalries within the structure. The structure would outline and contain these elements:

- An administrative secretariat
- A strategic planning unit
- A crisis management centre
- A coordination unit of information services
- A responsible unit for public diplomacy

The challenge for the establishment of such a structure might constitute in setting up a small, realizable and elastic body in such a way as not to endanger and substitute the existing institutions but to support and coordinate them.

It remains problematic the fact whether a political will would exist to preserve this structure from excessive influence as regards to the Prime Minister, who could intervene and manipulate it by converting it into an instrument to his favor.

Likewise, it could be challenging the creation of proper balances amid

experts of various fields as well as between political and technocratic staff.

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DEVELOPING A NATIONAL SECURITY CONCEPT

Policy Brief

Prepared by:

MA. Enri Hide, MA. Geron Kamberi, MA. Besnik Baka

1. INTRODUCTION

The periodical review of the fundamental security document of the Republic of Albania, known as “National Security Strategy” is necessary, nay legally obligatory,¹ 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. The old security strategy of Albania, dating from 2004², as well as the military strategy of our country³, does not fit any more with the Albanian reality, either from a regional or an international perspective. This proves to be true especially after Albania’s integration into the North Atlantic Treaty Organization (being as such an institutional and structural part of the Euro-Atlantic security paradigm), Kosovo’s independence (on February 19, 2008 – an event that reshaped nearly all geopolitical alignments and realignments of the Balkans), and the clear reconfiguration of the international system, beyond traditional state-centric threats: towards non-state challenges (like terrorism), and towards problems of a more comprehensive nature, like democratization, weak states, global environmental devolution, etc.

¹ Based on Law 9322, Ar. 84, November, 2004.

² Adopted in November 2004.

³ Adopted in 2005.

This reevaluation process must begin as soon as possible from the actual Albanian government which came into power after the June 28, 2009 elections. It has become much more necessary especially after our integration into NATO and our application into EU, because these two events affect unequivocally the geopolitical reality in the Western Balkans and the economic and cultural field. They influence the regional stability and the acceleration or slowdown of its integration processes. At this very historical moment, any strategic analysis may go through traditional (or “semi-traditional”) aspects into some more recent ones, notably in the geo-economic field, showing potentially high levels of stability and bigger opportunities for cross-border cooperation and foreign investments. It is for this reason that our diplomacy, based on a fundamental document of our foreign policy such as the forthcoming strategy of national security, should be even more oriented towards the economic and pragmatic realm identifying concrete alliances, properly classifying priorities, taking account of our reality, geo-economic and geo-strategic position in accordance with our national goals as determined by the strategy.

In this respect, this Policy Brief will focus on some key aspects missing from any public, academic or political debate in Albania regarding the reevaluation of our national security strategy. It also aims at raising awareness among key actors regarding this issue. So, it will first analyze the theoretical framework for security and the meaning of a national security strategy. Furthermore it will focus on the challenges of developing a national security concept for Albania through analyzing civil society and international community’s role in formulating a national security strategy. At this point we found the experience from other security concepts and paradigms from countries similar to ours very helpful. Last but not least it will present some findings and conclusions regarding this process in the light of new perspectives for a new NATO member already knocking the doors of integration into EU.

2. THEORETICAL FRAMEWORK

SECURITY AND NATIONAL SECURITY STRATEGY

The national security policy is a document describing the way a state goals' are fulfilled either domestically or externally, aiming to provide for state security and through it to provide for the individual security of its citizens.⁴

This dynamic and less normative definition of a National Security Strategy demands **first of all** *a clear and functional definition of security per se*. This can be achieved firstly only through making a distinction between the different levels of security: human security, state security and international security.

Second, it demands the *articulation and proclamation* of a nation-state's aims in accordance with the geographic, economic, social, political, military and cultural resources of a society.

Third, in order for this political document to obtain a more comprehensive and thoroughgoing shape, it calls for the identification and *drawing of a national strategy* aiming to fulfill the goals defined in accordance with all the available resources.

2.1. Security? What do you mean?

The concept of National Security is yet defined in the framework of avoiding or (if such thing is not possible) facing internal and external risks posed to the state through the utilization of different means such as economic, political, military and diplomatic. In this perspective within the national security policy are included measures that guarantee: utilization of diplomacy to establish firm relations with allied states and isolation of potential threats; strengthening of national economy in order to face the external competition and to support the progress of policies of security institutions; adequate operation of the armed forces; application of civil defence measures and preparation for unexpected emergency situation (including the legislation against terrorism); ensuring safety for the critical infrastructure; or utilization of intelligent services for gathering information and preventing potential risks.

⁴ David Law, "Praktikat më të mira në fushën e strategjisë së sigurisë kombëtare", "Mbi zhvillimin e strategjisë së sigurisë kombëtare", IDN, Tirana, 2007, p. 11.

The concept of national security is relatively new and belongs to the period after the World War II. This concept was firstly employed in the USA, and somehow substituted other existing concepts that featured the WWII with a new paradigm mostly focused on threats stemming from inside and outside the country. National Security was transformed in a leading principle of the official foreign policy in US, when the American Senate approved the National Security Act in 1947, signed later by the US President Harry S. Truman.

During this period, which coincided with the development of the Cold War, the concept of national security was transformed in an important instrument which essentially defined the approach of various countries in regards to the instruments and manners to be employed in order to provide security for the state and nation. Alongside the strategies and policies concerning security sector, collective defence international organizations were developed such as OSCE, Council of Europe, NATO and Warsaw Pact (which ceased to exist in 1991). These organizations played and are still playing an important role in the national and international security environment.

In general, the elements comprising national security vary from one country to another and often are subject of different theoretical approaches in the academic circles. However in many countries the concept of national security mostly includes: *state security, social security and human security*, regardless the fact that the definitions might slightly vary. During the Cold War period, many countries were considering 'national security' as a synonymous of 'national defence'. Yet this concept has changed. Since many years the approach on national security implies another complementary dimension of all the elements that can affect a safe environment inside and outside the borders of a country.

In accordance with the recently used terminology in the Security Strategy of EU, the concept of national security is related with 3 fundamental elements giving a practical understanding while we analyze case of Albania. In this perspective national security should include:

- State security: territorial sovereignty integrity
- Social Security: Protection of people and public functions and infrastructure from natural or human factors.

- Human security: guarantee and defence of human rights of individuals or groups of people, especially their right to live and fulfill basic needs.

The design of the objectives and intentions in the field of national security continue to be considered a political process. For this reason the stake-holders should consider all the factors related to local and international perspectives as well as the way national security interests are mirrored in relation to a broader security definition. This is one of the main reasons that the design of national security strategy goes through a process of assessment of the necessary 'sources' and 'instruments', for the implementation in practice. It is the inter-relation between intentions, objectives and instruments that should constitute the foundations of the process of preparing a national security strategy.

The common elements of every national security strategy mostly include: a) clear vision of the security in the country, b) interests and objectives, c) the nature of security environment, d) risks, threats and challenges, e) instruments and mechanisms, f) roles and responsibilities of security sector institutions, g) financial sources and human resources, h) impact on the international relations with other parties.

The need of each country to design the National Security Strategy stems from various elements where as most important we could stress: a) design of a comprehensive document that defines the common visions on security, b) an instrument to ensure wide consensus, including support from public opinion, c) designation of a well-established analysis on threats, challenges and risks in the field of security, d) inclusion of the contribution from all the interested actors in this field, e) Establishing the foundations of political accountability, f) strengthening of trust and readiness for regional and international cooperation.

The 'human security' notion that is widely employed in this study is mostly referring to the definition identified in the Human Development Report 1994 from UNDP. Dr Mahbub u Haq, who is the first to use this notion in the abovementioned report, deepened further the concept of global security including 7 different fields which directly affect the human security: *economic security, food security, health security, environmental security, individual security, communitarian security, and political security*. In the components of human security we could identify terminological differences on the

utilization the concept *security* Vs. *guarantee*, something that normally excludes these elements from the national security, however recognize their importance as part of people protection policies⁵.

The concept of human security is an analytical model that is increasingly considered important because of the need to respond to global challenges and in the same time endeavors to excess traditional notion of national security which was centered towards state security.⁶ The people oriented concept of the security drastically widens the field of activity of security sector being transformed in a column of every national security strategies. This concept which started to develop especially after the end of the Cold War, evidences that is surpassing theoretical obscurities that are met in various studies.

The first step of defining security plays the role of a conceptual means seeks to establish the bigger operational framework of a National Security Strategy.

For many years the notion of security was firmly linked exclusively with the state institutions and authority. Nonetheless with the passing of the time state structures have lost more and more their monopole and hegemony on security discourse and security policies. New actors have emerged giving the decision making process in the security sector a more balanced dimension. In times of security tension the state-level institutions (government and defense forces) become dominant, tending to broaden and extend their powers through constraints such as censorship or restrictions on freedom to organize, accompanied by increased de-legitimization of individualist and anti-hegemonic discourse. On the other hand in order to act effectively, maintain morale and prevent leaks to the enemy, army have underscored the need for secrecy and for minimizing civilian control to rapidly implement policy by circumventing the civilian level.⁷

In the contemporary era the first component –*human security*– attempts to give a thorough and firm answer to the questions: “What

⁵ Keith Krause *Drejt një axhende praktike të sigurisë njerëzore* CËSHTJE TË SIGURISË/SECURITY ISSUES, Revistë e Përtremuajshme , Nr 7 , Botim i IDM , Tiranë, 2008, faqe 56

⁶ Gary King & Christopher J. I. Murray *Rikonsiderimi i sigurisë njerëzore* (I) CËSHTJE TË SIGURISË/SECURITY ISSUES, Revistë e Përtremuajshme , Nr 3 , Botim i IDM, Tiranë, 2007, faqe 24-50

⁷ Ibid.

does it mean to feel secure? How much security? Security for whom? And so on.” First of all human security means the absence of chronic threats, such as famine, diseases and repression. Secondly it implies protection from unpredicted ruptures of the daily models of life – like in home, work or community.⁸ Third it implies guaranteeing physical security either from state violence or from violence practiced by non-state actors (like political violence, criminality, and accidental deaths or from natural disasters).

State security implies the security of a state’s structural and infrastructural capabilities in order to ensure the life of its citizens from internal and external threats.⁹ The concept of state security has been reconsidered focusing more in the new threats against state mainly inherent in character (such as terrorism, environment, ethnic issues, security problems in transitional democracies, organized crime, etc.) *vis-à-vis* traditional threats from the external environment. Pursue of individual (or personal) security through the establishment of a state is followed necessarily by a perception of national and/or international insecurity rooted in the anarchical nature of the state system.¹⁰ The achievement of state security should be the final goal of every national security strategy, which must take account of all the security dilemmas and the endemic insecurity of the international system. Any concept of state security must also take into consideration the concept and meaning of societal and environmental security as far as the fruition of them cannot be understood without the state’s supervision and engagement.

Therefore would be inevitable (and not at all a theoretical abstraction) a thorough *analysis of the international (and regional) system* to identify all main conflictual and cooperative trends, to recognize possible opportunities or threats as well as to enter into alliances or avoid threats either from state actors or from non-state ones. Objectively enough, the analysis of international security should be present in every national security strategy of any given state, no matter what approach it develops

⁸ See UNDP, 1994, p. 23.

⁹ See Stephen J. Del Rosso Jr. “*The Insecure State*” *Daedalus*. Vol. 124, No. 2, 1995, pp. 177-180

¹⁰ See George Sorensen, “*After the Security Dilemma: The Challenges of Insecurity in Weak States and the Dilemma of Liberal Values*”, *Security Dialogue*, Vol. 38, No. 3, 2007, p. 358.

towards international security problems (like the last wars on Afghanistan (2002), on Iraq (2004) or War Against Terror (Bush Doctrines of 2002 and 2006¹¹) and independently the priority on the internal focus he can chose (like in the case of Switzerland or other neutral states). But it is also clear that the analysis of security or insecurity descending from the international system cannot be achieved without a clear methodology and without the appropriate epistemological means. These are necessary to take account of the different theories and approaches towards international relations and to use them in order to build up a national security strategy able to protect a country from today's threats, to promote national interest and to predict the opportunities and possible threats of the future.¹²

It is possible though to identify some criteria of evaluation of a national security strategy based on: *(a) its adaptability; (b) its domestic cohesion/coherence; (c) its efficiency; (d) its level of reconciliation of capability and goals; and (e) its capacity to resist the errors.* Certainly, this methodology may have some shortcomings, especially when applied on a small state, like Albania, but nonetheless it could provide us with a rational instrument of "measuring" the success and applicability of the future security strategy of our country.

2.2. What is the national security policy? How is it framed, formulated and structured?

As mentioned at the beginning, the national security strategy is a document with a general-orienting character for the decision-making actors, describing the way and the steps a state takes in order to guarantee its security as well as the protection of its citizens, defying the interest of today, and projecting the future routes of its security policy (either domestic or external) in the foreseeable future.

The national security strategy enjoys top priority among other security documents (such as the military strategy, the homeland security strategy,

¹¹ See National Security Strategy, White House US 2002, esp. "Introduction".

¹² More on the construction of threat can be found at: Weldes, J. (et. al.) (1999), "Cultures of Insecurity: States, Communities and the Production of Dangers", Minneapolis: University of Minnesota Press.

and so on) and is positioned at the top of their hierarchy.¹³ It can be found in a variety of terms, such as “policy”, “strategy”, “concept” or “doctrine”. Even though in literature these terms imply different processes and concepts, they have the same utility when used in order to specify the main aims of a state’s security: the reconciliation, coordination and integrations of various actors of national security towards one or some common goals.

States need a strategy of national security in order to: (1) to safeguard them in an integrated manner from domestic and external threats; (2) to increase the effectiveness of the security sector optimizing the contribution of all actors; (3) to direct the implementations of this policy; (4) to build an internal consensus in order to respond to the second abovementioned criterion of evaluation of a security strategy; and (5) to increase the credibility and the regional and international collaboration.¹⁴

According to the model described in (2.2) the structure of a strategy is threefold: it defines a state’s vision of the international and/or regional system and the role that state aims to play in it; evaluates the current or future dangers and opportunities; as well as describes clearly the field of responsibility of every executive actor. Key questions regarding the formulation of a national security policy are those related to the actors engaged in the process of its elaboration, the instruments used in it, the transparency of the process and the clarity of the concepts it handles, the creation of oversight organs for its implementation in a political, institutional and civil society level, as well as keeping the confidentiality in crucial fields of the national security. Also, parts of the security documents are not only the interests but also the values which a state stands for. In our case these values coincide with those of the Euro-Atlantic security paradigm.

2.3. National Security Agenda: The (missing) role of civil society

Nonetheless, in times of peace and when existential threats seem distant, civil initiatives seeking to restrict the space of state control and

¹³ See David Law, “*Praktikat më të mira në fushën e strategjisë së sigurisë kombëtare*”, “Mbi zhvillimin e strategjisë së sigurisë kombëtare”, IDN, Tirana, 2007, p. 12.

¹⁴ Ibid. p 12

the security-political complex responsible for shaping the security policy seems easier. Therefore the activity of Civil Society, including media, tends to limit and somehow restrict the actions of security sector official institutions and decision-making. Especially the media arena has become more and more a political institution undermining the state's sovereignty in terms of shaping public policy. However it is claimed that above all, the media leads to a victimization of the civil discourse as it makes it clear to members of civil society that they are victims of state-level policies.¹⁵ In this framework the binomial media-independent organizations create a unique body which on the one hand resists to state policies and on the other hand oppose it in compliance with public interests having a significant role in the proper functioning of a democratic regime.

As Edmunds has observed, "...in practice public security reform inherently involves choices between competing values and interests. Thus, choices made between competing values and interests regarding security reflect political decisions that are insulated from popular contestation."¹⁷ Traditional conceptualizations of security tend to reduce humans to their unified role as a means to secure a particular socio-economic model of statehood.¹⁸ Civil Society is by definition diverse, reflecting divisions and the multiple competing interests in wider society. Civil Society

The contribution of civil society in the security sector policy making is pivotal and might constitute in facilitating dialogue and debate on policy issues, educating politicians, policy makers and the public on special issues of concern, sharing specialized information and knowledge of local needs and conditions with policy makers, parliamentarians and the media, encouraging security policies that are representative of and responsive to local communities, putting security reform issues on the political agenda, undertaking policy-relevant research etc¹⁶.

¹⁵ Udi Lebel, Civil Society versus Military Sovereignty, Armed Forces & Society

¹⁶ Caparini. M & Cole. E, 'The case for Public Oversight of the Security Sector: Concepts and Strategies' in Oversight or Overlooked, Millar et al

¹⁷ Edmunds, Timothy, 2007. *Security Sector Reform in Transforming Societies*. Manchester: Manchester University Press.

¹⁸ Barry J. Ryan, The EU's Emergent Security-First Agenda: Securing Albania and Montenegro, *Security Dialogue* 2009; 40; 311

organizations serve as channels for expressing these diverse and sometimes contradictory interests, priorities and grievances¹⁹ allowing for a broader context of public discourse and interests.

2.4. Models of Paradigms of National Security Strategies in Croatia, Slovenia and Estonia

In an attempt to identify similar patterns and experiences, that might be helpful to the Albanian institutional and political actors in order to formulate a new national security strategy, this Policy Brief displays some of the Euro-Atlantic national security paradigms found in the countries with similar circumstances, such as Croatia, Slovenia and Estonia. Certainly, the diverse geographical position and the diversity of the components of power of each country does not allow for the computation of interests, but only their approximation in issues regarding defense policies, engagement towards international security, the domestic security institutions, national interests, the structure of military command, the parliamentary oversight, emergency situations, and so on.

The national security documents of these countries rank their interests and values by prioritizing them, as one can denote in the Croatian Doctrine or those of other Western Balkan countries. Specifically, national interests in the Croatian security document are classified according to their importance or prominence, such as: highest values, vital national interests and other considerations. In the Croatian security pattern a very important position is filled by the issue of *national identity*, exemplified through expressions like: “The development of a national identity”, “the safeguard of national identity and welfare of our co-nationals living in other countries”, etc.²⁰ Also, a more accurate view not only of the Croatian security strategy, but also of the Slovenian and Estonian ones, reveals that these countries dedicate environmental protection a strategic attention as a vital part of their national security, which is definitely dissimilar to the Albanian National Security Strategy.

Generally, the security documents of the abovementioned countries describe the security environment in a very similar way by using modern

¹⁹ Caparini, M. 2005, ‘*Enabling Civil Society in Security Sector Reconstruction*’.

²⁰ See, “*Croatian National Security System*“, 2002.

terminology, through a multidimensional approach towards security after the Cold War, and through the acceptance (all the three countries analyzed) the new type of threats. For this reason, the Croatian Defense Strategy deals with a multidimensional concept of international security. Unanimously, they consider NATO and European Union as key stability factors. Furthermore, the strategic concept of Croatia considers the country as a holder of “a regional position with multilateral dimensions”, linking East Europe with Southeast Europe and the Mediterranean region. In the Croatian document, as well as in the Slovenian and the Estonian ones, it is possible to observe an escalated and classifying approach towards the threats, diversifying them into local, regional and global ones. Two of them – the Croatian and the Slovenian documents – prioritize in their security agenda all threats originating from the transnational crime, which shows a peculiarity of the regional security environment when these strategies are confronted with those of other regions, such as North Europe, as is shown by the Estonian case.²¹ The later considers as principal threat the international instability originated from international crises with immediate domestic impact.²² This makes the Estonian strategic concept much closer to the liberal and interdependent theory of international politics. Another distinctive feature of the National Security Concept of Estonia is the apparent importance it dedicates to the war against cybernetic terrorist threats, which distinguishes this approach from those of the countries of our region, such as Albania, Croatia or Slovenia.

Determining a clear concept regarding the national security strategy document is one of the most essential obligations of a state and of its decision-making actors. For these reasons and independently the distinct attributes it may take in different states, and taking account of the challenges facing humanity and the local environments, the concept should be able to act as a valuable guide towards framing of a national security strategy.

²¹ See, for example, “*National Security Strategy of the Republic of Slovenia*“, Official Gazette of the Republic of Slovenia, Nr. 56/01 – ReSNV.

²² See, for example, “*National Security Concept of the Republic of Estonia*“, 2004, pp. 4-7.

3. THE DEVELOPMENT AND CHALLENGES OF AN ALBANIAN NATIONAL SECURITY CONCEPT

Just as determined as of the above theoretical approaches, the challenge of developing a national security concept in Albania is not an exception in relation to the answers that it tries to give the role of the state in the international system, threats and security risks as well as actors responsible for coping with them. It is already known that after 90 years, the government and the Albanian state were found within a new security environment including the geopolitical situation in the Balkan region. From the concept of national security, which until the '90s is based upon the self-isolation, popular self-defense and the territorial distribution of the armed forces of all kinds, it was passed on the concept of "interdependent security", mainly through a policy that comes under the political and military cooperation with the structures of collective security and defence as the OSCE, CoE, NATO, etc..

But in the aftermath of the so-called "first transition" (1992-'97) Albania continued as for inertia to maintain the previous institutional security structures as the Defence Council, which on its side was seriously challenged by the unusual situation of civil unrest that accompanied the collapse of pyramid schemes²³. Lack of a genuine and crosscutting concept of national security in that period as well as the weakness, little experience and politicization of security institutions responsible in this regard, brought

²³ This approach is reflected in a set of rules that determine the progress of this structure such as Law No. 7528, dated 11.12.1991 "On the functions of the Council of Defence and the General Commander of Armed Forces (Official Bulletin No. 10 , 1991, Page 424); Decision of the Assembly No. 300, dated 02.03.1997 "On the appointment of special envoy from the Council of Defence (Official Bulletin No. 2, Year 1997, Page 47) Decision of the Assembly No. 319, dated 08.05.1997 "On establishment of the Council of Defence of the Republic of Albania (Official Bulletin No. 11, 1997, Page 291); Assembly Resolution No. 359 dated 27.04.1998" For a change in Decision No. 319, dated 05.08.1997 "On establishment of the Defence Council of the Republic of Albania (Official Bulletin No. 10, 1998, Page 359); Constitutional Court decision No. 77 dated 31.12.1998" The object of the request by the President of the Republic: Interpretation Article 178, paragraph 1 of the Constitution regarding the implementation of Law No. 7528, dated 11.12.1991 "On the functions of the Council of Defence and the General Commander of Armed Forces (Official Bulletin No. 3, Year 1999, Page 4)

a security vacuum that appeared significantly during the riots of 1997. The second transition period (1997-2005) it seemed to reflect the change in the area concern when political rhetoric claimed through the slogan that Albania is not “security consumer” but “security producer”²⁴. But even during this period, this concept was put to the test again. The political unrest of 14 September 1998 demonstrated again the uncertainty and fragility of the concepts towards a genuine national security policy. On the other hand Albania faced again another challenge on the state security when during the NATO intervention in Kosovo was happening for the first time very close to direct involvement in an interstate conflict situation threshold. Meantime the increasing international pressure in this period to the Albanian government for an inadequate fight against phenomena of human trafficking, organized crime, corruption and money laundering, raised again the attention on a reassessment of concepts of national security that the Albanian government had adopted in documents of 2000 and 2004²⁵. Since 2005 onwards, Albania has entered a new transition phase of security policies through membership in NATO on 3 April 2009 as the entry into force on 1 April 2009 of the Stabilization and Association Agreement (SAA) with the EU. At this framework the review of current concepts of policy and national security strategy should serve to build a more inclusive approach in which have to take priority the quality of design, approval, implementation and monitoring of strategic document on national security policy.²⁶

²⁴ While the effort to change the content of the concept of security was also reflected in the renaming of the Council of Defence in the National Security Council and its functions. Also see the Law No. 8467, dated 31.03.1999 “On the powers of the President the Republic, as General Commander of the Armed Forces and National Security Council (Official Bulletin No. 10, 1999, Page 311)

²⁵ For this see also Law No. 8572, dated 27.01.2000 “On approval of the Security Strategy Document of the Republic of Albania” (Official Bulletin No. 3, Year 2000, page 43) and Law No. 9322, dated 25.11.2004 “ To approve the National Security Strategy of the Republic of Albania “(Official Bulletin No. 98, Year 2004, page 6696)

²⁶ For an analytical review of the document of national security strategy see also: Sotirag Hroni, Gjen.Let (in release) Pellumb Qazimi: View from India - Study on assessment of regional security threats and challenges in the Western Balkans, in the Western Balkans, Darko Istvam Gyarmati & Stancic (eds.), DCAF (Geneva Center for the Democratic Control of Armed Forces), 2007, p. 57.

3.1. Dominant security concept in the Albanian national security strategy

The revision of security strategy document of the Republic of Albania, aims to assess how the objectives of national security are defined and what should they aim for the future, considering local, regional and international circumstances. The first document for a national security strategy was designed in 2000 to be followed again with a broader another document in 2004.²⁷ The approval period of these documents by the Albanian government coincides with a relative political and economic stability, as the country had overcame the riots of 97 year, political unrest of 1998, as well as the Kosovo crisis of 1999. While Albania's efforts to build a new institutional relationship with the EU through a Stabilization and Association Process and NATO by the Membership Action Plan adopted at the Istanbul Summit in 1999, has lead to a different concept of designing national security policy. In this way the concept of national security strategy which is presented in above documents was tried to maintain an appropriate ratio between the challenges and threat perceived by the Albanian and international institutions. Through review of this document it is noted that the core of security strategy concept is related to "respect the rule of law" to meet "the EU integration perspective"²⁸. The prevail of a "*two-dimension approach*" which connects a short and medium-term objective like integration with something as long-term such as respect for the rule of law, constitutes the basic structure that provides national security strategy. Consequently this concept as a whole tries to realize an environment of internal security (state law) by relying mainly on foreign means (in NATO and EU integration).

On the other hand, taking into account the regional security challenges the document has given a special place to the arguments which determine Albania as a factor which "produces and exports security" through the implementation of good neighborhood policy and

²⁷ As mentioned above the first document was approved in 2000 through Law No. 8572, dated 27.01.2000 "On approval of the Security Strategy Document of the Republic of Albania" (Official Bulletin No. 3, Year 2000, page 43) and was reviewed after four years by Law No. 9322, dated 25.11.2004 "On approval of the National Security Strategy of the Republic of Albania" (Official Bulletin No. 98, Year 2004, page 6696).

²⁸ Ibid, p. 2.

regional dialogue. Through these concepts, national security strategy is trying to refer the principle of “equidistance” especially in relation to developments in the former republics of Yugoslavia where Albanians live, particular in Kosovo. However the presentation in this strategy the term “Albanian factor in the region” is somewhat which goes beyond the weight and the role that can play Albania as the parent state to influence it and at certain point may overcome its realistic expectations as an actor to regional security.

Meanwhile in paragraph 5 of this document is stated that *“the strategy supports the creation of a security planning system by giving priority of achieving a concrete outcome under the concept: “Who does what, when, and in cooperation with whom.”*²⁹ Through this definition, the document of national security strategy is attached to the concept which is most centered to the producers in security rather than consumers. On the other hand in relation to the identification of security objectives in the short, medium-and long-term, the national security document provides shortcomings. For example the short and medium priorities here are defined as long-term while the opposite should be³⁰. This “time mistake” testifies to the lack of a detailed typology of risks and threats which have to respond to the accurate assessments for coping with them. The whole concept of security prevailing in the document of national security strategy in Albania trying to be as clearly defined horizontal but without a concrete action model.

3.2. Key questions in formulating a national security policy concept

In the case of designing of a well-defined concept on national security policy, decision makers should have considered how to give answers such 8 questions related to: 1) values 2) the level of security level 3) threats and risks 4) transparency of the process 5) means to be used 6) cost 7) period 8) beneficiaries. At the same time the process

²⁹ Ibid, p. 3

³⁰ In Chapter II: OBJECTIVES OF SECURITY (page 5) in Law No. 9322, dated 25.11.2004 “On approval of the National Security Strategy of the Republic of Albania” (Official Bulletin No. 98, Year 2004, page 6696).

of drafting a document on national security strategy should be accompanied by an approach that aims to effectively prevent risks and threats that arise in this sector as well as to keep these away from its national borders and have a more organized response. Initially the concept of a national security strategy policy should start with clarifying the term “national”. Given that in other security institutions (eg. the name of SHIK-National Intelligence Service in the SHISH-State Intelligence Service) have changed the name in this case, to adapt to new circumstances, even the upcoming strategy document make sense to determine security state within the Republic of Albania as a term more accurate and in accordance with its objectives and priorities. In case of Albania the process of design, approval and implementation of the concept of national security strategy need to be developed in accordance with the assessment of the country’s weight in the global structure of regional security. Albania’s membership in NATO at the Bucharest Summit on 3-4 April 2009 puts it under new conditions to assess security threats. As a NATO member country it requires quantitative and qualitative changes in terms of facing the security challenges inside the country and abroad as places Albania in front of structural adjustment in the security sector.³¹

In this context, the concept of a new strategy of national security must take into account this new qualitative change and have more focus on improving quality indicators within the country’s security as well as readiness to meet not only benefits but also potential risks coming because of membership in such collective defense organization. The membership in NATO gives Albania the opportunity to remove from a national security strategy concept which was mainly centered on the safety of external borders as result of any potential instability of ethnic conflicts in the region.

Overall presentation of internal and external threats to the national security document should take into account the regional and European integration of Albania. The determination of Albania’s position and role in this still geopolitical troubled area of Balkan region, especially after Kosovo’s declaration of independence, return the concept of regional

³¹ Mathie Rousseli *Rruga drejt Komunitetit Euroatlantik: Efektet e marrëdhënieve BE-NATO mbi sigurinë e Shqipërisë*, CËSHTJE TË SIGURISË/ SECURITY ISSUES, Nr 9, Botim i IDM, Tiranë, 2008

security in an important ingredient.³² The Kosovo independence declared on 17 February 2008 and the construction of highway Durrës-Kukës - Morinë has brought a radical change in terms of reducing threat from outside especially at the northeastern border part of Albania. But on the other hand Albania should carefully handle the challenge of increasing free movements of people through this highway by not transforming latter into a burden security issue in certain sectors such as integrated border management, illegal trafficking and Trans regional crime. In this case takes priority the way how to face this challenge in relation to EU justice and home affairs policy, particularly regarding the visa liberalization process. Determination of risks and threats at national, regional and global level remain among the first and most important step for the development of a national security strategy. The results of this assessment as well as preparation of a “*map of the risks of threats*” to the country could clearly identify the core concept which should constitute the solid basis for a policy of national security strategy. Since the period where the last document for the national security strategy was approved, the security situation in Albania has proved that it will face threats and dangers that the origins of their have mostly from within. The so-called syndrome of “*Albanian elections*”, high level of corruption, organized crime, money laundering and ineffective judicial system constitute long-term threats in terms of internal security in the country. As it has been stated noted before, the size of Albania together with its resources, legacies of the past communist regime as well as the long transition urge for a move towards a genuine concept of national security which should be in focus of *human security approach*.³³

From the viewpoint of risks classifications, the national security strategy should not simply follow a ranking of geographic distribution (global, regional or local) but within each of them must determine the

³² Study on the Assessment of Regional Security Challenges and threats in the Western Balkans, Darko Istvan Gyarmati & Stancic (ed), Edited from DCAF, 2007, p. 133.

³³ For the involvement of human security concept in a document of national security strategy see Prof. Rexhep Mejdani (former President of the Republic of Albania 1997-2002) in: Some thoughts on revising the document on national security strategy publication: On the development of strategy national security (Summary of proceedings of the International Conference: “On the development of the national security strategy”, Tirana 21 September 2007, organized by IDM & DCAF), U.S. Toena, Tirana, 2007, page 26.

degree of intensity and the ways to face against short, medium and long term. Differentiation and prioritization of these risks is necessary be associated with other aspects rather than the use of classical concepts such as the sovereignty, territorial integrity, development of the rule of law, democratic institutions, freedoms and human rights etc. In this way, the national security strategy should be designed taking as spotlight an interlinked concept of human security depending on the importance that it presents in certain areas (eg *food, environmental, social, political, road security* etc.).³⁴

However, public safety against any form of crime must remain the focus of the basic concept of a national security document as long as any form of organized crime or not can affect not only aspects of human security but brings distortions of institutional structure, ruin the image of country and destroy free and fair market competition through the forms of money laundering, pressures and state capture.³⁵ Current

³⁴ See also: *Backgrounder on human security in Albania*, IDM, Tirana 2009, p. 60, which is the first paper drafted by a group of experts at the IDM (Institute for Democracy and Mediation) in terms of human security concept

³⁵ Regarding security aspects in the field of public order and combating organized crime phenomena, the document for a national security strategy must take into account and include those priorities that are projected in a range of strategies adopted by the Albanian government in years such as :Decision No. 674, dated 07/12/2001 for approval of the National Strategy to Fight against Trafficking in Human Beings (official bulletin No. 59, Year 2001, Page 1859); Decision No. 292 dated 07.05.2004 "On approval of the Strategy National Anti - drug 2004-2010 "(Official Bulletin No. 31, Year 2004, page 2539); Decision No. 171 dated 11.02.2005" On approval of the National Strategy against Child Trafficking and Protection of Children Victims of Trafficking and an additional CMD No. 8, dated 05.01.2002 "On establishment of the State Committee to Fight against Trafficking in Human Beings" (Official Bulletin No. 21, Year 2005, page 808); Decision No. 668 dated 29.09.2007 "On approval of the National Strategy" Integrated Border Management Action Plan (Official Bulletin No. 147, Year 2007, Page 4087); Decision No. 14, at 09/01/2008 "On approval of the Public Order Sector Strategy and Plan Enforcement Action Strategy 2007-2013 State Police (Official Bulletin No. 5, Year 2008, Page 99); Decision No. 522, at 23/04/2008 "On approval of the National Action Plan for the Fight against trafficking in vehicles motor (Official Bulletin No. 72, Year 2008, Page 3156); Decision No. 1083, at 23/07/2008 To approve the National Strategy to Fight against Trafficking in Human Beings 2008-2010 and Supplementary Document "National Strategy for Combating Trafficking Children and the Protection of Children Victims of Trafficking (Official Bulletin No. 131, Year 2008, Page 5775); Decision No. 1140, 30/07/2008 For

institutional structure of national security policy based on three pillars which include the Committee on National Security Policy (Government), National Security Council (President), and Parliamentary Committee of Public Safety (Parliament). In this way one of the issues that the document of national security strategy must provide clear and detailed response is the hierarchy roles of these structures. For example, in addition to other aspects, Gerdec tragic event of 15 March 2008 brought out the lack of coordination between these institutions, particularly the vague role of National Security Council.

Also the remarks raised recently by experts and media on the determination of the maritime border with Greece prove that in particular the National Security Council chaired by the President of the Republic should have a more active role in the institutional hierarchy of the security sector. The interlink of the processes which ensure an environment of security within the country makes it necessary that the drafting of national security strategy should pass through Parliament Committee and to be approved by a qualified majority.³⁶ At the same time the above Committee have to set up a clear timetable to periodically monitor and review the institutions and stakeholders responsible for its implementation.³⁷

In this way the parliament can integrate the concept of human security to human security budget as the highest authority that approves public

approval at inter-sectorial Strategy to Fight against organized crime, trafficking and terrorism (Official Bulletin No. 138, Year 2008, Page 6124)

³⁶ Manjam Milkoreit, *Duke e vlerësuar seriozisht dimensionin civil të sigurisë*, CËSHTJE TË SIGURISË/SECURITY ISSUES, Revistë e Përtremuajshme , Nr 5 , Botim i IDM, Tiranë, 2007, faqe 95-102

³⁷ The armed forces (AAF) have an important role in the strategy of national security. Regarding the role and position of the armed forces in national security strategy, the Albanian government is trying to realize it through the adoption of an updated series of documents setting out the strategic framework in this field, such as Law No. 8571, dated 27 / 01/2000 "On approval of the Defence Policy Document of the Republic of Albania" (Official Bulletin No. 3, Year 2000, page 19), Law No. 8930, dated 25.07.2002 "On approval of the Military Strategy of the Republic of Albania" (Official Bulletin No. 50, Year 2002, page 1459); Law No. 9419, dated 20.05.2005 "On approval of the Military Strategy of the Republic of Albania" (Official Bulletin No. 46, Year 2005, page 1653); Decision No. 763, dated 14/11 / 2007 "On approval of the Strategy of the Ministry of Defence Sector 2007-2013 (Official Bulletin, No. 174, Year 2007, page 5332); Law No. 9858, at 27/12/2007" The adoption of the Military Strategy of the Republic of Albania "(Official Bulletin No. 184, Year 2007, page 5801)

expenditure in particular sectors. At the same time the expected changes of EU relations with Albania in the area of free movement pose new challenges on national security strategy that make an important priority the borders management and identity documents. As result of this the relevant institutions in the area concerned will be found under the pressure to ensure the credibility of this process and any violation from other groups would possess the risk for the image of country. In this context the new concept for national security should provide a greater attention to protect the electronic databases networks - so -called *cyber security* - (for the first time Albania run a database with the group of blood and fingerprints of citizens) and considered part of the country's critical infrastructure.³⁸

This aspect should receive a special importance in other areas, indeed. During the last 4 years and on Albania will have on its territory a series of critical infrastructure facilities such as highway tunnels, major bridges, power plants with oil and coal, new hydropower plant dams (on rivers Devoll, Bushat), oil and gas pipelines, which despite improving the socio-economic life also poses an increasing the risks as potential target from the viewpoint of security. The declared goal of the Albanian government to transform Albania into a "*regional energy superpower*" except a challenge of economic development should be considered a security challenge, too. It should be noted that a good coverage of sound theoretical concepts in national security strategy document will further strengthen its explanatory power and serve better as an orientation to the institutions and stakeholders of this sector in Albania. On the other hand, this process should proceed through the definition of a clear "road map" about the risk assessment methodology, analysis of human and financial resources as well as the monitoring process.³⁹ Within this framework the measuring of public perception on risks in the country and running a participatory consultation process with civil society and independent experts, make important steps to ensure a document of the national security strategy as an useful guide for achieving the human security in the country.

³⁸ Igli Tashi & Solange Ghernauti – *Helie Vendi i sigurisë së informacionit në strategjinë e sigurisë kibernetike* CËSHTJE TË SIGURISË/SECURITY ISSUES, Revistë e Përtremuajshme, Nr 5, Botim i IDM, Tiranë, 2007, faqe 102-111

³⁹ Bengt Sundellus *Mbi sigurinë e trupëzuar shoqërisht* CËSHTJE TË SIGURISË/SECURITY ISSUES, Revistë e Përtremuajshme, Nr 1, Botim i IDM, Tiranë, 2006, faqe 39-58

3.3. Civil Society and the Security Sector in Albania: Oversight and Contribution in Developing a National Security Strategy

The civil society's role in consolidating the national security policies has been widely recognized by academics and policy-makers.⁴⁰ So, the fact that during communism there were no independent civil society organizations⁴¹ may be considered as one of the variables that led to poor democratic standards and authoritarianism in the early years of democracy in Albania. However, during the 90's media in particular but civil society organizations too, grew more and more as important pressure groups but not as stakeholders of the democratic process.⁴²

However despite the 1998 constitutional liberal framework which provided for freedom of association for any lawful purpose, the legal framework remained incomplete. Regardless expanding market and donors, the role of civil society in security sector reform, in the last 10 years, has been vague and insignificant. Although most of the usual civil society structures exist in the country (non-Governmental organizations, trade unions, professional associations, think tanks, research institutes etc) they are weak and need to develop further in order to efficiently contribute to Albania's security sector development. Non-governmental organizations regardless steady progress concerning the involvement in security sector reform is lacking authority as an independent actor⁴³. In addition civic engagement in security issues remains low. On the other hand Albania has only a limited number of influential NGOs and policy institutes. It is the duty of civil society to take greater responsibility for demanding

⁴⁰ Caparini. Marina, '*Civil Society and Democratic Oversight of the Security Sector: A Preliminary Investigation*'. Working Paper - No. 132, Geneva, January 2004

⁴¹ Vickers. Miranda & Pettifer. James, "Albania: From Anarchy to a Balkan Identity", Hurst & Company, London 1997, p:12

⁴² Henri Cili, "Security and Defence – Civil Society and the Media", in Fluri et al (eds.), '*Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives*', Volume 1; Albania; Bulgaria; Croatia; A Self-Assessment Study.

⁴³ European Commission, 'Albania stabilization report 2003', Brussels 26. 3. 2003

progress and holding the government accountable as well as pressuring to become part of the consultations in drafting security policies.

During the last years there have been little or no expectations from citizens toward these organizations. This because the civil society has little influence in legislative or other activity related with the government.⁴⁴ As such with regard to national policy formulation, coordination between government and parliament with civil society remains frail. The inter-ministerial consultations with civil society actors on draft laws work poorly in practice.⁴⁵

Often the state has hindered the role of civil society and on the other hand it has turned it into an obedient partner, severely undermining its role in a democratic society.⁴⁶ Participation of research institutes in the area of security reform policies has been rather limited except few cases such as the involvement of civil society and other independent actors in the implementation of the Strategy of Community Policing in Albania. Parliamentary expertise on specific matters in relation to security sector is mainly provided by experts from government institutions. The government, a product of political majority who holds power in parliament, drafts the defense and security policies, obtains the approval from the majority of the parliament, and implements these policies through its government structures avoiding in the overall process the independent actors. Such system establishes a closed institutional system where the only opposing voice comes from the opposition in parliament undermining the role of civil society and sometimes even media.⁴⁷ As such overwhelmingly the laws and strategic documents are drafted from the executive itself and represented to parliament for approval without any prior consultations with CS.⁴⁸

⁴⁴ Arbana Lora, *"Understanding Defense and Security In Correlation to Civil Society and Media"*, Albanian Institute for International Studies, 2003

⁴⁵ European Commission, *'Albania, progress report 2008'*, Brussels 05.11.2008,

⁴⁶ Cili Henri, *'Security and Defense – Civil Society and the Media'* in Trapans. J & Fluri. H, *"Defence and Security Sector Governance and Reform in South East Europe"*, Vol.1 & II, DCAF & Center for Civil-Military Relations, 2003

⁴⁷ Cili Henri, *"Security and Defence" – Civil Society and the Media'* in Trapans et al , *'Defence and Security Sector Governance and Reform in South East Europe'*, Vol.1 & II, DCAF & Center for Civil-Military Relations, 2003

⁴⁸ Arbana Lora, *"Understanding Defense and Security In Correlation to Civil Society and Media"*, Albanian Institute for International Studies, 2003

The civilian control and oversight functions of security sector in Albania, as widely opposed by theories of third generation security sector reform, is mostly exercised by the monopoly of governmental executive branch, bypassing the role of civil society which is viewed as an unalloyed “partner”⁴⁹. Nonetheless, this might not be enough in governing the Security Sector, due to political influence and hidden interests involved in the executive branch. In this framework it is important to value the capacity of civil society in shaping and monitor security sector and provide constructive input to the political debate on security policies.

Civil society empowerment in SSR concerns, first, the building up of civilian expertise and capacities to independently evaluate, challenge, or endorse governmental decisions and analyses of defense and security affairs and requirements on which policy is based. Expertise on some aspect of defense and security affairs may include university departments and academic institutes, professional associations, human rights and civil liberties groups, peace groups, interest groups, journalists, and non-governmental organizations. Certain CSOs can also closely examine government policy and approaches from their particular areas of expertise, drawing public and political attention to aspects and approaches that have been ignored, overlooked, or misunderstood⁵⁰ as well as conducting policy-relevant research and analysis of existing policies and identify ways to improve these in specific areas.

Additionally some civil society actors may seek to act as a type of watchdog over the state and so function as a force for accountability (requesting that officials inform about decisions concerning a particular issue and explain what they are doing, thereby attempting to hold them responsible for what they have decided), and may even challenge some of its policies and decisions.⁵¹ The engagement of civil society organizations (CSOs) in the security policy domain strongly contributes to accountability and good governance: CSOs act not only as a government ‘watchdog’ but also as an index of

⁴⁹ USAID, PROMOTING SECURITY SECTOR, PPC Issue Paper No. 11April 2005

⁵⁰ Caparini, Marina & Fluri, Philipp, “*Civil Society Actors in Defence and Security Affairs*“ in (Caparini et al), “*Civil Society and the Security Sector*“, DCAF, 2006

⁵¹ Caparini, Marina & Fluri, Philipp, “*Civil Society Actors in Defence and Security Affairs*“ in (Caparini et al), “*Civil Society and the Security Sector*“, DCAF, 2006

public contentment with the performance of institutions and agencies responsible for public security and related services.⁵²

In particular security sector reform must address citizen's demands for security at the local level, using existing civil society organizations whose advocacy on behalf of marginalized groups representing the interests of local communities and giving voice to them such as women, the poor, the abused, or the underrepresented.⁵³ These actions can contribute to the formation and balance of the internal environment – economic, social, civil and military.

3.4. International Community: A driving or impeding force

International community signifies a crucial actor in policy and decision making process in security sector in developing countries in general and Albania in particular. Especially in the framework of European integration, EU institutions have imposed various requirements and obligations towards aspiring countries on different issues related to national security. The pressure from European Union bodies through special representatives and daily reports has become a reference point for the past and present efforts to reform the security sector, by undermining sometimes the internal actors such as civil society and even governments. As such the priority areas as defined by the Stabilization and Association Agreement⁵⁴ and the Stability Pact⁵⁵ clearly exhibit a top-down approach to security reform. Moreover, in bypassing local concerns, it suggests that security is something imposed by the EU on its neighbors rather than a bottom up approach where local security concerns are reflected on respective strategies and policies.⁵⁶ This might constitute a handicap for the establishment and implementation of security sector policies in Albania.

The self-referential nature of reforms (mostly focused on border controls, migration control, and organized crime and trafficking) is more and more lending credence to contentions that the Western Balkans has

⁵² Cole et al (ed), *“Public Oversight of the Security Sector”*, DCAF & UNDP, 2008

⁵³ Forman Johanna, *“Security Sector Reform: What Role for Civil Society?”* in “Defence and Security Affairs in Caparini et al, Civil Society and the Security Sector, DCAF, 2006

⁵⁴ http://ec.europa.eu/enlargement/glossary/terms/saa_en.htm

⁵⁵ <http://www.stabilitypact.org/>

⁵⁶ Barry J. Ryan, *“The EU’s Emergent Security-First Agenda: Securing Albania and Montenegro”*, Security Dialogue 2009

been securitized by the EU. On the other hand there is little engagement with societal actors who might point out the tremendous distance between the actual everyday security concerns of citizens and the priorities of the EU and other international actors.⁵⁷ In this regards it is believed that reforms are insulating neighboring EU member-states from the possible effects of instability that might very well be caused by policies that ignore the actual security needs of inhabitants in Montenegro and Albania.⁵⁸

4. CONCLUDING REMARKS & RECOMMENDATIONS

- The process of formulation, design and implementation of the concept of national security strategy should be developed in accordance with specific assessment of the country's weight in the global structure of regional security.

- Assessing and drafting of a "*national map of the risks of threats*" by establishing the degree of importance of each and the timeframe to cope with them.

- Albania for the size, resources and problems inherited from the past communist regime as well as the long transition, must now move towards a genuine concept of national security which should be in focus towards human security approach.

- Drafting and approval of the document of national security strategy should pass to the Parliamentary Commission through a qualified majority vote and by setting a clear timetable to periodically monitor and review the institutions responsible for its implementation. Based on their competencies and procedures the Commission can held hearings with interest groups and representatives of civil society, thus making this process more inclusive and accountable.

- New strategic concept of national security should provide a greater attention to critical infrastructure that is growing rapidly, including not only traditional infrastructure (road tunnels, bridges, oil pipelines, dams) but also networks of electronic databases which are important for the individuals security (fingerprint, blood groups, fiscal or banking information).

⁵⁷ Barry J. Ryan, "*The EU's Emergent Security-First Agenda: Securing Albania and Montenegro*", Security Dialogue 2009

⁵⁸Ibid

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SECURITY SECTOR REFORM IN ALBANIA - A GENDER APPROACH

Reference paper

Prepared by:

MA. Edlira Baka Peço, MA. Elona Dhëmbo, MA. Ledian Rusta

1. UNDERSTANDING THE MEANING OF SECURITY SECTOR REFORM

Security itself is a relative freedom from war, coupled with a relatively expectation that defeat will not be a consequence of any war that should occur¹. In this perspectives, security implies both coercive means to check an aggressor and all manner of persuasion, bolstered by the prospect of mutually shared benefits, to transform hostility into cooperation. So security, in any objective sense, measures the absence of threat to acquired values, in a subjective sense, the absence of fear that such values will be attacked.

Security sector reform means transforming the security sector/system, which includes all the actors, their roles, responsibilities and actions working together to ménage and operate the system in a manner that is more consistent with democratic norms and sound principles of good governance, and thus contributes to a well-functioning security framework.

Security sector reform is a system-wide approach that emphasizes the interconnected stature of security sector institutions and has two

¹ B Buzan, *People, States and Fear: An Agenda for International Security Studies in the Post-Cold War Era*, Harvester-Wheatsheaf, New York, 1991, p. 16.

main objectives. First, to ensure democratic and civilian control of the security sector, for example by strengthening the management and oversight capacity of government ministries, parliament and civil society organizations. Second, to develop an affective, affordable and efficient security sector, for example by restructuring or building human and material capacity.

The security system/sector can be understood as comprising all state institution and other entities with a role in ensuring the security of the state and its people. This includes:

- Core security actors: armed forces (including international and regional forces), police, guards, intelligence and security services, coast guards, intelligence and security services, coast guards, border guards, customs authorities, and reserve and local security units.
- Security management and oversight bodies: parliament and its relevant legislative committees; government/the executive, including ministries of defense, internal affairs and foreign affairs; national security advisory bodies; customary and traditional authorities; financial management bodies;
- Justice and rule of law institutions: justice ministries, prisons, criminal investigation and persecution services, the judiciary (courts and tribunals), implementation justices' services (bailiffs and ushers), other customary and traditional justices systems, human rights commissions and ombudsmen.
- Non-statutory security forces: liberation armies, guerilla armies, private body-guards units, private security companies, private military companies and political party militias.
- Non-statutory civil society groups: professional groups, the media, research organizations, advocacy organizations, religious organizations, non-governmental organizations and community groups.

In operational terms, Security sector reform covers a wide range of activities, which can be grouped into four broad categories:

- Strengthening civilian control and oversight of the security sector including: reforming ministries of defense and internal affairs; enhancing the oversight capacity of legislations through training; establishing independent ombudspersons offices; initiating public sector reviews of

military expenditures; and building the capacity of civil organizations to oversee the security sector.

- Professionalism of the security forces including: programs designed to train soldiers, police and other security sector personnel on democratic accountability, gender issues, human rights, international humanitarian law and ethnic sensitivity; technical skills training; promoting community policing; upgrading of military or police equipment and drawing up professional codes of conduct.

- De-militarization of peace-building including: programs to reduce the availability and misuse of small arms and light weapons disarmament, demobilisation and reintegration of combatants; and strengthening regional security measures.

- Strengthening the rule of law including: establishing a strong, independent legal framework that provides critical civil-democratic oversight and a better functioning penal system; capacity building for the judiciary; and establishing an independent judiciary.

2. UNDERSTANDING GENDER

As simple as it may seem, as much we might get confused in trying to understand gender and the way it shapes our lives. Not more than a decade ago we started to discuss gender in a way different from what we were used to in the past. All of those who lived and studies in Albania before 90's can easily remember language classes where the teacher would ask to define the 'gender' of a noun. However, so we might remember that trying to distinguish between the biological and social aspects was not an issue at all.

Looking at the differences among women and men across time and space has questioned many aspects of this concept. In order for us to be able to distinguish how the differences in our lives as women and men are defined by our biology or/and society we need first to define and clarify the concept of gender.

Usually² we are born with a sexual trade, defining our biological differences as males and females. That is '**sex**'. The biological

² The vast majority of people are from birth males or females, only in rare cases people might be born with organs of both sexes. Nevertheless, these are exceptional cases and usually only one sex organ can be fully functional.

characteristics that relate to it such as hormones, reproductive organs and genetic differences, are commonly used to differentiate humans in two large groups: female or male. Very often we are asked about our sex in application forms or while taking a service like a medical check-up. These data are often used in reporting about various areas of our life through the so-called sex-disaggregated data.

Nevertheless, just by stating in an application form that you are male or female is not of much use to someone who would like to picture on how feminine or masculine you look, think and act. The degree to which we develop from female/male into being girls/boys and women/men, unlike sex that is universal, varies dramatically across time and space (Hoogensen, 2006; Nakamura, 2005; Basow, 1992). Just try to think of how similar are you to your grand-parents of the same gender, or how similar are you to someone of the same gender living in another corner of the globe. These differences are represented by the term 'gender'.

While sex is biological and universal, 'Gender' is social and relative. **Gender** refers to the socially constructed roles and relationships between men and women (Basow, 1992). Rather than being determined by biology, gender is learned through the process of socialization. In other words, men and women are taught certain roles and appropriate behaviours according to their sex (Valasek, 2007). Whilst we all are born with a biological sex, our societies and cultures teach and socialise us based on their conceptions of male and female (GTZ, 2005). For example women are not biologically designed to cook. However, in most cultures cooking at home is primarily a woman's task. On the contrary, when one moves to restaurants would not find it hard to notice that men chiefs outnumber women. Gender roles, such as these, are not static and can change over time and vary widely within and across cultures.

3. WHY IS GENDER IMPORTANT TO SECURITY?

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. Men learn to be "masculine" and women learn to be "feminine" according to their age, social class, ethnic origins, country, culture, and even sub-cultures, such as urban and rural (GTZ, 2005). These lead to many types and forms of

masculinities and femininities. In some societies the border between them is very sharp, in others more blurry.

These sharp (to various degrees) gender differences are present in all areas of life, including security. Women, men, girls and boys have different security experiences, needs, priorities and actions depending on both their gender and sex (Valasek, 2007; GTZ 2005). For instance, women and men, boys and girls become part of different forms of violence. Certain forms of violence that women and men experience are based on their socially ascribed differences between them. For instance, boys and men are often victims of fights among them and gun violence, women and girls are often victims of domestic violence or human trafficking or even wider of '**gender-based violence**' (GBV) (Valasek, 2007; GTZ, 2005). However, GBV is not only violence against women; men and boys can also be victims. For instance, men, boys, women and girls can all be victims of rape or human trafficking. As rape is linked to issues of power and gender identity, it is a crime that is classified as GBV. Violence against gay, lesbian and bisexual people on the basis of their sexual orientation, and against transgender people on the basis of their gender identity, is also understood to be a form of GBV, as it is based on perceived nonconformity with gender roles.

Hence, gender is important to our security and this makes gender central to the security debate. The integration of gender issues into the security reform processes is becoming a must in order to address the issues mentioned above. So far the security sector has followed a gender-blind approach where men are usually pictured as soldiers, perpetrators and close to the war, while women as victims and close to peace (Nakamura, 2005). However, the gender researchers have recognized the gender dynamics in the area of security as well. The dominance of traditional, state-based security thinking is a manifestation of masculinist, patriarchal structures, demanding that security only be defined from this position of privilege Hoogensen, 2006).

Nevertheless, we need to be careful in how we understand gender. Gender understood as "women" generally means that one tries to include women in processes, get women's 'input', meet particularly women's needs, and protect women (Hoodgensen, 2006). Gender security perspectives understood as both 'women and men' have a great deal in common with human security. They speak to a broader notion of security, from the position of the individual or group, voicing the need for a wider

security agenda. Gender also speaks to ‘societal security’³ (both included in human security as well as a security perspective in its own right).

Gender security studies have evolved significantly over the past decade, recognizing that security for one, is not necessarily security for another. Context and the recognition of power relations (dominance/non-dominance) make visible the in/securities that usually go unheard in a state-security based context. Context and power relations inform human security, allowing previously unheard voices to be heard. Gender security research is only now starting to permeate the mainstream security discussions, but it is still the exception and much needs yet to be done.

In the efforts to be done it is of crucial importance to involve both, women and men. However, as SSR is traditionally male dominated, a major objective is to ensure that women’s voices are heard and they are equally represented in security sector processes and institutions. Women’s civil society organisations, and organisations working on gender issues, are key local security actors whose participation can help ensure women participation and even local ownership of reforms (Valasek, 2005). There are numerous women’s organizations worldwide, working at the grassroots, national and international level. Women’s organizations may be security providers, for example, providing shelter and support to female and male victims of torture, or domestic or sexual violence. Working directly with local communities means that women’s organizations often have access to detailed information regarding the security needs of individuals and communities, especially of marginalised groups. As such, Valasek (2005, pg.6) highlights that “women’s organisations can serve as crucial bridges between local communities and security policymakers, strengthening local ownership. They also often have expertise in designing and implementing community-level security-related programming, for instance on the prevention of gang violence or human trafficking, and skills in delivering training on gender and human rights issues”.

³ ISO – International Organisation for Standardization Technical Committee ISO/TC 223 – societal security integrates a range of interconnected disciplines including asset protection (human, physical, environmental, financial and intangible) security, risk management, preparedness, crisis management, business continuity management, recovery management and disaster management.

4. HOW CAN GENDER ISSUES BE INTEGRATED INTO SECURITY SECTOR REFORM?

When the cold war ended, the geo-political and geo-economic developments have put forth new risks and menaces about the interests and security of the Republic of Albania. Today's risks and menaces are characterized by different natures and difficulty in prediction. Despite the difficulties of the definition of a clear-cut division, they could be classified into risks and menaces of an internal transnational and global nature.

The regional and worldwide situation at the beginning of the new Millennium has brought about new elements in the international strategic environment of security. These outcomes have tangibly influenced the change of policy and the background of the security concept in the Albanian perception.

Trafficking of human beings, weapons and drugs, criminal organizations, organized crime, terrorism and the proliferation of weapons of mass destruction are emerging as transnational phenomena and challenges that could considerably affect the security, peace and stability of all countries. These illegal activities have extended furthermore their area of activity, by surpassing the dimensions of national borders.

The existence of the increased risk from these phenomena has made indispensable a comprehensive approach of all security and stability policies, taking into consideration all kind of aspects, political, military, economic, human, social, environmental and gender.

The complexity and interstate character of these phenomena emphasize the importance of a collective action and indispensability of establishing the reciprocal confidence building measures. In this part of the paper, the focus will be given to an approach how the gender and security are interlinked in the complex reality of the Albanian reality and some suggestive tools for how this could function in an effective scenario.

The security development of a country has for primary focus its national interests. Such interest are determinant in shaping the responsibility, legitimacy and credit to political power. Only this way it can be ensured the functioning of a democratic state. Hence it is the sublime duty of the political power to define, protect and develop national interests. This duty should be associated by the request and insurance of a wide consensus among the public debate. Not all national interests can

be of mutual interests or interests in service of all. Thus, unanimity for the definition and realization of national interests is not a necessity, but acceptance and consensus are rules to be applied consequently in a democratic system. Women voice and gender balance in decision-making and decision taking are of a crucial nature in this framework

5. CONCRETE STEPS HOW CAN GENDER ISSUES BE MERGED IN THE SECURITY SECTOR AND ITS REFORM.

National Security Policy and other pieces of legislation on security

Efforts and actions in involving and encouraging women participation, through their intervention in the compiling endorsement and implementation of National Security Strategy(ies) of the Republic of Albania have been very evident. Its worth mentioning the Law on gender equality and the presence/participation of 30% of women in the general parliamentary elections of 2009, as well as other legal and sub legal acts related to the security. All these but not only could be the first shed of light in integrating gender, in a policy level on security matters.

Gender impact assessments of security policies can be conducted by oversight bodies, such as parliamentarians and civil society organizations, to determine how security policies will specifically affect men, women, girls and boys. Assessments can be carried out on existing or proposed policies. However, they are more successful when carried out at an early stage so that the policy can be changed or redirected. In addition they would be better perceived when gender issues are being sufficiently prioritized in recruitment, logistics and training.

The transformation of Albania from a security consumer into a country that contributes to the security. Albania is a NATO partner country, included in the negotiations of the Stabilization and Association Agreement with EU, as well as into a considerable number of regional initiatives. The level of security of the country is inevitably fostered by successfully accomplished programs and standards of Partnership for Peace and also the Agreement of Stabilization and Association. Another approach to foster the level of security is the active participation and contribution in the initiatives for the enhancement of political and military confidence in the region.

Dialogue, cooperation and peaceful means to solve disputes.

Some of the priorities of our foreign and internal affairs policy are the respect of human rights in the Albanian territory, despite political, religious, regional, racial, ethnic, cultural, or social origin pertaining and also the protection by institutional means of the rights of the Albanians living out of the borders of the Republic of Albania, including Albanian citizens who are temporally or permanently living out of the country. The strategy supports the sensitive changes in the balance of security in favor of political means, of the institutions of security and diplomacy, and the dimension and human dignity in a democratic system. In such, a very comprehensive view should be given also to the gender dynamics, taking into account the perspectives that such dynamics are giving in the modernized societies.

Peace and security in the country. The inner stability of the country is a product of the state of law to protect its citizens, civil society and the state from anti-legal action. It is important that citizens have these rights also seen from a gender perspective. In the case of Albania such intervention has presented certain gaps and problems. It remains still a lot to be initially perceived as peace and security provider and then reviewed for its implementing actions

Consolidation of a democratic society and human rights observation. The strengthening of institutions of the state is the guarantee for the development of a democratic society. A society that has high standards of respecting the human rights makes up a guarantee for a safe environment and harmonious relation between the society and the individual. Women take their advantage on bringing forward this standard of respect of human rights and equality principles. As such the security concept gets not only broader but also multidimensional. The individual, the society and the state have common obligations about the security of the country. Seen from an equality perspective all the actors are to be invited and expected to provide equal inputs for the common benefit of national security.. The active role of Non governmental organizations, contributes to the consolidation of democratic standards of society. Non-governmental organizations that protect the gender principles, and that are keen in the general respect of human rights are of vital importance for enabling that gender perspectives are included in the security agenda.

Consolidation of institutions and instruments of security. These should be seen as the ability to protect the national interests and as a responsibility to act in every situation. Institutions are considered as

decisive factors in the success of democracy and free trade economy in a developed Albania. They should be build and function upon principles of equity in which human rights are not only seen as a priority but also endorsed at a flexible manner. In addition measures should be taken and/or increased in establishing human resources policies and practices that are gender responsive and family friendly.

Civil protection issues require a realistic evaluation, based on dangers that threaten the population, property, environment and cultural inheritance of the country. Currently, Albania has a complete institutional and legal structure for the treatment of issues dealing with civil emergencies, which may be caused by natural or human factors. However, operational reaction capacities needs to be increased on different levels. The phenomena, that the country has been faced with in the last years, such as: massive floods, winter disasters, earth slides, massive fires, etc, raise the need for an increase of responsibility for a more completed organization and a better functioning of these structures raised in the central and local authority, to increase the prevention, decrease and rehabilitation of damages that may touch the population, the animals, the property, the cultural inheritance and the environment. Maintaining a proper legal and institutional framework flexible enough also in gender and balanced in equity of perceptions could help in reaching easier the efficiency of state policies also on civil defense.

*'Searching for weapons was a regular task in Kosovo... This is almost impossible without women in the team. If you suspect that weapons have been hidden in a village, going into houses is much easier in teams of both women and men. The female soldiers can talk to the women in the house because they often have more trust in other women, and this reduces the risk for escalation.'*⁴

Coordination of the activity of state structures with NGO-s and cooperating in the international level enable a higher and more qualitative organizational level and preparation in the realization of duties.

⁴ Lars Wetterskog, 'Too much "moralizing" before deployment,' Good and Bad Examples: lessons learned from working with United Nations Resolution 1325 in international missions (Uppsala: Genderforce) 2007, p.40

6. CONCLUSIONS

Taking into consideration all the above-mentioned circumstances superficially touched upon, in this conclusion are listed some recommendations that could be of relevance in the framework of Integrating Gender in Security Reform Issues.

- Build local ownership through the **full involvement of civil society organizations**, including national and local women's organizations, in assessing, designing, implementing and monitoring/evaluating Security Sector Reform policies and programmes.

- Review and **revise existing security-related legislation, policies and protocols** to ensure that they are not discriminatory, and take into account the specific security needs of women, men, boys and girls.

- Implement **specific policies, mechanisms and programming to prevent, address and sanction gender-based violence** against women, girls, men and boys as part of Security Sector Reform.

- Establish **codes of conduct** and other internal policies and mechanisms that enforce zero-tolerance of gender-based violence, including sexual harassment, by security sector personnel.

- Establish strategic targets and specific initiatives to increase the **recruitment, retention and advancement of women** and other underrepresented groups in security sector institutions.

- Include specific **gender training** as part of the core training curriculum of security sector personnel at all levels. Mainstream gender issues into training for security sector personnel.

- Strengthen oversight of Security Sector Reform processes and ensure that **security sector oversight bodies** are gender-responsive and collaborate with women's civil society organisations.

- Build the **gender awareness and capacity** of personnel involved in Security Sector Reform through gender training, working with gender experts and including gender-responsiveness in the terms of reference for positions as well as personnel assessments⁵

⁵ Valasek, K., 'Security Sector Reform and Gender' – Gender and SSR Toolkit, DCAF

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PERFORMANCE BASED MANAGEMENT

(Policy series 2009)

“... chart a course for every endeavor that we take the people’s money for, see how well we are progressing, tell the public how we are doing, stop the things that don’t work, and never stop improving the things that we think are worth investing in..”

**President William J. Clinton, on signing the
Government Performance and Results Act (1993)**

Abstract

In the public interest, governments seek to strategize priorities in the scope of achieving more with less. Today’s financial and social challenges have urged leaders to adopt views that match performance with the cost. The performance-based management (PBM) 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 AGA¹ the “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”. PBM is considered as “flexible, so that different entities can tailor it to their needs and still give top leaders consistent, cross-government views of performance and the cost of creating societal value”.

¹ AGA CPAG Research Series / Report No. 20. March 2009

I. INTRODUCTION

To manage performance, means to compare actual results with initial goals through which we can measure effectiveness. PBM helps leaders to keep their subordinates on track and have them focused on priorities. In order to assure effectiveness, performance management must be always considered in the

light of the organizational strategic plan. The Performance Based Management model represents an essential reflection of institutional leaders' commitment to quality. Leaders not using PBM, base their decisions using common sense, using experience than facts instead of the right proportion of all three. Thus the goal to lower costs while improving performance face unnecessary complications and the chance of poor performance is higher. The call to "do more with less" has been more of an aphorism than an actual management policy. Managing government performance will help lessen the fiscal crisis while building a foundation for a new, more effective and more respected public service.

Some of the USA Government agencies were the first to focus their attention on PBM seeking to improve the confidence of its own people in the competence of their Government, by holding Federal agencies responsible for achieving program results. Following the signing of the law on Government Performance and Results Act (1993) by President Clinton a series of pilot endeavors were launched in setting program goals, measuring program performance against those goals and reporting publicly on their progress. Recently, some of the Balkan neighboring countries have also introduced the main highlights of PBM model, particularly at the strategic planning & development level (e.g. Bulgaria, Macedonia).

In Albania, not only state institutions but the public debate too seems to be far from rethinking the actual performance assessment and development schemes and eventually, introducing the features of a performance based management. The purpose of this work, developed by

PBM Definition

Performance-based management is a systematic approach to performance improvement through an ongoing process of establishing strategic performance objectives; measuring performance; collecting, analyzing, reviewing, and reporting performance data; and using that data to drive performance improvement.

a group of scholars, part of IDM Security Management Network, is to trigger such a debate among top level officials and institutional leaders. The essence of the challenge to develop results-oriented institutions through PBM lies in the effective application of three key elements – clearly define the mission and desired outcomes; measure performance to gauge progress; and use performance information as a basis for decision making. This is precisely what this paper intends to do – guide the readers through the PBM model, provide “food for thoughts” to key stakeholders and encourage debate among top institutional leaders and actors on the model.

II. WHAT IS PERFORMANCE BASED MANAGEMENT

A performance-based management program refers to a formalized framework within an organization for the implementation, conduct, and maintenance of a performance-based management approach to their operations. Establishing a PBM program is neither an easy nor a short term task. The US experience reveals a series of reviews and attempts to improve the implementation of the Government Performance and results Act (signed by President Clinton in 1993). In

fact, it took years to US agencies to consolidate a well-established performance based management. PBM SIG suggests a number of key *elements* that significantly influence efforts to establish such model and which therefore must be considered in this regard:

PBM and Performance Measurement

Performance measurement is a critical component of performance based management so the two concepts should not be confused with one another. Performance measurement implies a comparison of actual levels of performance to previously established target levels of performance. Performance-based management essentially uses performance measurement information to manage and improve performance and to demonstrate what has been accomplished.

- *Leadership* appears to be extremely important for the success of PBM

- *Commitment* by everyone and especially the leadership's commitment also conditions the degree of PBM success. Commitment must be firm and continuous.

- *Involvement* is also a key feature of the PBM model. All interested parties (stakeholders, employees, customers etc.) must be involved in accordance with their role.

- *Communicate* what is planned, expected to happen, what happened and what corrections are being made to the model. This is a continuous process which goes hand in hand with the "involvement" element.

- *Feedback* helps leaders to make adjustments

- *Resources* – Without adequate resources (people, equipment and finances) the PBM model will not function properly

- *Customer identification* implies that the respective institution must identify all customers to whom it provides services

- *Growth & Environmental Scanning* – PBM is not a stagnant process and neither it operates in a stagnant environment. Hence it requires continuous attention to monitor threats / opportunities and to upgrade the experience

- *Purpose & (organizational) capacity* – PBM should be driven by a clear purpose and implemented by committed and capable institutions

The cycle that leads to the establishment of an effective performance based management is composed of main steps, as presented in the figure below.² See *Figure 1*.

² USA Department of Energy. Will Artley, DJ Ellison and Bill Kennedy, The Performance-Based Management Handbook, Volume 1: Establishing and Maintaining a Performance Based Management Program (Washington D.D: US).

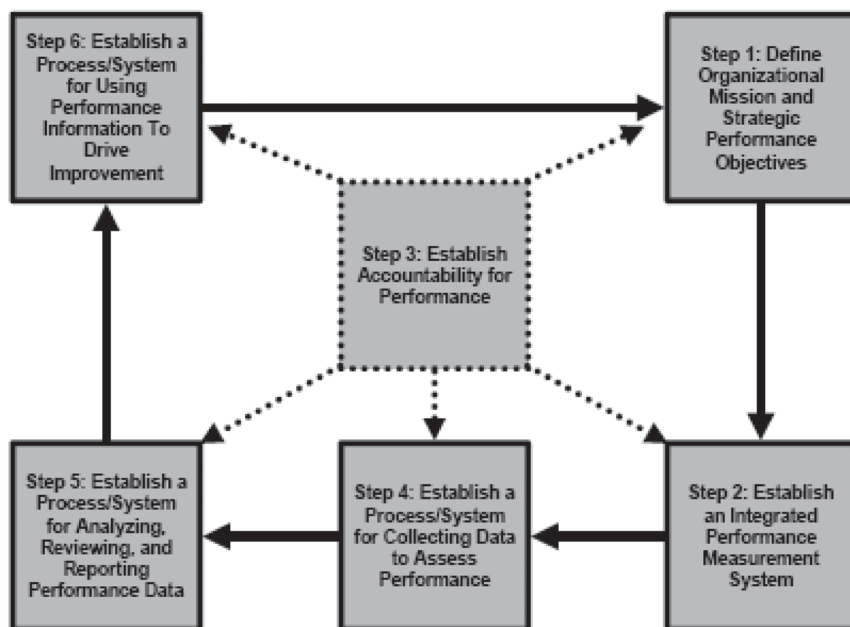


Figure 1. Establishing a PBM program

1. Defining the mission and strategic performance objectives comes as the first step in this process. While the Mission statement serves as the frame of the purpose for which the organization is organized, Vision statement portrays the future environment and the role of the organization within it. This step also is known as the strategic planning phase of performance-based management and requires particular attention on “leadership” and “communication” (to use both, internal & external information).

2. The second step, **establishing an integrated performance measurement system** serves to define the relationship of Performance Measurement to the Strategic Planning Process, which is followed with other measures such as: Build the Performance Management Team; Address Stakeholder/Customer Needs; Understand Performance Measurement Terminology; Manage Performance Measurement etc.

3. Building Accountability – Accountability for PBM stands for *Authority* and *Responsibility*. Opinions and behaviors are influenced by

authority. *Responsibility* stands for the one who is liable to be called to account as the primary cause. While the establishment of the vertical line of accountabilities between management and individuals and teams within the organization is referred as *Internal*, the answers to/reports to its stakeholders on both its organizational performance and organizational behavior make the *external* aspect of it.

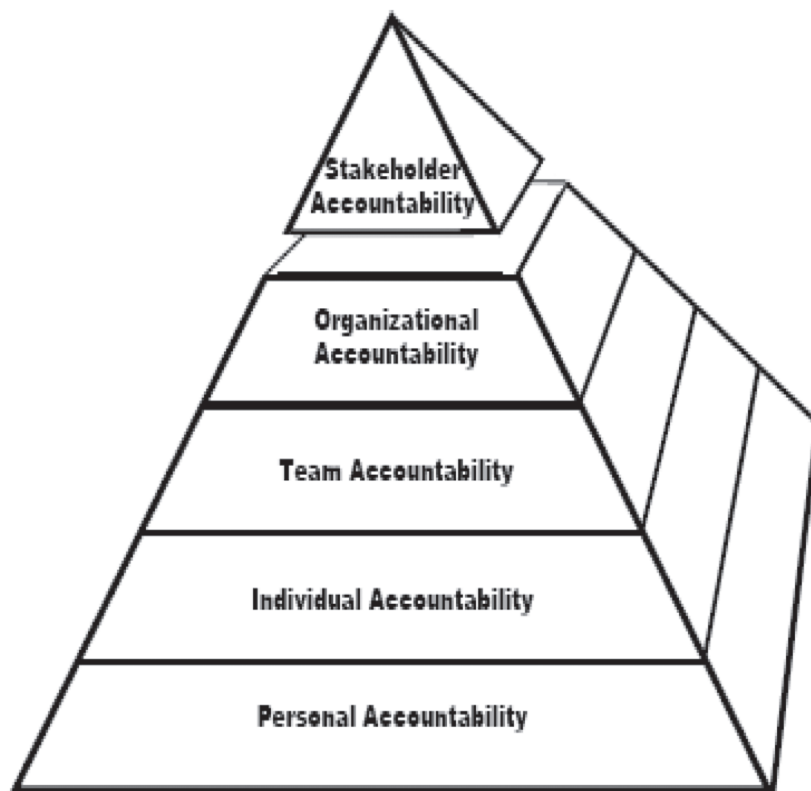


Figure 2. *The Five level of Accountability*

4. Data collection and the system for processing those data stand as step four. Sources of information, the nature of information, the process of collection, the cost of collection, the report frequencies, are some elements of this phase.

5. The establishment of a *system which can Analyze, Review, and Report Data* is the fifth step. The Strategies for Analyzing Data

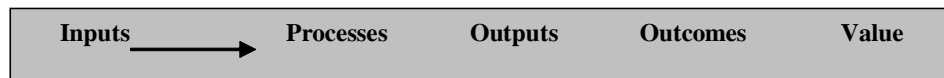
include the “Assess the Quality of Data”, Methods, adjusting Baseline Measures, preparing Test Hypotheses and formatting the model in which the Data will be Used and Reported.

6. The *Process/System to Use Information to Drive Improvement* – is the last step and the sixth one. The final step in the Project-Base Management is designed to “Shape Organizational Culture”, “Make Information Broadly Available”, and “Build Performance Management into Everyday Operations and assure Executive Support and Organizational Commitment.

As argued above, the process of establishing a PBM program is a time-consuming one. However, once a certain level of consolidation is achieved, the next phase of the work with PBM is to **MAINTAIN THE PBM PROGRAM**. Maintenance checks should be carried out within each step of the PBM cycle (six steps) in order to keep the performance-based management program “fresh” and operating efficiently and effectively.

III. THE LOGIC EXPLOITED TO DRAW THE PBM LINE

PBM’s multidimensional nature facilitates the understanding of the relationships among the different parts of a logic model, presenting a chain of activities and events that can be described and monitored so they can be evaluated and improved. The Logic exploited to draw PBM provides the following framework for making the connections:



Usually, governments do measure inputs (resources) and outputs (deliverables and services to citizens). By using simply and only these two extreme distanced indicators, the success of a government performance is poorly estimated because they do not necessarily show how effective the program is (that is, the outcome) and how it creates societal value. As such, this scheme is missing the **OUTCOME** which represents the level of performance and achievements (quantification of performance) and which (as the PBM line shows) leads to the “identification” of the **value**.

In fact, it is the outcomes what the public is interested. Outputs are seen more as process-oriented or means to an end. However, when

measuring performance the difference between outcomes and outputs is carefully considered, while both, the outcomes and output should always be treated in a logical connection.³

Commodities and services received from the public due to the program or institution/organization are categorized as outputs. They portray characteristics and attributes (e.g., timeliness) recognized as standards. Output reports become more frequent for managers than outcomes. If the outcome must wait the end of the whole result, output is more fragmentized and connected directly with line activities. Resources used to produce outputs and outcomes, often measured in hard currency, fall in category of input.

IV. PBM IN LAW ENFORCEMENT

“Measurement is the first step that leads to control and eventually to improvement. If you can’t measure something, you can’t understand it. If you can’t understand it, you can’t control it. If you can’t control it, you can’t improve it.”

H. James Harrington

Nowadays, law enforcement agencies are being called on to systematically examine the impact of their policing practices. Developing valid and reliable performance measures are necessary for assessing and reporting on the impact of policing efforts, whether those efforts include adopting a new technology or adopting new community policing initiatives and to improve the effectiveness of a department’s overall operations.

The existing model of evaluating organizational performance for law enforcement (police included) still looks a lot like past samples where crime statistics and general figures of performance are more of static type. The multidimensional picture where all departments are integrated in the annual report performance with responsibilities, contributions and resources still is missing.

³ However, It is sometimes not possible to measure outcomes annually (**Performance Measurement Challenges and Strategies, June 18, 2003**). In these cases, it is likely that output goals will be used for annual measurement.

At the end, leaders and managers of law enforcement are measured on results which should be firmly tied with the public concern when measuring the law enforcement performance. The crime rate, the security sense of communities, the level and quality of law enforcement reaction to emergency situations, the corruption rate of the institution versus other government institutions, public behavior towards local police, public perception on police dignity, public feedback on police response to their claims and the fact of demonstrating efficiency of operations and conscientious use of public resources, must constitute the core line of law enforcement performance measurement. The end goal of the law enforcement mission is improving the quality of life, efficient use of resources, and effective operations.⁴

According to David J. Roberts⁵, “The variety of factors that contribute to an overall assessment of the quality of the job done by law enforcement demonstrates the extraordinary breadth and depth of responsibility and authority we invest in this critical public agency. Certainly other factors can also influence the amount of crime in a given jurisdiction (such as unemployment, age and social structure of the community, and general economic trends and conditions), but law enforcement is generally held to task as the agency most responsible and, therefore, most accountable”.

To simplify implementation of PBM in law enforcement performance, Mark H. Moore⁶, et. al., have suggested a balanced scorecard for law enforcement comprised of seven different dimensions. Jointly, each of the seven dimensions which can be individually measured, represent an extensive large evaluation of the overall quality of work by the law enforcement agency.

The integrated system of performance management is part of an effective police management. By evaluating output of specific activities, projects, and initiatives we are able to recognize the weak spots, project the direction to address the problem identified, and evaluate the success of our efforts to determine whether they have been successful and an intelligent spending of resources. When applied effectively, performance

⁴ For more of the CompStat process and its implementation in New York, see Bratton with Knobler, *supra*, note 10, and Henry, *supra*, note 10.

⁵ By David J. Roberts Creating Performance Measures That Work. *A Guide for Executives and Managers*

⁶ Mark H. Moore et al, Recognizing Value in Policing: The Challenge of Measuring Police Performance (2002), et. al.

management in the outcome part of it serves as a tool in measuring and monitoring the *value* of law enforcement operations.

V. “BRINGING” PBM IN ALBANIA

The model and templates used above offer an introduction of the concept of PBM and illustrate its use in a number of “best practices” considered by this work. The final purpose of this paper, as presented at its outset, is to trigger the debate and eventually, concrete actions by Albanian institutional leaders to adopt the PBM model. This will certainly be a challenging objective to be achieved in the local Albanian context.

The administrative culture in managing by measuring in Albanian government organizations does not follow the PBM logic. Rather, different types of collecting and data analyzing is being used. Financial cost is not well balanced with organization performance. Thus it is not possible to consistently track cost and performance over time and improve predictive ability. Therefore different entities can’t feed their leaders with consistent, cross-government views of performance and the cost.

Time has come now to consider performance-based management (PBM) as a tool through which government proceed with reforms and offer maximum transparency with the end goal of optimizing the social value. PBM is a flexible approach, so it fits into any other sound management approach or methodology. The model offers practical methods to use existing financial and performance data in ways that deliver the insights needed to change government operations for the better.

