

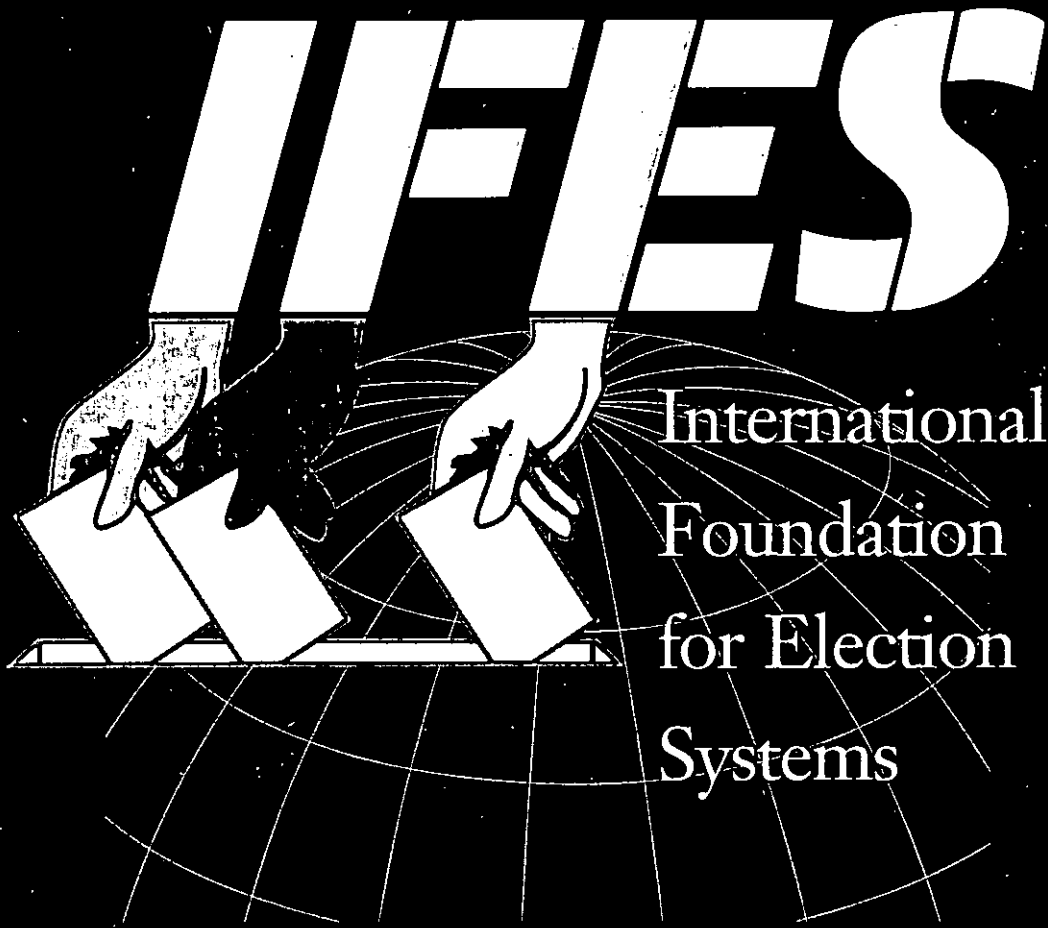
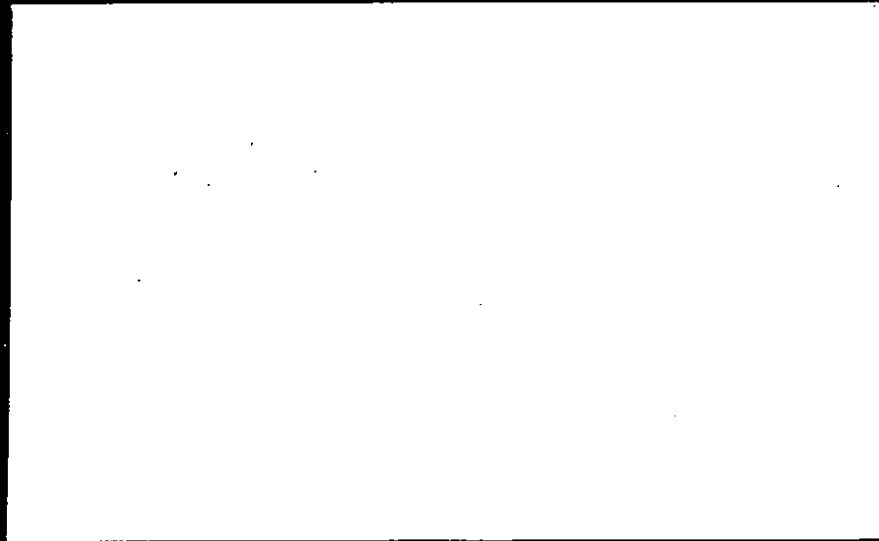
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ALBANIA

TECHNICAL ASSISTANCE TO THE CEC AND LEGAL REFORM STATUS REPORT

APRIL - DECEMBER 1998

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- I. Recommended Constitutional Provision on a Permanent and Independent Central Election Commission Presented to the Constitutional Drafting Commission by the International Foundation for Election Systems
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EXECUTIVE SUMMARY

IFES involvement in the Republic of Albania dates back to 1991, when technical assistance was provided in preparation for Albania's first post-Communist elections in 1992. Beginning with the 1997 social unrest following the collapse of an investment scheme, IFES has had an increasingly significant role in stabilizing and developing democratic institutions in Albania. During the summer of 1997, IFES dispatched a team of 13 specialists to Albania to serve as part of the OSCE's technical assistance effort to support the electoral process for the June/July parliamentary elections. That project focused on voter registration and verification; voter education and media relations; election official training; commodities procurement; regional election administration; OSCE election office administration; deployment and briefing of international observers; legal analysis, advice and drafting; and advice and assistance to the Central Election Commission (CEC). IFES was simultaneously contracted by the U.S. Department of State to recruit and train 100 American election observers for the parliamentary elections.

Following the parliamentary elections, IFES proposed a three-phase project to USAID to continue the work begun by the OSCE. Phase I of the project focused on: building the new CEC as a sustainable institution; providing legal assistance in the drafting and development of a new Constitution; and developing and implementing a civil voter registry. Phase II of the project concerned ballot and procedural reform, the training of election officials and civic education. The final phase of the project included candidate information and support services, voter education and outreach and pre-election technical support to the OSCE Presence.

Although USAID approval for this proposal was not secured until September 30, 1998, IFES opened its Tirana office in April 1998 with financial support from the OSCE to begin Phase I of the project. During the early months of IFES' efforts in Tirana, considerable energies were devoted to clarifying the status of the CEC, mediating numerous political disputes, offering legal analysis to the Parliamentary Constitutional Drafting Commission and assisting in the partial local elections of June 1998.

Unexpectedly, project implementation was hindered when a second CEC was created to administer municipal by-elections in June 1998, less than one year after the creation of the "permanent" one with which IFES was to work. IFES played a crucial role in resolving the problem of the two CECs by assisting in the drafting of a Constitutional provision creating a single and permanent CEC and raising support for its inclusion in the final draft of the Constitution. This provision was ultimately included in the final draft and the Constitution was approved in a referendum held in November 1998, providing the constitutional basis for the development of a single, permanent CEC. IFES considers its role in designing and promoting this provision as its most lasting accomplishment of 1998.

One difficulty in daily operation concerned the delay in formal USAID approval between April and September. During this time without status as a USAID contractor,

IFES/Tirana experienced difficulties in daily operations including establishing an office, hiring employees, opening bank accounts and having telephones installed. Shortly after IFES obtained approval to expend funds through a pre-award letter, another major setback was experienced with the evacuation of American personnel from Albania in August. For over two months, from August through late October, only local staff was available to operate the Tirana office. Finally, IFES/Albania Project Director Dan Blessington was relocated to Skopje, Macedonia to oversee the project from there. At the same time, a French national was sent to Tirana to continue work with the CEC and conduct a voter education campaign under difficult political circumstances in preparation for the constitutional referendum in November.

Nevertheless, the initial phases of the project have had significant impact, including the following:

- The development of a strong partnership between IFES and the OSCE Presence in Albania. Because of the leading role of these two organizations during the early stages of development, a formal relationship was created between IFES, the OSCE and the newly created CEC, thus enabling IFES to participate in the current and future development of the Albanian electoral process.
- IFES was selected as a mediator of numerous partisan disputes within the CEC during the partial local elections which avoided the threatened withdrawal of opposition party members from the CEC.
- IFES mustered unanimous support from a divided CEC for a constitutional provision establishing a single, permanent and independent CEC, which has since been ratified as a chapter in the new Albanian Constitution.
- IFES successfully completed a voter education campaign in the most difficult of political circumstances, contributing to the education of the electorate on voting procedures.

Much work remains in Albania, however. While there is now a constitutional provision for a single CEC, the commission must be developed into an independent, self-sustaining, effective institution. Furthermore, IFES can play a key role in the development of a new legal framework by assisting in the drafting of a new electoral code. Both of these areas were integral to the original proposal submitted to USAID in February 1998. The success of this endeavor will be an important and lasting contribution to the normalization of elections in Albania and its democratization.

Introduction

This report summarizes IFES efforts in the Republic of Albania from April through December 1998. It begins with a Project Background that briefly describes IFES involvement in Albania from 1991 through 1997, the opening of the IFES/Albania office in April 1998 in advance of USAID funding and the three-phase IFES proposal to USAID.

Part II consists of a description of project implementation, including: the problematic creation of a second Central Election Commission less than one year after the establishment of the "permanent" one with which IFES was to work; the IFES partnership with the OSCE Presence in Albania with the partial local elections held in June 1998; the inclusion of a provision in the draft Constitution for a permanent and independent Central Election Commission (CEC); and the public awareness campaign undertaken by IFES on the Constitution on behalf of the Central Voting Commission. It also briefly discusses the difficulties resulting from the forced departure of Americans from Albania in August 1998 due to terrorist threats directed against them.

Finally, the report will conclude with an evaluation of the project's activities and impact given the obstacles and restrictions placed upon programming.

I. Project Background

A. Origins of the IFES Albania Project

1. Early Involvement - 1991-1996

IFES began its involvement in Albania in late 1991 when it provided assistance in connection with the nation's first post-Communist elections in 1992. This included technical and commodity assistance aimed at enhancing the technical capability of the Albanian Election Commission. In March 1996, IFES sent a team to Albania to prepare a Pre-Election Technical Assessment (PETA) in preparation for elections in October. Less than one month prior to those elections, IFES sent a 2-person team to Tirana to assist the Central Election Commission (CEC) on a number of issues, including election day coordination and assistance in the administration of run-off elections.

2. An Increased Role: 1997 Parliamentary Elections

In 1997, IFES dramatically increased its work in Albania, playing a major role in international efforts to stabilize the country after it had been rocked by widespread civil unrest. This unrest was precipitated by the disastrous collapse of a number of pyramid investment schemes that had operated virtually unchecked throughout the country. Over 1,500 Albanians died, the country was awash in arms, and violence and anarchy reigned. The international community intervened, introducing a multinational military force to help restore order. On the civilian side, the international community pressured Albania's

political factions to form a coalition government. On March 27, they reached an agreement with the Organization for Security and Cooperation in Europe (OSCE) to hold new parliamentary elections on June 29th. The OSCE, the Council of Europe (CoE) and other international organizations agreed to provide advice and assistance to Albania in the areas of democratization, the media, human rights, preparation for elections and the monitoring of elections.

In the summer of 1997, IFES sent a team of 13 specialists to Albania to become members of the technical assistance effort being undertaken by the OSCE's Office of Democratic Institutions and Human Rights (ODIHR) in connection with the elections agreed to among Albania's political factions. At the same time, IFES was contracted by the US. Department of State to recruit, transport, and train 100 Americans to serve as observers for the parliamentary elections held in June and July.

IFES technical personnel supported ODIHR's election assistance effort in the following areas:

- Voter registration and verification;
- Voter education and media relations;
- Election official training;
- Commodities procurement;
- Regional election supervision;
- ODIHR election office administration;
- Deployment and briefing of international observers;
- Legal analysis, advice and drafting; and
- Advice and assistance to the Central Election Commission.

The elections, held under extremely difficult circumstances, were deemed "acceptable" in the OSCE's final report based on the findings of the international observers. Serious deficiencies in the process were duly noted. The CEC, created as a permanent body under amendments to Albania's election laws in May of 1997, was itself aware that it needed additional international assistance to improve its operations. At the conclusion of the ODIHR effort in July of 1997, the Central Election Commission (CEC) voted unanimously to request further professional assistance from IFES and the OSCE.

3. Establishment of IFES Albania: April 1998

In late 1997, IFES submitted a proposal to USAID for on-site technical assistance to follow up on the reforms begun after the June/July elections. The proposal noted that there was a window of opportunity to make significant electoral progress in Albania in the wake of the recent parliamentary elections. USAID in both Albania and Washington viewed the proposal favorably, although the project was finally approved for several months. IFES nonetheless opened an office in Tirana, obtaining short-term funding from the OSCE. The CEC was anxious for IFES to establish a presence in Albania, and IFES deemed it important to begin work while circumstances were still favorable. Much time

had already passed, and IFES feared that the window of opportunity was in danger of closing. With its funding beyond several weeks uncertain, IFES opened an office in Tirana in April 1998, hopeful that USAID would ultimately approve the project proposed.

By the time IFES arrived in Albania, much of the momentum for a unified approach to reform had been lost. The political opposition was boycotting the Peoples' Assembly, demonstrating that the elections of 1997 had not ended the deep polarization in the country. Moreover, the permanent CEC, established in May 1997, had been ignored by Albanian officials since its work on the 1997 elections had come to an end. Nonetheless, there was work to do. Internationally supported efforts at constitutional reform were ongoing, and the country was on the threshold of holding partial local elections to restore local governments that had been dissolved during the crisis of 1997.

B. The IFES Proposal for Technical Assistance to Albania

The IFES proposal to USAID addressed systemic problems in the Albanian electoral process. While it was conceived as a three-phase process, it was intentionally flexible to allow for both overlap among the phases and to permit responses to changing needs and circumstances. Phase One focused on building the institution of the new Central Election Commission; providing assistance in the drafting and development of a new Constitution and the development and implementation of a civic and voter registry. Phase Two focused on ballot and procedural reform, the training of Albanian election officials and civic education and outreach. Phase Three focused on candidate information and support services, voter education and outreach and pre-election technical support to the OSCE Presence.

C. Phase One: Major Objectives

It should be noted that the IFES proposal to USAID proceeded on the premise that Phase One would begin in early 1998. As noted above, IFES opened its office under funding from OSCE in April of 1998. Although the proposal hadn't yet been approved by USAID, the objectives set forth in the proposal formed the basis of the IFES Albania Project in April. USAID did not officially approve the project until September 30, 1998. Unfortunately, the approval came after the severe disruptions to USAID programs occasioned by the closing of the US Embassy and the departure of Americans from Albania in August.

Keeping in mind these caveats and qualifications, employing the objectives set forth in the IFES proposal to USAID is a useful way to evaluate the activity of IFES in Albania in 1998 and to get realistic sense of likely future activities. The principal focus of Phase One activities was the Central Election Commission. IFES believed that the good will it had built up on the CEC in 1997 would put it in a unique position to provide much needed assistance to this newly created body. The objective was to build the institution from the ground up - to make it more professional and less political. IFES was prepared

to work with the CEC in developing proposed legislation dealing with the Commission and the independence of its members, assisting in the writing of regulations, providing for internal procedures, helping create a workable organizational structure and assessing material needs.

In addition to the work with the CEC, IFES was ready to involve itself in the process leading to a new Constitution for Albania. In this effort, IFES was prepared to work closely with the umbrella organization established by the OSCE to coordinate the efforts of international donors in assisting constitutional reform. The organization, called the Associative Center for the Coordination of Assistance and Public Participation (ACCAPP), was created to "work with Albanians and the international community to facilitate technical assistance, collect and distribute information, provide training, and organize polls and civic education initiatives." In essence, ACCAPP was to drive the process and IFES was to help in any way it could. Specifically, IFES was prepared to provide advice and assistance in the areas of legal analysis, referendum legislation, coordination with the CEC, and constitutional drafting.

Finally, Phase One included possible assistance in the development and implementation of a Civil Voter Registry. IFES did become engaged in a civic registry pilot project under separate funding from the OSCE. This work began before the opening of the IFES/Albania office, and is independent of it. It continues to this day. As it is beyond the scope of this report, it is not mentioned further.

II. Project Implementation

A. Introduction

From April through mid August of this year, IFES: worked on establishing its presence in Albania with both international and local actors; devoted considerable energies to clarifying the status of the Central Election Commission that electoral law amendments had hopelessly confused; assisted the CEC with respect to the partial local elections held on June 21st and 29th; joined with the OSCE in mediating intensely partisan disputes in the CEC that threatened to derail the elections; and, worked with ACCAPP and the Parliamentary Constitutional Drafting Commission in promoting the inclusion of a provision in the Constitution that would establish a single and independent CEC for all referenda and elections in Albania.

After the closing of the US Embassy and forced departure of Americans from Tirana in August, IFES was forced modify its plans. For weeks, there was a significant question as to how USAID and its projects would be able to function in Albania. Only local IFES staff were in the office until the latter part of October. Ultimately, after USAID approval, the IFES Project Director relocated to Skopje, Macedonia to run the program from there, and a third country national was retained by IFES to work with the CEC and ACCAPP on a public awareness campaign in connection with the referendum on the Constitution scheduled for November 1998.

B. The Partial Local Elections and the Two CECs

As a consequence of the civil unrest in early 1997, vacancies were created in the offices of Mayor and Heads of Commune positions in seven municipalities and nine communes throughout Albania. After much delay, on 22 April 1998 President Meidani called for by-elections to be held on June 21st.

After IFES opened its office in early April, its first order of business was to establish the parameters of its technical assistance to the CEC that had been created as a permanent body by amendments to Albania's electoral laws in advance of the extraordinary parliamentary elections in June of 1997. It was this body that had requested the assistance of IFES. In the early days of the newly elected Parliament and government, the CEC tried to put the status of the CEC on the agenda. Its efforts failed. Once its work was concluded on the 1997 elections, the CEC was ignored and its modest proposals for reform languished.

Kristaq Kume, the CEC Chairman, was anxious to get started, but also wanted assurance that the current CEC would indeed be the permanent body established in the 1997 legislation. There were rumors circulating in April and May that the current CEC would be replaced, and the Chairman was reluctant to call a formal meeting of the CEC until its status was confirmed. Anxious to avoid further delay, the IFES Project Manager brought the members of the CEC together for an informal meeting on May 9th. It was at this meeting that the members learned of a draft proposal for amendments to the election laws that would create a new CEC to supervise the partial local elections called for by Albania's president.

The draft became public the following week. Chairman Kume requested IFES to review the draft law and to offer its comments. This was a matter of great concern to IFES. Its principal role in Albania during Phase One of its Project was to work with the CEC and to build it as an institution. If there was to be no permanent institution to assist, IFES would have to reevaluate its program in Albania. On May 13th, IFES presented its formal comments on the law, and made the following conclusions:

1. A permanent Central Electoral Commission is an important element in developing the democratic institutions of the Republic of Albania.
2. Despite the creation of a purportedly permanent CEC under 1997 legislation, there was still no effectively functioning permanent electoral commission.
3. The proposed legislation which would create a second CEC, if enacted, would cast doubt on the Republic of Albania's commitment to the concept of a permanent CEC.

The OSCE agreed with IFES' position on this issue. The amendments passed, however a good deal of controversy followed. Some supporters of the legislation took the position

that the old CEC had not been replaced, and that there were now two permanent CECs, each with a different jurisdiction. At one point, the IFES Project Manager went to CEC Headquarters to meet with the Chairman of the newly established CEC in his office. After the new Chairman left for another appointment, the IFES Project Director remained in the same office to meet with the Chairman of the previously established Commission. Both Chairmen sat at the same desk. This time-sharing arrangement continued for a while but soon gave way to the reality that the newly established commission had indeed replaced the previous one.

During this period, IFES began preliminary work on the inclusion of a provision in the Constitution that would create a single body to supervise all elections and referenda in Albania. IFES coordinated this effort with both local and international actors, including Ambassador Everts of the OSCE Presence in Albania and Scott Carlson, Project Manager of ACCAPP. The Chairmen of both CECs supported this goal, and promised to present it to their respective memberships. This effort stalled, however, as the date for partial local elections drew nearer.

C. IFES as Mediator

After the new CEC was established through amendments to the electoral laws, the opposition Democratic Party (DP) and its allies threatened to boycott the Commission. Numerous meetings were held between key Albanian players and the OSCE's Daan Everts. Ultimately a compromise was forged that would permit the local elections to go forward as scheduled.

First, the DP sought the intercession of Ambassador Everts regarding the CEC crisis relating to voting procedures on the Commission. This led to the decree signed by the Deputy Prime Minister and Minister of Local Government Fino and President Meidani calling for super-majority voting, as well as a cooling-off period and consultation with "experts and organizations engaged in the electoral process" in the event that the initial vote failed. Ultimately, a simple majority vote would suffice once consultations and cooling-off periods had taken place. The decree proved politically insufficient, whereupon the issue was taken to the People's Assembly. On the 27th of May, the Parliament approved the compromise voting procedure for the CEC.

The CEC subsequently requested that both IFES and the OSCE make themselves available to consult under the procedures outlined above. IFES took the lead on this, and helped resolve a number of deadlocks between the Socialist Party and Democratic Party factions of the CEC. The most significant case involved the airing of a purported news program on State TV celebrating the seventh anniversary of the Socialist Party. In essence, the Democratic Party called the broadcast an illegal campaign commercial. Ambassador Everts and the IFES Project Director attended the CEC meeting on the evening of June 15th to help mediate the dispute. At the request of the CEC, they reviewed a video tape of the broadcast and concluded, in a joint IFES/OSCE letter to the CEC, that the program had an election-influencing effect and recommended that the

opposition be compensated by having time set aside on State TV to air a program on the history of the Democratic Party.

The issue was not finally resolved until after 9:45 PM two days before the elections, when the Democratic Party spot was finally aired after numerous attempts at breaking the impasse. Ultimately, the main crisis was averted when OSCE and IFES agreed to review the proposed spot to make certain that it contained no inflammatory material. IFES and OSCE insisted, for instance, that footage of political violence be removed from the finished product so as not to contribute to any election-day incidents in the still volatile atmosphere of post-1997 Albania.

Although the complaints of the Democratic Party never ceased and there were several work stoppages by Democratic Party representatives on the CEC, the elections were generally considered to have been successful. In the Joint Statement issued by the OSCE and the Council of Europe, the elections were called a "solid step forward in the consolidation of democracy in Albania."

D. The Constitutional Provision for a Permanent Electoral Commission

Only history will tell, given the deep rifts still present in this impoverished and deeply troubled country, but IFES' role in the promotion of a single provision in the new Constitution may prove to be its most lasting accomplishment of 1998. As noted above, the permanent Central Election Commission of 1997 was permanent in name only, largely ignored following the completion of the election period. Before new elections were held, a new commission was created.

Existing laws can be amended to suit whatever party is in power. Existing commissions can be ignored and new ones created by whomever is in power at a given time. In such an environment, party representatives on an electoral commission often come to see their primary obligation as advancing the interests of their party. To build the CEC as a positive democratic institution, there must be a permanent body whose members know that their responsibility is to the law and to the people of Albania.

The existence of two CECs in Albania in the summer of 1998 provided an opportunity to create a real permanent body that could be a building block for electoral reform and integrity. The vehicle would be the constitutional drafting process. In July, IFES made a presentation to the 1998 CEC to urge the Constitutional Drafting Commission (CDC) to include a provision in the Constitution creating a permanent and independent Central Election Commission. All members of the CEC acknowledged excessive partisanship on the commission and the need for a single and permanent entity to supervise elections and referenda in Albania. The CEC voted unanimously to send a letter to this effect to the CDC. The letter concluded as follows:

We are aware your work is nearing conclusion, but we implore you to include this very important provision in the draft.

Nine members of this commission have previously served on earlier CECs. Based on this experience we strongly believe that a Constitutional provision is the only way to guarantee a single CEC's permanence and independence.

The response of the CDC staff to this letter was cool, since they did not view the issue as significant. In addition to CDC staff, IFES had discussions with ACCAPP, the OSCE, former President Berisha, President Meidani and others promoting the idea. A working group was established to submit specific language for a provision to the CDC. The group, intentionally kept small, consisted of the IFES Project Director, Chairman Kristaq Kume of the 1997 CEC, and Chairman Daver Cano of the 1998 CEC. Mr. Kume had been appointed to his CEC as a representative of the Democratic Party, while Mr. Cano was appointed as a representative of the Socialist Party. Despite the political gulf separating their two parties, and the boycott of the CDC's work by the Democratic Party, the two Chairmen closely collaborated on a proposal that IFES formally submitted to the CDC on July 24, 1998. (See Attachment I)

On the following day, the IFES Project Director met with Sabri Godo, the CDC's Co-Chairman to discuss the draft, and received his enthusiastic support. On July 29th, the CEC chairmen and the IFES Project Director presented their joint proposal before a formal meeting of the Constitutional Commission. Discussion was both spirited and substantive. Mr. Kume was particularly effective in stating the rationale for the proposal. Despite being a member of the Democratic Party, Mr. Kume was treated with the greatest respect and deference from this parliamentary body whose work was being boycotted by the Democratic Party. After much discussion and questioning, the Constitutional Commission agreed to include a chapter on the Central Election Commission in the draft constitution.

The IFES/CEC proposal provided for a nine-member Commission that drew upon the model of the Constitutional Council established by the French Constitution of 1958. Both European and non-European constitutions and election laws were reviewed in arriving at the proposal but the role played by the two CEC chairmen in the process ensured that the draft reflected the Albanian reality from the perspective of people who experienced that reality. Both IFES and the CEC believed it was important to establish a single CEC to provide for continuity and stability in the supervision of elections and referenda in Albania. One of the proposal's principal objectives was to reduce the unhealthy influence of political parties on the CEC's work.

In 1997 and 1998, the partisanship on the 17-member commissions was so intense that they were severely hampered in performing even routine tasks. Under applicable law, 16 of the 17 members were proposed by political parties and coalitions. Nominally non-partisan, the 17th member represented the government. The IFES/CEC proposal called for a commission of nine voting members none of whom would represent political parties: three to be appointed by the Peoples' Assembly; three by the Constitutional Court; and three by the President of the Republic from nominations submitted by non-partisan non-

governmental organizations. Political parties would have the right to propose non-voting members to the CEC in order to retain a voice. Without a vote, however, they would not be able to impede the CEC's work.

Although the CEC Chapter in the draft Constitution did not include the full draft language submitted by IFES/CEC, it retained several of its key provisions. Specifically, it provides for a permanent Commission of seven members with seven-year terms: three to be appointed by the High Council of Justice (a new and pluralistic body created by the new Constitution); two by the Assembly; and two by the President of the Republic. Consistent with the IFES/CEC proposal, representatives of political parties may have non-voting seats on the CEC.

The Constitution, including the CEC chapter, was approved by the referendum held on November 22, 1998.

E. Departure of Americans from Albania: The Macedonia Strategy

Shortly after the U.S. Embassy bombings in Africa, the US Embassy in Tirana severely reduced its presence and American personnel were ordered out of Albania. Shortly thereafter, a number of officials of the former government were arrested for alleged crimes during the unrest of 1997 in an operation that many believed to be a politically motivated witch hunt. In September, the murder of a well-known figure of the Democratic Party spurred a new round of violence and unrest that temporarily derailed the progress made on the new constitution and made this effort infinitely more complicated. Angry crowds marched on government buildings in Tirana during the days following the murder, firing weapons in the air and hurling stones at police to protest the assassination. Supporters of the Democratic Party stormed and set fire to the Prime Minister's office and, for a few hours, took control of the television building. On September 14th, special police forces were able to regain control of the parliament building, which housed the offices of Prime Minister Fatos Nano and state radio and television, and reestablished control over Tirana. The government declared this uprising a coup d'etat, and Sali Berisha was reprimanded by international leaders for his attempt to worsen the already fragile political situation in Albania.

Despite these and other setbacks, the Constitutional Drafting Commission recommitted itself to plans for the nation-wide referendum on November 22nd. The OSCE and other international actors never wavered in their support for the referendum. What IFES' role would be, however, was fraught with uncertainty as USAID and its programs struggled to continue in the face of the continuing travel ban on American citizens working for USAID contractors. Likewise, the stability of the country remained tenuous.

Throughout the difficult days following the evacuation of Americans from Albania, IFES maintained contact with the Chairmen of the two CECs, ACCAPP, OSCE, and the Constitutional Drafting Commission through its local staff in Tirana. Local staff, in turn, was in daily contact with the Project Director in Washington. IFES/Washington and

USAID stayed in close contact to monitor developments and to find creative solutions which would allow IFES to continue its work at this critical time. In September 1998, IFES welcomed Mr. Daver Cano, Chairman of the Central Election Commission, to Washington, where he met with IFES Vice President Jeff Fischer and with IFES Project Director for Albania Dan Blessington to discuss the important role of IFES in Albania. On September 2nd, IFES hosted a status report briefing, to allow Mr. Cano to share his thoughts on the drafting of the Constitution, the upcoming referendum, and the role of international organizations in the process. Among those who attended this meeting were representatives from USAID, IRI, NDI, NED, and ABA/CEELI.

In September and October, IFES hosted two meetings on the status of Albania and the implications for USAID-funded organizations operating there. Representatives of USAID led both discussions, informing the overflow crowds of developments in Albania and the status of the continuing security problems. At the second meeting, USAID presented potential strategies for continuing programs including the use of third country nationals and the establishment of temporary offices in neighboring countries.

On a separate track, IFES and USAID negotiated the entire IFES Project in Albania, which had operated since 6 August through a pre-award letter. Ultimately, USAID approved both the overall project and a short-term plan that addressed the unusual circumstances occasioned by the departure of official Americans from Albania. (See Attachment II) The so-called Macedonia Strategy was a short-term plan that placed the IFES Project Director in neighboring Macedonia temporarily to run the program from there. In addition, IFES retained the services of a French national to run a public awareness campaign on the referendum in behalf of the Central Voting Commission (CVC), the re-named CEC created in the summer of 1998 to administer the by-elections.

By the time that IFES received both approvals, however, there was very little time left before the referendum, necessitating a reduction in the scope of IFES efforts. The IFES voter education specialist arrived in Tirana at the end of October, while the Project Director arrived in Skopje a few days later. They were in daily contact with one another, and met on two occasions in Macedonia, near the Albanian border. By mid-December, both had left their respective posts, once again leaving the day to day management of the IFES office to local staff.

F. Public Awareness Campaign

1. Background

The late arrival of the IFES consultant to Tirana allowed very little time in which to conduct a public awareness campaign prior to the constitutional referendum scheduled for November 22nd. Moreover, the political environment had badly deteriorated. The unrest and violence of September had left Albanians and the international community edgy, and the political polarization was at its worse point since the intervention of the international community in 1997 after the collapse of the pyramid schemes. The Union for

Democracy, headed by the Democratic Party and its leader, former President Sali Berisha, was calling for a boycott of the referendum. Union for Democracy members on the CVC were disrupting its work, and threatening to walk out entirely. The international community, led by the OSCE Presence, strongly supported the referendum process, and found itself unable to reach an accommodation with the referendum's opponents.

The situation was so fraught with danger that IFES seriously considered disengaging from the process. Given the importance of the referendum and the unity among international actors, however, IFES ultimately stayed the course, but it did so at a cost. Until the public awareness campaign, IFES had, like the OSCE, been able to bring factions together through mediation. In this new environment, however, the OSCE became the subject of vitriolic attacks by the opponents of the referendum process. As November 22nd drew nearer, the attacks intensified. Ambassador Everts, head of the OSCE Presence, received death threats. In this poisonous atmosphere, IFES itself could not escape attacks for its role in the public awareness campaign which sought to educate the electorate on voting procedures. Union for Democracy spokesmen, even those on the CVC, made unfounded charges that IFES was violating the law by producing television spots that were designed to educate the public. Security measures were taken to protect IFES staff from potential violence. In essence, any effort that could be construed as supporting participation in the referendum was unacceptable to those advocating a boycott. The opponents challenged the legitimacy of voting, regardless of whether or not the vote was in support of the constitution. To accept the legitimacy of the referendum process, and to assist in the transparency of the process, was to be a target of the Union for Democracy.

2. IFES Activities

IFES, in coordination with all the members of the CVC's Sub-Commission for the Media (including a representative of the Democratic Party), proposed a strategy and specific content for an audio-visual campaign designed to educate the public on the referendum on the Constitution. (See Attachment III) In doing so, it had to carefully approach the issue of how to consider the boycott option in the referendum. Early in this process, IFES encountered obstruction by the Union for Democracy representatives who claimed that all media efforts in connection with the Referendum process were to be considered as campaigning for a "Yes" vote.

Due to organized Democratic Party delays, the CVC voted on a platform for the radio/television coverage of the constitutional referendum campaign only on November 4th. On November 14th, and after close cooperation with the members of the Sub-Commission for the Media, IFES proposed to the CVC plenary session written scripts for 5 spots, ready to air, in order to meet a very tight deadline. The spots addressed out of country voters, first-time voters, and general information regarding the referendum. Although the scripts had been extensively edited to address the concerns of the Union for Democracy, and had been screened three times by the Sub-Commission for the Media, the CVC's Democratic Party Vice-Chairman insisted on including the boycott option in

all scripts. IFES assessed that the spots were only informative, and declined to make significant concessions to the boycott option. After numerous meetings with the Sub-Commission, and with the Vice-Chairman, the CVC in plenary session approved the spots on November 17th.

IFES produced 5 voter awareness spots for the CVC, which were broadcast on State Television. The spots were designed to reach out to various target groups by conveying traditional messages in a dynamic and creative manner. Well-known Albanian actors appeared in spots that were directed by an award-winning Albanian filmmaker.

Following the vote, the Vice-Chairman appealed to the OSCE and the American Embassy in Tirana to mediate the following alleged claim: that IFES had violated article 46 of the Law on Referendum, which prohibits foreign bodies from engaging in electoral propaganda in the territory of Albania. This claim was part of a long list of complaints by the Chairman of the CVC, which also included the following charges: the local government took over the responsibilities of the voting commissions regarding the out of country voters; the voters lists did not encompass the whole territory of Albania; the existence of double voters lists; the existence of thousands of unregistered citizens; the illegal approval of CVC decisions by the CVC Chairman and Secretary; the production of ballots prior to the announcement of voters lists; the decisions of the CVC not being followed by the State-owned TV; the approval by the CVC of IFES spots; the misuse of the CVC seal by the Chairman; and the absence of written minutes of the plenary sessions. The charge against IFES was particularly unfounded, as IFES' public awareness campaign was done at the request of the CVC and with its approval.

Again, the Union for Democracy threatened to leave the CVC if their demands were not met. With the help of the US Embassy, as well as the skillful mediation of Ambassador Everts, the IFES spots were broadcast on November 19th. Despite its threats, the Democratic Party and its allies remained in the CVC until the end of the process. It did not, however, officially acknowledge the results. According to the CVC, over 50% of the electorate participated in the vote with 93.5% voting to approve the Constitution.

Despite the fact that IFES was one of the targets of the Union for Democracy in its boycott campaign, it was able to maintain a relatively cordial relationship with Union for Democracy members on the Commission. No threats were directed towards IFES or its staff, and the charges leveled against IFES paled in comparison to the attacks against other international actors. Political forces in Albania tend to pull out all the stops when an important issue is on the line. Once the referendum passed and tensions reduced, it was possible to work with one another again. IFES still commands the respect of the various political forces in Albania because of the good relationships and reputation established since arriving in April 1998, but for the first time, it had regrettably found itself on one side in a partisan battle.

III. Project Evaluation

IFES came to Albania in April of 1998 with high hopes, and little idea of the difficulties to come. In 1997, it had established a reputation for professionalism and impartiality. Its work was so highly regarded that a divided CEC unanimously voted to request it to return to Albania to help build the institution.

Delays in receiving USAID funding, however, hampered the ability of IFES to conduct long-term planning both administratively and programmatically. It was not until August, after IFES had prepared to suspend operations, that a pre-award letter was finally signed in anticipation of approval. Shortly after USAID gave IFES approval to expend funds through the pre-award letter, Americans were evacuated from Albania due to credible threats against Americans and American installations. It would be over two months before IFES could send a third country national into Albania, and station its Project Director in neighboring Macedonia.

Despite these difficulties, IFES was able to have a real impact. Before the August evacuation, it had forged a partnership with the OSCE Presence, had taken on the problem of the two CECs, and had begun a formal relationship with the newly created CEC. Given its reputation for fairness and impartiality, it was chosen to mediate partisan disputes on the Central Election Commission in connection with the partial local elections. When disputes arose, IFES was able to help resolve them. In collaboration with the OSCE, it helped resolve the most serious disagreement involving the misuse of State TV to promote the Socialist Party shortly before the election.

After the local elections, IFES was able to obtain unanimous support from a divided CEC for a constitutional provision that would establish a single, permanent and independent CEC. The chairmen of the two existing CECs, a Socialist and a Democrat, were brought together to draft the provision and present it to the Constitutional Drafting Commission. Despite an initial reluctance to even consider the issue, the Constitutional Drafting Commission in the end included a modified provision in its draft. It is now a chapter in the new Albanian Constitution. (See Attachment IV) In November, a successful public awareness campaign was implemented on the constitutional referendum on behalf of the Central Voting Commission under the most difficult of circumstances.

IFES repeatedly adapted to circumstances beyond its control, adjusting its objectives and strategies as the need arose. Throughout this most unsettled and unusual year in Albania, IFES made real contributions in the areas of electoral reform, dispute resolution and technical assistance. It still remains a respected organization in Albania, and may at long last have the opportunity to help build the institution of a truly permanent and independent CEC.

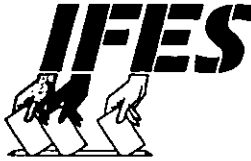
IV. Next Steps

The passage of the Constitution was a significant milestone in Albania's post-Communist history. A single, popularly accepted basis for the governance of the country has been adopted. With the de-escalation of tensions following the referendum period, planning has begun to develop the framework for its implementation and build the institutions necessary for this.

In January 1999, IFES developed its workplan for the coming year (See Attachment V) which focused on providing assistance on the implementation of two principal areas according to the Constitution: the development of a new electoral code and the creation of a new, single permanent electoral commission. Both areas were central to the original IFES proposal submitted to USAID in February 1998 and are now possible in the post-referendum era because they are mandated in the new Constitution.

It appears that with the political will, the environment is ripe for lasting electoral reform. The creation of a permanent Central Election Commission, free from partisan considerations, and with established procedures and permanent staff may finally address the administrative issues that have plagued past elections. IFES is prepared to engage in not only the development of the legal framework of this, through a new electoral code, but also extensive advising and training for the newly formed Commission and its staff. The success of this endeavor will be one of the most important and lasting contributions that IFES leaves behind.

**ANNEX I: RECOMMENDED CONSTITUTIONAL PROVISION
ON A PERMANENT AND INDEPENDENT CENTRAL ELECTION
COMMISSION PRESENTED TO THE CONSTITUTIONAL DRAFTING
COMMISSION BY THE INTERNATIONAL FOUNDATION FOR ELECTION
SYSTEMS**



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**Recommended Constitutional Provision on a Permanent and Independent
Central Election Commission
Presented to the Constitutional Drafting Commission by the
International Foundation for Election Systems
24 July 1998**

Article I - Permanent and Independent Central Election Commission

The power to supervise, direct and control all aspects of the electoral process for all elections and referenda in the Republic of Albania shall be vested in a permanent and independent Central Election Commission.

Article II - Composition, Method of Appointment, Criteria for Membership

1. The Central Election Commission shall be composed of nine voting members from which three members are appointed by the Peoples' Assembly, three members by the Constitutional Court and three members by the President of the Republic.
2. The three appointments by the President shall be made from proposals submitted by non-partisan non-governmental organizations dedicated to fundamental civil and political rights.
3. All members of the Commission must have a university degree or its equivalent, and have the right to vote.
4. A voting member of the Commission cannot be an active member of a political party.
5. Before taking office, voting members of the Commission will be required to take an oath declaring their allegiance to the State, and proclaiming their independence from all political forces in carrying out their official duties.

Article III - Officers

1. The Chairman and Vice Chairman of the Commission shall be selected from among its nine members by majority vote at the Commission's first meeting.
2. The term of office of Chairman and Vice Chairman shall be determined by the Commission membership.

Article IV - Term of Office, Reappointment, Removal, Vacancy

1. The term of office for a member of the Commission shall be nine years.

2. Members are eligible for reappointment.

3. A member may not be removed from office prior to the expiry of his or her term except in like manner and on like grounds as a judge of the Constitutional Court.

4. If a vacancy on the Commission occurs due to removal, resignation or death, the unexpired term will be filled by appointment by the same institution in the same manner as the original appointment.

Article V - Electoral Subjects' Representation on the Commission

1. Electoral subjects may be represented on the Commission in a manner to be determined by law.

2. Members of the Commission representing electoral subjects shall enjoy ex officio status, e.g., they may participate in Commission deliberations and discussions, but will not have the right to vote.

Article VI - Jurisdiction

The Central Electoral Commission shall:

1. Administer, organize, supervise and conduct free and fair elections based on a comprehensive electoral code providing for all elections and referenda held in the Republic of Albania;

2. Coordinate the activities of the government with respect to voter registration and the supply of material needs for the conduct of elections;

3. Promote conditions conducive to free and fair elections;

4. Determine and certify the results of elections, and to certify to what extent such elections have been free and fair;

5. Conduct civic and voter education; and

6. Make and enforce regulations to fulfill its responsibilities under this Constitution and applicable law.

Article VII - Independence of the Commission

1. In carrying out its constitutional responsibilities, the Commission shall be independent from the control of other units of government.

2. The Commission will be provided an annual budget adequate to accomplish its responsibilities in a manner it shall determine.

**ANNEX II: APPROVED WORKPLAN
OCTOBER - DECEMBER 1998**

PROJECT NAME: Election Administration, Legal Reform, And Voter Information and Education
COUNTRY: Albania
PROVIDER NAME: International Foundation for Election Systems (IFES)
SPAN OF WORK PLAN: 01 October, 1998 - 31 December, 1998

INTRODUCTION IFES established an office in Albania on April 1, 1998. It provided technical assistance to the Central Election Commission (CEC) established for the partial local elections in June. In cooperation with the OSCE Presence in Albania under provisions established by law, it mediated disputes between the various political factions on the CEC, thus enabling the elections to go forward. IFES also took part in the OSCE's observation of the elections.

After the elections, IFES turned its attention to the constitutional drafting process, working with ACCAPP and the parliamentary Constitutional Drafting Commission. Specifically, the IFES Albania Project Director formed a working group with the Chairmen of the two existing CECs in Albania to have the Drafting Commission include a provision in the draft constitution that would establish a single permanent and independent CEC for all elections and referenda in Albania. The Drafting Commission ultimately approved such a provision in the draft currently under consideration by the Peoples' Assembly. It is anticipated that a referendum on the draft constitution will be held on November 22, 1998.

American personnel were ordered out of Albania in August. In September, a number of unfortunate incidents occurred in Albania that had the effect of temporarily derailing the forward movement on the constitution. In recent days, however, it appears that there will indeed be a referendum on the draft constitution on November 22nd. The Constitutional Drafting Commission has recommitted itself to going forward with additional work to include full consideration by the Peoples' Assembly in anticipation of the nation-wide referendum. Minister Imami, one of the two co-chairmen of the Drafting Commission, has asked for comments on proposed changes to the current law on referenda. ACCAAP continues its work in coordinating the efforts of both international and local actors with respect to public education and related activities. It is anticipated that the OSCE Presence will be involved in some type of observation of the vote.

Throughout the difficult days of August and September, IFES has maintained contact with the Chairmen of the two CECs, ACCAPP, OSCE, and the Constitutional Drafting Commission through its local staff in Tirana, which is in daily contact with the Project Director in Washington. Based upon its continuing work, and the current situation in Albania, IFES has prepared a short-term plan, elements of which are set forth below.

Upon approval by USAID, the IFES Albania Project Director will temporarily relocate from Washington, DC to Skopje, Macedonia to run the project from there while IFES continues to operate out of its current offices in Tirana. It must be stressed that the opening of an office in Skopje is simply a short-term measure intended to address the immediacy of the current situation in Albania. IFES will also engage the services of a non-American consultant as Coordinator of a much-needed Public Awareness Campaign in connection with the upcoming referendum. This individual will work out of the Tirana office and report to the Project Director.

STRATEGIC OBJECTIVES:

- S.O. 2.1 - *Increased Better-Informed Citizens' Participation in Political & Economic Decision-Making*
- S.O. 2.2 - *Create Legal Systems That Better Support Democratic Processes & Market Reforms*

CATEGORY	DESCRIPTION OF ACTIVITIES	DELIVERABLES	EVALUATION CRITERIA	IMPACT
<i>Technical and Legal Assistance</i>	<p>IFES will continue to advise appropriate governmental, non-governmental and international actors involved in development of amendments to the 1994 Law on Referenda on an as needed basis by translating selected materials and providing legal analysis, commentary, and recommendations on proposed changes to the law in advance of the November 22nd Referendum on the Constitution; advising on how best to implement the law, including recommendations on measures involving administration and supervision of the referendum; reporting on the progress toward an adequate legal and administrative structure for the holding of the referendum, in addition to the enactment of amendments; and distributing translations of the draft law and related documents.</p> <p>Based on previous experience in Albania, IFES anticipates assisting the Central Election Commission and lower level commissions in several of the following areas, depending on specific needs and/or requests: preparing materials to assist in the voting process; training of lower level commissions; coordination between CEC and NGOs; providing advice on legal questions; preparing administrative regulations and related materials; analysis of complaints and other submissions; and mediating disputes.</p>	<p>Written comments on the proposed changes to the 1994 Law to the office of Minister Imami</p> <p>Advice, written and unwritten, on legal and administrative issues that arise as the amendment and implementation processes progress</p> <p>Coordination of efforts among local and international actors in respect of this activity</p> <p>Advice and recommendations, written and unwritten, to the CEC; preparation of draft materials for CEC consideration; development of training and/or instructional materials; presentations to CEC and, possibly, lower level commissions</p>	<p>Progress toward passage of a new referendum law, which reflects a consideration of comments provided by IFES and recommendations developed through IFES-sponsored activities</p> <p>Progress toward full implementation of the law and establishment of an administrative structure for the proper conduct of the referendum</p> <p>Establishment and maintenance of lines of communication among various actors in the process, facilitation of information flow on matters of fundamental importance, and avoidance of duplication of effort</p> <p>Functioning of the CEC and continuation of plans for the referendum despite the deep rifts between the political forces and recent unrest in Albania</p>	<p>2.1.1.2: Amendments to the referendum law enacted by Albanian Parliament that address significant inadequacies and lacunae in the current law</p> <p>2.1.1.1: Issuance of Presidential and other orders necessary to implement the law and its amendments</p> <p>2.1.1.1: Allow significant actors in the process, including IFES and the OSCE, to work in cooperation with one another in support each others' efforts to assist the Republic of Albania with respect to the legal and administrative aspects of the referendum</p> <p>2.1.1.1: Provide support to government authorities and others in working to ensure the integrity and efficiency of the administration of the vote on the referendum, and to provide a measure of public confidence in the process that is so important to the perceived legitimacy of the vote</p>

ANNEX III: VOTER AWARENESS CAMPAIGN ASSESSMENT

CATEGORY	DESCRIPTION OF ACTIVITIES	DELIVERABLES	EVALUATION CRITERIA	IMPACT
<i>Civic and Voter Education</i>	In close cooperation with existing local and international actors, IFES will produce a comprehensive public awareness campaign in connection with the referendum on the Constitution	<p>Development of a comprehensive plan for a public awareness campaign regarding the referendum that will consider the utilization of all media and other appropriate educational and informational vehicles in Albania</p> <p>Implementation of the plan in coordination with responsible Albanian officials, other local actors and designated international actors such as ACCAPP</p> <p>Production of printed materials, as well as radio and/or television spots addressing the mechanics of voting, substantive issues related to the constitution, and/or motivational messages</p>	<p>The plan reflects a realistic approach to enhancing public awareness among the Albanian electorate in light of the various media available throughout Albania, severe time constraints and limited budget</p> <p>Implementation proceeds in an orderly and efficient way, gaining appropriate authorizations and clearances, and maximizing the impact of the various international actors playing a role in the referendum and the events leading up to it</p> <p>The various media are well-integrated with one another, the messages are clear and consistent, they reach their intended targets, they reflect the reality of Albania today, and provide a positive message without unduly or unintentionally antagonizing any political faction</p>	<p>2.2.1: The plan will permit the most effective methods to be utilized in order to educate the public on matters involving the establishment of a new constitution</p> <p>2.2.1: Implementation of the plan will better prepare the public to make an informed decision on whether or not to accept the constitution presented to it in the referendum</p> <p>2.1.1.1: Accurate and unbiased information on a major electoral event will be made available to the public</p>



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VOTERS AWARENESS CAMPAIGN ASSESSMENT

Introduction

In order to maximize informed and affective participation in the Albanian voting process for the Referendum on the Constitution, the International Foundation for Election Systems [IFES] has been charged with conducting an audio-visual campaign informing eligible Albanians about their rights and responsibilities. This non-partisan effort has been undertaken in cooperation and coordination with local entities including the Central Voting Commission, the Albanian State Radio Television [TVSH], independent media outlets, NGOs, marketing agencies, production companies, Ministry of Legislative Reform and Relations with the Parliament, Ministry of Culture and Youth, the Albanian Telegraphic Agency [ATASH]. This document forms the strategic framework for the mass media campaign and is the product of consultations with political parties, NGOs, journalists, election officers, ACAAP, the OSCE, ABA-CEELI, ODIHR, the American Embassy, USAID, and the Friends of Albania Group. It takes into account the very highly politicized climate surrounding the voting process in Albania.

Production company

Through a competitive bidding process IFES selected the Kkoci Production Company to produce its audio-visual media campaign. Kkoci Production was formally constituted in 1997, and produces films, documentaries, videos, music video-clips, commercials, promotion videos, and audio productions. The team is comprised of dynamic, avant-garde creative professionals, working with high-tech facilities. The Agency's director is well attuned to the social and cultural context of Albania, and enjoys a very good reputation as the best and most inventive film director in Albania.

The credentials of the technical team are summarized below:

Fatmir Koci: Graduated the Academy of Fine Arts in Tirana, and Film School in Tirana. His filmography includes: "A Third One" [short fiction], "Ballad through Bullets" [fiction], "Necrology" [feature movie], "Alternative Head" [documentary], "Superbalkan" [documentary]. In 1996, F. Kkoci received the award for the best first feature film at the Montreal World Festival; and Alternative Head has been honored with the best documentary prize at the Meridien Festival in France, as well as the Video Liege International Grand Prix in Belgium.

Spiro Ilo is the Associated Press cameraman in Albania.

Provision of airtime

As per conditions set forth by the Central Voting Commission's Sub-Commission for the media, IFES secured free airtime on TVSH in its production of audio-visual spots. TVSH is the only television outlet covering most of Albania's territory, leaving out some remote northern regions only. Its newscast, even though largely mistrusted, remains the primary source of information for Albanian voters.

The November 22, 1998 Referendum

The Referendum on the Constitution in Albania was scheduled for November 22, 1998. Since the fall of the communist regime, Albania has been among the few post-communist countries to remain without a proper constitution. The former President, Sali Berisha, had made a previous attempt in proposing a draft constitution to the Albanian voters in 1994. It failed miserably, and was rejected by the majority of Albanians [53.8% voted "no"]. In an unprecedented effort, representatives of the International Community [OSCE, Council of Europe, Venice Commission, the Friends of Albania Group, and IFES] helped in the drafting of the Constitution proposed by the government coalition [headed by the Socialist Party], and unanimously supported the electoral process. Meanwhile, the main opposition party [Sali Berisha's Democratic Party] set itself outside of the political process, boycotting the Parliament and all other Institutions. It joined in the Central Voting Commission, although extremely reluctantly, and only in early November. It used obstructionist tactics in the CVC, and inflammatory and false public statements in describing its opponents and events surrounding the Referendum. All this took place in a highly-charged atmosphere in which personal death threats were made to Albanian political opponents and to members of the International Community.

Theme

The theme used to identify all messages of the media campaign, is "It is time to say your word". In Albanian and in the Albanian cultural context, the phrase calls on to voters to express themselves not through bullets and guns [e.g., riots in March-April 1996, attempted coup d'Etat in September 1998], but through the peaceful and legal voting process. Since the Democratic Union [Democratic Party and its allies] had joined the CVC on and off, IFES had to take into consideration the position of the latter bloc, reflected in the Platform for the Media issued by the CVC [November 5, 1998]. Therefore, IFES decided to prepare soft motivational spots, all designed to help voters register and be aware of the Referendum date. The Democratic Union, in tactics designed to obstruct the work of the CVC, constantly threatened IFES, the OSCE and ODIHR to walk out of the CVC, over all sorts of issues, including minor ones. Under that form of pressure, IFES refused, in accordance to its own code of ethics and in agreement with the other members of the CVC, to include a "boycott option" in its voters awareness spots.

Methodology

General: In order to inform voters that are still confused about the date of the

Referendum [November 28 being Independence Day, November 29 Liberation Day, depending on the political party], a dynamic spot was Produced that targeted all eligible voters. Furthermore, the alarmingly low turnout in the June 1998 elections made it even more crucial to cover the entire eligible population.

Youth: The most apathetic segment of the population, which also makes up the majority of immigrants, will have to be reminded that voting is their right and duty. For this, and given the extremely strong family ties in Albanian culture, a humorous spot was produced to encourage first time voters to vote.

Women: Albanian society being particularly patriarchal, women of all ages are often left behind in the political process. Spots include familiar female characters in positive situations in an attempt to restore their voting power.

Traditional/General: It was necessary to address the expectations of older voters, so that they do not feel alienated from the non partisan effort. Keeping in mind the traditional spots familiar to older Albanians, as well as the new provisions in the Law on Referenda regarding voting procedures, traditional spots were done in cooperation with TVSH, the Central Voting Commission, and IFES. Their delivery was contingent upon the provision of free broadcast time from TVSH. The Sub-commission for the media [\$1,000] covered some of the postproduction costs.

Eligibility and Registration

Internal migrants

Objective: To safeguard against the disenfranchisement of eligible voters as a result of the embroiled Voter's registration list.

Need: No voter's registration has been totally completed in Albania since the fall of communism. The chaotic state of Albanian Institutions, as well as the massive internal migration that followed the 1996 riots aggravated inaccuracies in the voter's registration lists. It is estimated that a huge amount of eligible voters in Albania are double registered, if at all.

Media solution: Audiovisual spots. In order to appeal to the internal migrants to re-register themselves, the media spots will utilize a realistic setting and characters, close to the Albanian daily life, with a humorous twist.

Message: Albanian citizens, with temporary and permanent residence: confirm your name on the voters list, posted in all public places. If you do not read your name, and if you wish to be able to vote, you will have to go to the voters' registration Commission in your commune, municipality, or administrative unit, with an identity document, and asked to be registered. The deadline is 48 hours before polling day.

Out of country voters

Objective: Inform Albanian voters living abroad of the necessary administrative steps needed to take part in the Referendum for the Constitution.

Need: An estimated two thirds of Albanian voters live outside Albania, the largest communities being in Greece and Italy. According to the Council of Ministers' decision dated 19 October 1998, Albanian immigrants do not have the possibility to vote outside of the Republic of Albania. To vote, they will have to come back to their country of origin, register themselves and then vote.

Target audience: General, with an emphasis on family ties. Usually, Albanian immigrants take the opportunity to visit their families on voting day. To this effect, the spot targeting of immigrants' registration will reflect a familiar scene of Albanian daily family life.

Media solution: audiovisual spots.

Message: Please advise your sons and daughters over 18, living outside of Albania, that in order to vote, they need to come back to Albania and register themselves at the voters' registration Commission in the commune or municipality where they will be staying on polling day. In order to be able to vote they have to enter their names, with a valid identification document, at the very latest 48 hours before polling day. The last day to register is November 19, 1998.

You will have to carry one of the following documents:

International passport

Internal passport

Military booklet

Birth certificate with a picture

Youth/first time voters

Motivational/soft informational/educational

Objective: To maximize first time voters' participation on Referendum day.

Need: The local elections of June 1998 clearly showed a collapse in voters' participation, especially among first time voters. Young/first time voters show an alarming degree of apathy, and by their own inattention or inaction, some actually disenfranchise themselves. The 18-25 target group is less likely to participate than the older.

Target audience: Families, with an emphasis on young/first time voters, e.g., women.

Media solution: audiovisual spot.

Message: November 22, 1998, "It is time to say your word".
Article 4 on the Law on Referenda.

General

Objective: How to vote, with an emphasis on the new referendum procedures.

Target: General electorate.

Media solutions: audiovisual spot.

Message: The procedure of voting.

ANNEX IV: ALBANIAN CONSTITUTION



CONSTITUTION OF THE REPUBLIC OF ALBANIA

*Approved in its entirety by the
People's Assembly of the Republic of Albania on
21 October 1998
and to be voted upon in a referendum on
22 November 1998*

F Clifton White Resource Center 6/98
International Foundation for Election Systems

*Translation by Kathleen Imholz, Esq.,
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osce

ALBANIAN CONSTITUTION

*Approved by the Albanian Parliament
on 21 October 1998*

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We, the people of Albania, proud and aware of our history, with responsibility for the future, and with faith in God and/or other universal values,

with determination to build a social and democratic state based on the rule of law, and to guarantee the fundamental human rights and freedoms,

with a spirit of tolerance and religious coexistence,

with the pledge for the protection of human dignity and personhood, as well as for the prosperity of the whole nation, for peace, well-being, culture and social solidarity,

with the centuries-old aspiration of the Albanian people for national identity and unity,

with a deep conviction that justice, peace, harmony and cooperation among nations are among the highest values of humanity,

We establish this Constitution:

PART ONE—BASIC PRINCIPLES

Article 1

1. Albania is a parliamentary republic.
2. The Republic of Albania is a unitary and indivisible state.
3. Governance is based on a system of elections that are free, equal, general and periodic.

Article 2

1. Sovereignty in the Republic of Albania belongs to the people.
2. The people exercise sovereignty through their representatives or directly.
3. For the maintenance of peace and national interests, the Republic of Albania may take part in a system of collective security, on the basis of a law approved by a majority of all the members of the Assembly.

Article 3

The independence of the state and the integrity of its territory, dignity of the individual, human rights and freedoms, social justice, constitutional order, pluralism, national identity and inheritance, religious coexistence, as well as coexistence with, and understanding of Albanians for, minorities are the bases of this state, which has the duty of respecting and protecting them.

Article 4

1. The law constitutes the basis and the boundaries of the activity of the state.
2. The Constitution is the highest law in the Republic of Albania.
3. The provisions of the Constitution are directly applicable, except when the Constitution provides otherwise.

Article 5

The Republic of Albania applies international law that is binding upon it.

Article 6

The organization and functioning of the organs contemplated by this Constitution are regulated by their respective laws, except when this Constitution provides otherwise.

Article 7

The system of government in the Republic of Albania is based on the separation and balancing of legislative, executive and judicial powers.

Article 8

1. The Republic of Albania protects the national rights of the Albanian people who live outside its borders.
2. The Republic of Albania protects the rights of its citizens with a temporary or permanent residence outside its borders.
3. The Republic of Albania assures assistance for Albanians who live and work abroad in order to preserve and develop their ties with the national cultural inheritance.

Article 9

1. Political parties are created freely. Their organization shall conform with democratic principles.
2. Political parties and other organizations, the programs and activity of which are based on totalitarian methods, which incite and support racial, religious, regional or ethnic hatred, which use violence to take power or influence state policies, as well as those with a secret character, are prohibited pursuant to the law.
3. The financial sources of parties as well as their expenses are always made public.

Article 10

1. In the Republic of Albania there is no official religion.
2. The state is neutral in questions of belief and conscience, and also, it guarantees the freedom of their expression in public life.
3. The state recognizes the equality of religious communities.
4. The state and the religious communities mutually respect the independence of one another and work together for the good of each of them and for all.
5. Relations between the state and religious communities are regulated on the basis of agreements entered into between their representatives and the Council of Ministers. These agreements are ratified by the Assembly.
6. Religious communities are juridical persons. They have independence in the administration of their properties according to their principles, rules and canons, to the extent that interests of third parties are not infringed.

Article 11

1. The economic system of the Republic of Albania is based on private and public property, as well as on a market economy and on freedom of economic activity.
2. Private and public property are equally protected by law.
3. Limitations on the freedom of economic activity may be established only by law and for important public reasons.

Article 12

1. The armed forces secure the independence of the country, as well as protect its territorial integrity and constitutional order.
2. The armed forces maintain neutrality in political questions and are subject to civilian control.

3. No foreign military force may be situated in, or pass through, the Albanian territory, as well no Albanian military force may be sent abroad, except by a law approved by a majority of all members of the Assembly.

Article 13

Local government in the Republic of Albania is founded upon the basis of the principle of decentralization of power and is exercised according to the principle of local autonomy.

Article 14

1. The official language in the Republic of Albania is Albanian.
2. The national flag is red with a two-headed black eagle in the center.
3. The seal of the Republic of Albania presents a red shield with a black, two-headed eagle in the center. At the top of the shield, in gold color, is the helmet of Skanderbeg.
4. The national anthem is "United Around Our Flag."
5. The National Holiday of the Republic of Albania is Flag Day, November 28.
6. The capital city of the Republic of Albania is Tirana.
7. The form and dimensions of the national symbols, the content of the text of the national anthem, and their use shall be regulated by law.

PART TWO--THE FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS

CHAPTER I--GENERAL PRINCIPLES

Article 15

1. The fundamental human rights and freedoms are indivisible, inalienable, and inviolable and stand at the basis of the entire juridical order.
2. The organs of public power, in fulfillment of their duties, shall respect the fundamental rights and freedoms, as well as contribute to their realization.

Article 16

1. The fundamental rights and freedoms and the duties contemplated in this Constitution for Albanian citizens are also valid for foreigners and stateless persons in the territory of the Republic of Albania, except for cases when the Constitution specifically attaches the exercise of particular rights and freedoms with Albanian citizenship.
2. The fundamental rights and freedoms and the duties contemplated in this Constitution are valid also for juridical persons so long as they comport with the general purposes of these persons and with the core of these rights, freedoms and duties.

Article 17

1. The limitation of the rights and freedoms provided for in this Constitution may be established only by law for a public interest or for the protection of the rights of others. A limitation shall be in proportion with the situation that has dictated it.
2. These limitations may not infringe the essence of the rights and freedoms and in no case may exceed the limitations provided for in the European Convention on Human Rights.

Article 18

1. All are equal before the law.
2. No one may be unjustly discriminated against for reasons such as gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic condition, education, social status, or ancestry.
3. No one may be discriminated against for reasons mentioned in paragraph 2 if reasonable and objective legal grounds do not exist.

Article 19

1. Everyone born of at least one parent with Albanian citizenship gains automatically Albanian citizenship. Albanian citizenship is gained also for other reasons provided by law.
2. An Albanian citizen may not lose his citizenship, except when he gives it up.

Article 20

1. Persons who belong to national minorities exercise in full equality before the law the human rights and freedoms.
2. They have the right to freely express, without prohibition or compulsion, their ethnic, cultural, religious and linguistic belonging. They have the right to preserve and develop it, to study and to be taught in their mother tongue, as well as unite in organizations and societies for the protection of their interests and identity.

CHAPTER II—PERSONAL RIGHTS AND FREEDOMS

Article 21

The life of a person is protected by law.

Article 22

1. Freedom of expression is guaranteed.
2. The freedom of the press, radio and television are guaranteed.
3. Prior censorship of a means of communication is prohibited.
4. The law may require the granting of authorization for the operation of radio or television stations.

Article 23

1. The right to information is guaranteed.
2. Everyone has the right, in compliance with law, to get information about the activity of state organs, as well as of persons who exercise state functions.
3. Everybody is given the possibility to follow the meetings of collectively elected organs.

Article 24

1. Freedom of conscience and of religion is guaranteed.
2. Everyone is free to choose or to change his religion or beliefs, as well as to express them individually or collectively, in public or private life, through cult, education, practices or the performance of rituals.
3. No one may be compelled or prohibited to take part or not in a religious community or in religious practices or to make his beliefs or faith public.

Article 25

No one may be subjected to cruel, inhuman or degrading torture, punishment or treatment.

Article 26

No one may be required to perform forced labor, except in cases of the execution of a judicial decision, the performance of military service, or for a service that results from a state of emergency, war or natural disaster that threatens human life or health.

Article 27

1. No one's liberty may be taken away except in the cases and according to the procedures provided by law.
2. Freedom of a person may not be limited, except in the following cases:
 - a. when he is punished with imprisonment by a competent court;
 - b. for failure to comply with the lawful orders of the court or with an obligation set by law;
 - c. when there are reasonable suspicions that he has committed a criminal offense or to prevent the commission by him of a criminal offense or his escape after its commission;
 - d. for the supervision of a minor for purposes of education or for escorting him to a competent organ;
 - e. when a person is the carrier of a contagious disease, mentally incompetent and dangerous to society;
 - f. for illegal entry at state borders or in cases of deportation or extradition.
3. No one may be deprived of liberty just because he is not in a condition to fulfill a contractual obligation.

Article 28

1. Everyone whose liberty has been taken away has the right to be notified immediately, in a language that he understands, of the reasons for this measure, as well as the accusation made against him. The person whose liberty has been taken away shall be informed that he has no obligation to make a declaration and has the right to communicate immediately with a lawyer, and he shall also be given the possibility to realize his rights.
2. The person whose liberty has been taken away, according to article 27, paragraph 2, subparagraph c), must be sent within 48 hours before a judge, who shall decide upon his pre-trial detention or release not later than 48 hours from the moment he receives the documents for review.
3. A person in pre-trial detention has the right to appeal the judge's decision. He has the right to be tried within a reasonable period of time or to be released on bail pursuant to law.
4. In all other cases, the person whose liberty is taken away extrajudicially may address a judge at anytime, who shall decide within 48 hours regarding the legality of this action.
5. Every person whose liberty was taken away pursuant to article 27, has the right to humane treatment and respect for his dignity.

Article 29

1. No one may be accused or declared guilty of a criminal act that was not considered as such by law at the time of its commission, with the exception of cases, which at the time of their commission, according to international law, constitute war crimes or crimes against humanity.
2. No punishment may be given that is more severe than that which was contemplated by law at the time of commission of the criminal act.
3. A favorable criminal law has retroactive effect.

Article 30

Everyone is considered innocent so long as his guilt is not proven by a final judicial decision.

Article 31

During a criminal proceeding, everyone has the right:

- a. to be notified immediately and in detail of the accusation made against him, of his rights, as well as to have the possibility created to notify his family or those close to him;
- b. to have the time and sufficient facilities to prepare his defense;
- c. to have the assistance without payment of a translator, when he does not speak or understand the Albanian language;
- d. to be defended by himself or with the assistance of a legal defender chosen by him: to communicate freely and privately with him, as well as to be assured of free defense when he does not have sufficient means;
- e. to question witnesses who are present and to seek the presentation of witnesses, experts and other persons who can clarify the facts.

Article 32

1. No one may be obliged to testify against himself or his family or to confess his guilt.
2. No one may be declared guilty on the basis of data collected in an unlawful manner.

Article 33

1. No one may be denied the right to be heard before being judged.
2. A person who is hiding from justice may not take advantage of this right.

Article 34

No one may be punished more than one time for the same criminal act nor be tried again, except for cases when the re-adjudication of the case is decided on by a higher court, in the manner specified by law.

Article 35

1. No one may be obliged, except when the law requires it, to make public data connected with his person.
2. The collection, use and making public of data about a person is done with his consent, except for the cases provided by law.
3. Everyone has the right to become acquainted with data collected about him, except for the cases provided by law.
4. Everyone has the right to request the correction or expunging of untrue or incomplete data or data collected in violation of law.

Article 36

The freedom and secrecy of correspondence or any other means of communication are guaranteed.

Article 37

1. The inviolability of the residence is guaranteed.
2. Searches of a residence, as well as the premises that are equivalent to it, may be done only in the cases and manner provided by law.
3. No one may be subjected to a personal search outside a criminal proceeding, with the exception of the cases of entry into the territory of the state and the leaving of it, or to avoid a risk that threatens public security.

Article 38

1. Everyone has the right to choose his place of residence and to move freely to any part of the territory of the state.

2. No one may be hindered to go freely out of the state.

Article 39

1. No Albanian citizen may be expelled from the territory of the state.
2. Extradition may be permitted only when it is expressly provided in international agreements, to which the Republic of Albania is a party, and only by judicial decision.
3. The collective expulsion of foreigners is prohibited. The expulsion of individuals is permitted under the conditions specified by law.

Article 40

Foreigners have the right of refuge in the Republic of Albania according to law.

Article 41

1. The right of private property is guaranteed.
2. Property may be gained by gift, inheritance, purchase, or any other classical means provided by the Civil Code.
3. The law may provide for expropriations or limitations in the exercise of a property right only for public interests.
4. The expropriations or limitations of a property right that are equivalent to expropriation are permitted only against fair compensation.
5. For disagreements connected with the extent of the compensation, a complaint may be filed in court.

Article 42

1. The freedom, property, and rights recognized in the Constitution and by law may not be infringed without due process.
2. Everyone, to protect his constitutional and legal rights, freedoms, and interests, or in the case of an accusation raised against him, has the right to a fair and public trial, within a reasonable time, by an independent and impartial court specified by law.

Article 43

Everyone has the right to appeal a judicial decision to a higher court, except when the Constitution provides otherwise.

Article 44

Everyone has the right to be rehabilitated and/or indemnified in compliance with law if he is damaged because of an unlawful act, action or failure to act of the state organs.

CHAPTER III--POLITICAL RIGHTS AND FREEDOMS

Article 45

1. Every citizen who has reached the age of 18, even on the date of the elections, has the right to elect and to be elected.
2. Citizens who have been declared mentally incompetent by a final court decision do not have the right to elect.
3. Convicts that are serving a sentence that deprives them of freedom have only the right to elect.
4. The vote is personal, equal, free and secret.

Article 46

1. Everyone has the right to organize collectively for any lawful purpose.
2. The registration of organizations or societies in court is done according to the procedure provided by law.
3. Organizations or societies that pursue unconstitutional purposes are prohibited pursuant to law.

Article 47

1. Freedom of peaceful meetings and without arms, as well the participation in them is guaranteed.
2. Peaceful meetings in squares and places of public passage are held in conformity with the law.

Article 48

Everyone, by himself or together with others, may direct requests, complaints or comments to the public organs, which are obliged to answer in the time periods and conditions set by law.

CHAPTER IV—ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND FREEDOMS

Article 49

1. Everyone has the right to earn the means of living by lawful work that he has chosen or accepted himself. He is free to choose his profession, place of work, as well as his own system of professional qualification.
2. Employees have the right to social protection of work.

Article 50

Employees have the right to unite freely in labor organizations for the defense of their work interests.

Article 51

1. The right of an employee to strike in connection with work relations is guaranteed.
2. Limitations on particular categories of employees may be established by law to assure essential social services.

Article 52

1. Everyone has the right to social security in old age or when he is unable to work, according to a system set by law.
2. Everyone, who remains without work for reasons independent of their volition, and has no other means of support, has the right to assistance under the conditions provided by law.

Article 53

1. Everyone has the right to get married and have a family.
2. Marriage and family enjoy special protection of the state.
2. The entering into and dissolution of marriage are regulated by law.

Article 54

1. Children, the young, pregnant women and new mothers have the right to special protection by the state.
2. Children born out of wedlock have equal rights with those born within marriage.

3. Every child has the right to be protected from violence, ill treatment, exploitation and their use for work, especially under the minimum age for work, which could damage their health and morals or endanger their life or normal development.

Article 55

1. Citizens enjoy in an equal manner the right to health care from the state.
2. Everyone has the right to health insurance pursuant to the procedure provided by law.

Article 56

Everyone has the right to be informed for the status of the environment and its protection.

Article 57

1. Everyone has the right to education.
2. Mandatory school education is determined by law.
3. General high school public education is open for all.
4. Professional high school education and higher education can be conditioned only on criteria of abilities.
5. Mandatory education and general high school education in public schools are free.
6. Pupils and students may also be educated in private schools of all levels, which are created and operated on the basis of law.
7. The autonomy and academic freedom of higher education institutions are guaranteed by law.

Article 58

1. Freedom of artistic creation and scientific research, placing in use, as well as profit from their results are guaranteed for all.
2. Copyright is protected by law.

CHAPTER V--SOCIAL OBJECTIVES

Article 59

1. The state, within its constitutional powers and the means at its disposal, aims to supplement private initiative and responsibility with:
 - a. employment under suitable conditions for all persons who are able to work;
 - b. fulfillment of the housing needs of its citizens;
 - c. the highest possible standard of health, physical and mental;
 - d. education and qualification according to ability of children and the young, as well as unemployed persons;
 - e. a healthy and ecologically adequate environment for the present and future generations;
 - f. rational exploitation of forests, waters, pastures and other natural resources on the basis of the principle of sustainable development;
 - g. care and help for the aged, orphans and persons with disabilities;
 - h. development of sport and of recreation activities;
 - i. health rehabilitation, specialized education and integration in society of disabled people, as well as continual improvement of their living conditions;
 - j. protection of national cultural heritage and particular care for the Albanian language.
2. Fulfilment of social objectives may not be claimed directly in court. The law defines the conditions and extent to which the realization of these objectives can be claimed.

CHAPTER VI--PEOPLE'S ADVOCATE

Article 60

1. The People's Advocate defends the rights, freedoms and lawful interests of individuals from unlawful or improper actions or failures to act of the organs of public administration.
2. The People's Advocate is independent in the exercise of his duties.
3. The People's Advocate has his own budget, which he administers himself. He proposes the budget pursuant to law.

Article 61

1. The People's Advocate is elected by three-fifths of all members of the Assembly for a five-year period, with the right of reelection.
2. Any Albanian citizen with higher education, and with recognized knowledge and recognized activity in the field of human rights and law may be the People's Advocate.
3. The People's Advocate enjoys the immunity of a judge of the High Court.
4. The People's Advocate may not take part in any political party, carry on any other political, state or professional activity, nor take part in the management organs of social, economic and commercial organizations.

Article 62

1. The People's Advocate may be discharged only on the reasoned complaint of not less than one-third of the deputies.
2. In this case, the Assembly makes a decision with three-fifths of all its members.

Article 63

1. The People's Advocate presents an annual report before the Assembly.
2. The People's Advocate reports before the Assembly when it is requested of him, and he may request the Assembly to hear him on matters he determines important.
3. The People's Advocate has the right to make recommendations and to propose measures when he observes violations of human rights and freedoms by the public administration.
4. Public organs and officials are obligated to present to the People's Advocate all documents and information requested by him.

PART THREE--THE ASSEMBLY

CHAPTER I--ELECTION AND TERM

Article 64

1. The Assembly consists of 140 deputies. One-hundred deputies are elected directly in single-member electoral zones with an approximate number of voters. Forty deputies are elected from the multi-name lists of parties or party coalitions according to their respective order.
2. The total number of deputies of a party or a party coalition shall be, to the closest possible extent, proportional to the valid votes won by them on the national scale in the first round of elections.
3. Parties that receive less than 2.5 per cent, and party coalitions that receive less than 4 per cent, of the valid votes on the national scale in the first round of elections do not benefit from their respective multi-name lists.

Article 65

1. The Assembly is elected for four years.
2. Elections for the Assembly are held within 60 to 30 days before the end of the mandate and not later than 45 days after its dissolution.
3. The mandate of the Assembly continues until the first meeting of the new Assembly. In this interval, the Assembly may not issue laws or take decisions, except when extraordinary measures have been established.

Article 66

The mandate of the Assembly is extended only in the case of war and for so long as it continues. When the Assembly is dissolved, it recalls itself.

Article 67

1. The newly elected Assembly is called to its first meeting by the President of the Republic no later than 20 days from the conclusion of the elections.
2. If the President of the Republic does not exercise this power, the Assembly must convene itself within 10 days from the end of the term provided in paragraph 1 of this article.

CHAPTER II--THE DEPUTIES

Article 68

1. Candidates for deputy may be presented only by political parties, coalitions of parties, and voters.
2. The rules for the designation of candidates for deputy, for the organization and conduct of the elections, as well as the definition of electoral zones and the conditions of validity for elections, are regulated by the electoral law.

Article 69

1. Without resigning from duty, the following may not run as candidates nor be elected deputies:
 - a. judges, prosecutors;
 - b. military servicemen on active duty;
 - c. staff of the police and of National Security;
 - d. diplomatic representatives;
 - e. chairmen of municipalities and communes as well as prefects in the places where they carry out their duties;
 - f. chairmen and members of the electoral commissions;
 - g. the President of the Republic and the high officials of the state Administration contemplated by law.
2. A mandate gained in violation of paragraph 1 of this article is invalid.

Article 70

1. Deputies represent the people and are not bound by any obligatory mandate.
2. Deputies may not simultaneously exercise any other public duty with the exception of that of a member of the Council of Ministers. Other cases of incompatibility are specified by law.
3. Deputies may not carry out any profit-making activity that stems from the property of the state or of local government, nor may they acquire their property.
4. For every violation of paragraph 3 of this article, on the motion of the chairman of the Assembly or one-tenth of its members, the Assembly decides on sending the issue to the Constitutional Court, which determines the incompatibility.

Article 71

1. The mandate of the deputy begins on the day when he is declared elected by the respective electoral commission.
2. The mandate of the deputy ends or is invalid, as the case may be:
 - a. when he does not take the oath;
 - b. when he resigns from the mandate;
 - c. when one of the conditions of inelectability contemplated in articles 69, and 70, paragraphs 2 and 3 is ascertained;
 - d. when the mandate of the Assembly ends;
 - e. when he is absent for more than six consecutive months in the Assembly without reason.
 - f. when he is convicted by a final court decision for commitment of a crime.

Article 72

Before beginning the exercise of the mandate, the deputies take the oath in the Assembly.

Article 73

1. A deputy does not bear responsibility for opinions expressed in the Assembly and votes given. This provision is not applicable in the case of defamation.
2. A deputy may not be criminally prosecuted without the authorization of the Assembly. Authorization is also required when he is to be arrested.
3. A deputy may be detained or arrested without authorization when he is apprehended during or immediately after the commission of a serious crime. In these cases, the General Prosecutor immediately notifies the Assembly, which, when it determines that the proceeding is misplaced, decides to lift the measure.
4. For issues contemplated in paragraphs 2 and 3, the Assembly decides by secret vote.

CHAPTER III—ORGANIZATION AND FUNCTIONING

Article 74

1. The Assembly conducts its annual work in two sessions. The first session begins on the third Monday of January and the second session on the first Monday of September.
2. The Assembly meets in extraordinary session when it is requested by the President of the Republic, the Prime Minister or by one-fifth of all the deputies.
3. Extraordinary sessions are called by the Speaker of the Assembly on the basis of a defined agenda.

Article 75

1. The Assembly elects and discharges its chairman.
2. The Assembly is organized and functions according to regulations approved by the majority of all the members.

Article 76

1. The Chairman chairs debates, directs the work, assures respect for the rights of the Assembly and its members, as well as represents the Assembly in relations with others.
2. The highest civil employee of the Assembly is the General Secretary.
3. Other services necessary for the functioning of the Assembly are carried out by other employees, as is specified in the internal regulations.

Article 77

1. The Assembly elects standing committees from its ranks and may also establish special committees.
2. The Assembly has the right and, upon the request of one-fourth of its members is obliged, to designate investigatory committees to review a particular issue. Its conclusions are not binding on the courts, but they may be made known to the office of the prosecutor, which evaluates them according to legal procedures.
3. Investigatory committees operate according to the procedures set by law.

Article 78

1. The Assembly decides with a majority of votes, in the presence of more than half of its members, except for the cases where the Constitution provides for a qualified majority.
2. Meetings of the deputies, which are convened without being called in accordance to the regulations, do not have any effect.

Article 79

1. Meetings of the Assembly are open.
2. At the request of the President of the Republic, the Prime Minister or one-fifth of the deputies, meetings of the Assembly may be closed, when a majority of all its members have voted in favor of it.

Article 80

1. The Prime Minister and any other member of the Council of Ministers is obligated to answer interpellances and questions of the deputies within three weeks.
2. A member of the Council of Ministers has the right to take part in meetings of the Assembly or of its committees; he is given the floor whenever he requests it.
3. The heads of state institutions, on request of the parliamentary committees, give explanations and inform on specific issues of their activity to the extent that law permits.

CHAPTER IV--THE LEGISLATIVE PROCESS

Article 81

1. The Council of Ministers, every deputy, and 20,000 electors each have the right to propose laws.
2. The following are approved by three-fifths of all members of the Assembly:
 - a. the laws for the organization and operation of the institutions provided for in the Constitution;
 - b. the law on citizenship;
 - c. the law on general and local elections;
 - d. the law on referenda;
 - e. the codes;
 - f. the law for the state of emergency;
 - g. the law on the status of public functionaries;
 - h. the law on amnesty;
 - i. the law on administrative divisions of the Republic.

Article 82

1. The proposal of laws, when this is the case, must always be accompanied by a report that justifies the financial expenses for its implementation.
2. No non-governmental draft law that makes necessary an increase in the expenses of the state budget or diminishes income may be approved without taking the opinion of the Council of Ministers, which must be given within 30 days from the date of receiving the draft law.
3. If the Council of Ministers does not give an answer within the above term, the draft law passes for review according to the normal procedure.

Article 83

1. A draft law is voted on three times: in principle, article by article, and in its entirety.
2. The Assembly may, at the request of the Council of Ministers or one-fifth of all the deputies, review and approve a draft law with an expedited procedure, but not sooner than one week from the beginning of the procedure of review.
3. The expedited procedure is not permitted for the review of the draft laws contemplated in Article 81, paragraph 2, with the exception of subparagraph "f."

Article 84

1. President of the Republic promulgates the approved law within 20 days from its presentation.
2. A law is deemed promulgated if the President of the Republic does not exercise the rights provided for in paragraph 1 of this article and in paragraph 1 of article 85.
3. A law enters into force with the passage of not less than 15 days after its publication in the Official Journal.
4. In the case of extraordinary measures, as well as in cases of necessity and emergency, when the Assembly decides with a majority of all its members and the President of the Republic gives his consent, a law may enter into force immediately, but only after it is made known publicly. The law must be published in the first number of the Official Journal.

Article 85

1. The President of the Republic has the right to return a law for review only once.
2. The decree of the President for the review of a law loses its effect when a majority of all the members of the Assembly vote against it.

PART FOUR--THE PRESIDENT OF THE REPUBLIC

Article 86

1. The President of the Republic is the Head of State and represents the unity of the people.
2. Only an Albanian citizen by birth who has been a resident in Albania for not less than the past 10 years and who has reached the age of 40 may be elected President.

Article 87

1. A candidate for President is proposed to the Assembly by a group of not less than 20 of its members. A member is not permitted to take part in more than one proposing group.
2. The President of the Republic is elected by secret vote and without debate by the Assembly by a majority of three-fifths of all its members.

3. When this majority is not reached in the first voting, a second voting takes place within 7 days from the day of the first voting.
4. When this majority is not reached even in the second voting, a third voting takes place within 7 days.
5. When there is more than one candidate and none of them has received the required majority, within 7 days, a fourth voting takes place between the two candidates who have received the greatest number of votes.
6. If even in the fourth voting neither of the two candidates has received the required majority, a fifth one takes place.
7. If even in the fifth voting neither of the two candidates has received the required majority, the Assembly is dissolved and new general elections take place within 60 days.
8. The new Assembly elects the President pursuant to the procedure contemplated by paragraphs 1 to 7 of this article. If even the new Assembly does not elect the President, the Assembly is dissolved and new general elections take place within 60 days.
9. The subsequent Assembly elects the President of the Republic by a majority of all its members.

Article 88

1. The President of the Republic is in every case elected for 5 years, with the right of reelection only once.
2. The procedure for the election of the President begins no later than 30 days before the end of the previous presidential mandate.
3. The President begins his duties after he takes the oath before the Assembly, but not before the mandate of the President who is leaving has been completed. The President swears as follows:

"I swear that I will obey to the Constitution and laws of the country, that I will respect the rights and freedoms of citizens, protect the independence of the Republic, and I will serve the general interest and the progress of the Albanian People." The President may add: "So help me God!"

4. A President who resigns before the end of his mandate may not be a candidate in the presidential election that takes place after his resignation.

Article 89

The President of the Republic may not hold any other public duty, may not be a member of a party or carry out other private activity.

Article 90

1. The President of the Republic is not responsible for acts carried out in the exercise of his duty.
2. The President of the Republic may be discharged for serious violations of the Constitution and for the commission of a serious crime. In these cases, a proposal for the discharge of the President may be made by not less than one-fourth of the members of the Assembly and must be supported by not less than two-thirds of all its members.
3. The decision of the Assembly is sent to the Constitutional Court, which, when it verifies the guilt of the President of the Republic, declares his discharge from duty.

Article 91

1. When the President of the Republic is temporarily unable to exercise his functions or his place remains vacant, the Chairman of the Assembly takes his place and exercises his powers.
2. In case the President cannot exercise his duty for more than 60 days, the Assembly by two-thirds of all its members decides on sending the issue to the Constitutional Court, which verifies conclusively the fact of his

incapacity. In case of verification of incapacity, the place of the President remains vacant and the election of the new President begins within 10 days from the date of verification of incapacity.

Article 92

The President also exercises these powers:

- a. addresses messages to the Assembly;
- b. exercises the right of pardon according to the law;
- c. grants Albanian citizenship and permits it to be given up according to the law;
- d. gives decorations and titles of honor according to the law;
- e. accords the highest military ranks according to the law;
- f. on the proposal of the Prime Minister, he appoints and withdraws plenipotentiary representatives of the Republic of Albania to other states and international organizations;
- g. accepts letters of credentials and the withdrawal of diplomatic representatives of other states and international organizations accredited to the Republic of Albania;
- h. signs international agreements according to the law;
- i. upon proposal of the Prime Minister, he appoints the director of the intelligence service of the state;
- j. nominates the Chairman of the Academy of Sciences and the rectors of universities pursuant to law;
- k. sets the date of the elections for the Assembly, for the organs of local power and for the conduct of referenda;
- l. requests opinions and information in writing from the directors of state institutions for issues that have to do with their duties.

Article 93

The President of the Republic, in the exercise of his powers, issues decrees.

Article 94

The President of the Republic may not exercise other powers besides those recognized expressly in the Constitution and granted by laws issued in compliance with it.

PART FIVE--THE COUNCIL OF MINISTERS

Article 95

1. The Council of Ministers consists of the Prime Minister, deputy prime minister, and ministers.
2. The Council of Ministers exercises every state function that is not given to other organs of state power or to local government.

Article 96

1. The President of the Republic, at the beginning of a legislature, as well as when the position of Prime Minister remains vacant, appoints the Prime Minister on the proposal of the party or coalition of parties that has the majority of seats in the Assembly.
2. If the Prime Minister appointed is not approved by the Assembly, the President appoints a new Prime Minister within 10 days.
3. If even the newly appointed Prime Minister is not approved by the Assembly, the Assembly elects another Prime Minister within 10 days. In this case, the President appoints the new Prime Minister.
4. If the Assembly fails to elect a new Prime Minister, the President of the Republic dissolves the Assembly.

Article 97

The Prime Minister appointed according to article 96, article 104 or article 105 presents to the Assembly for approval, within 10 days, the policy program of the Council of Ministers together with its composition.

Article 98

1. A minister is appointed and dismissed by the President of the Republic, on the proposal of the Prime Minister, within 7 days.
2. The decree is reviewed by the Assembly within 10 days.

Article 99

Before beginning duties, the Prime Minister, deputy prime minister, and ministers swear before the President of the Republic.

Article 100

1. The Council of Ministers defines the principal directions of the general state policy.
2. The Council of Ministers takes decisions upon the proposal of the Prime Minister or the respective minister.
3. Meetings of the Council of Ministers are closed.
4. Acts of the Council of Ministers are valid when signed by the Prime Minister and the proposing minister.
5. The Council of Ministers issues decisions and instructions.

Article 101

The Council of Ministers, in cases of necessity and emergency, may issue, under its responsibility, normative acts having the force of law for taking temporary measures. These normative acts are immediately submitted to the Assembly, which is convened within 5 days if it is not in session. These acts lose force retroactively if they are not approved by the Assembly within 45 days.

Article 102

1. The Prime Minister:
 - a. represents the Council of Ministers and chairs its meetings;
 - b. outlines and presents the principal directions of general state policy and is responsible for them;
 - c. assures the implementation of legislation and policies approved by the Council of Ministers;
 - d. coordinates and supervises the work of the members of the Council of Minister and other institutions of the central state administration;
 - e. performs other duties prescribed in the Constitution and the laws.
2. The Prime Minister resolves disagreements between ministers.
3. The Prime Minister, in the exercise of his powers, issues orders.
4. The minister, within the principal directions of general state policy, directs, under his responsibility, actions for which he has powers. The minister, in the exercise of his powers, issues orders and instructions.

Article 103

1. Anyone who has the capacity to be a deputy may be appointed a minister.
2. A minister may not exercise any other state function nor be a director or member of the organs of for-profit companies.
3. Members of the Council of Ministers enjoy the immunity of a deputy.

Article 104

1. If a motion of confidence presented by the Prime Minister is refused by a majority of all the members of the Assembly, the Assembly elects another Prime Minister within 15 days. In this case, the President appoints the new Prime Minister.
2. When the Assembly does not succeed in electing a new Prime Minister, the President of the Republic dissolves the Assembly.
3. The vote for the motion cannot be done if three days have not passed from the day it was presented.

Article 105

1. In cases where a motion of no confidence presented by one-fifth of the members of the Assembly is approved by the majority of all its members, the Assembly elects another Prime Minister within 15 days. In this case, the President appoints the new Prime Minister.
2. When the Assembly fails to elect the new Prime Minister, the President of the Republic dissolves the Assembly.
3. The vote for the motion cannot be done if three days have not passed from the day it was presented.

Article 106

The Prime Minister and the ministers are obligated to stay on duty until the appointment of the new Council of Ministers.

Article 107

1. Public employees apply the law and are in the service of the people.
2. Employees in the public administration are selected through examinations, except when the law provides otherwise.
3. Guarantees of tenure and legal treatment of public employees are regulated by law.

PART SIX--LOCAL GOVERNMENT

Article 108

1. The units of local government are communes or municipalities and regions. Other units of local government are regulated by law.
2. The territorial-administrative division of the units of local government are established by law on the basis of mutual economic needs and interests and historical tradition. Their borders may not be changed without first taking the opinion of the inhabitants.
3. Communes and municipalities are the basic units of local government. They perform all the duties of self-government, with the exception of those that the law gives to other units of local government.
4. Self-government in the local units is exercised through their representative organs and local referenda. The principles and procedures for the organization of local referenda are provided by law in accordance with article 151, paragraph 2.

Article 109

1. The representative organs of the basic units of local government are councils that are elected every three years by general direct elections and with secret voting.
2. The executive organ of a municipality or commune is the Chairman, who is elected directly by the people in the manner contemplated in paragraph 1 of this article.

3. Only citizens who have a permanent residence in the territory of the respective local entity have the right to be elected to the local councils and as chairman of the municipality or commune.
4. The organs of local government units have the right to form unions and joint institutions with one another for the representation of their interests, to cooperate with local units of other countries, and also to be represented in international organizations of local powers.

Article 110

1. A region consists of several basic units of local government with traditional, economic and social ties and joint interests.
2. The region is the unit in which regional policies are constructed and implemented and where they are harmonized with state policy.
3. The representative organ of the region is the Regional Council. Municipalities and communes delegate members to the Regional Council in proportion to their population, but always at least one member. The chairmen of communes and municipalities are always members of the Regional Council. Other members are elected through proportional lists from among the municipal or communal councillors by their respective councils.
4. The Regional Council has the right to issue orders and decisions with general obligatory force for the region.

Article 111

1. The units of local government are juridical persons.
2. The units of local government have an independent budget, which is created in the manner provided by law.

Article 112

1. Units of local government may be delegated by law powers of state administration. Expenses that are incurred in the exercise of the delegation are covered by the state.
2. Only duties in compliance with law or according to agreements entered into by them may be put to the organs of local government. The expenses that are connected with the duties put by law to the organs of local government are covered by the budget of the state.

Article 113

1. The councils of the communes, municipalities and regions:
 - a. regulate and administer in an independent manner local issues within their jurisdiction;
 - b. exercise the rights of ownership, administer in an independent manner the income created, and also have the right to exercise economic activity;
 - c. have the right to collect and spend the income that is necessary for the exercise of their functions;
 - d. have the right, in compliance with law, to establish local taxes as well as their level;
 - e. establish rules for their organization and functioning in compliance with law;
 - f. create symbols of local government as well as local titles of honor;
 - g. undertake initiatives for local issues before the organs defined by law.
2. The organs of units of local government issue directives, decisions and orders.
3. The rights of self-government of the units of local government are protected in court.

Article 114

The Council of Ministers appoints a prefect in every region as its representative. The powers of the prefect are defined by law.

Article 115

1. A directly elected organ of a local government unit may be dissolved or discharged by the Council of Ministers for serious violations of the Constitution or the laws.
2. The dissolved or discharged organ has the right to complain, within 15 days, to the Constitutional Court, and in this case, the decision of the Council of Ministers is suspended.
3. If the right to complain is not exercised within 15 days, or when the Constitutional Court upholds the decision of the Council of Ministers, the President of the Republic sets a date for holding of elections of the respective unit of local government.

PART SEVEN--NORMATIVE ACTS AND INTERNATIONAL AGREEMENTS

CHAPTER I--NORMATIVE ACTS

Article 116

1. Normative acts that are effective in the entire territory of the Republic of Albania are:
 - a. the Constitution;
 - b. ratified international agreements;
 - c. the laws;
 - d. normative acts of the Council of Ministers.
2. Acts that are issued by the organs of local power are effective only within the territorial jurisdiction exercised by these organs.
3. Normative acts of ministers and steering organs of other central institutions of the state are effective in the entire territory of the Republic of Albania within the sphere of their jurisdiction.

Article 117

1. The laws, normative acts of the Council of Ministers, ministers, other central state institutions, acquire juridical force only after they are published in the Official Journal.
2. The promulgation and publication of other normative acts is done according to the manner provided by law.
3. International agreements that are ratified by law are promulgated and published according to the procedures that are provided for laws. The promulgation and publication of other international agreements is done according to law.

Article 118

1. Subordinate legal acts are issued on the basis of and for implementation of the laws by the organs provided in the Constitution.
2. A law must authorize the issuance of subordinate legal acts, designate the competent organ, the issues that are to be regulated, as well as the principles on the basis of which these subordinate legal acts are issued.
3. The organ authorized by law to issue subordinate legal acts as specified in paragraph 2 of this article may not delegate its power to another organ.

Article 119

1. The rules of the Council of Ministers, of the ministries and other central state institutions, as well as orders of the Prime Minister, of the ministers and heads of other central institutions, have an internal character and are binding only on the administrative entities that are subordinate to these organs.
2. These acts are issued on the basis of law and may not serve as a basis for taking decisions connected with individuals and other subjects.
3. The rules and orders are issued on the basis of, and for implementation of, acts that have general juridical force.

Article 120

The principles and procedures for the issuance of local juridical acts are provided by law.

CHAPTER II—INTERNATIONAL AGREEMENTS

Article 121

1. The ratification and denunciation of international agreements by the Republic of Albania is done by law if they have to do with:
 - a. territory, peace, alliances, political and military issues;
 - b. freedoms, human rights and obligations of citizens as are provided in the Constitution;
 - c. membership of the Republic of Albania in international organizations;
 - d. the undertaking of financial obligations by the Republic of Albania;
 - e. the approval, amendment, supplementing or repeal of laws.
2. The Assembly may, with a majority of all its members, ratify other international agreements that are not contemplated in paragraph 1 of this article.
3. The Prime Minister notifies the Assembly whenever the Council of Ministers sign an international agreement that is not ratified by law.
4. The principles and procedures for ratification and denunciation of international agreements are provided by law.

Article 122

1. Any international agreement that has been ratified constitutes part of the internal juridical system after it is published in the Official Journal of the Republic of Albania. It is implemented directly, except for cases when it is not self-executing and its implementation requires issuance of a law. The amendment, supplementing and repeal of laws approved by the majority of all members of the Assembly, for the effect of ratifying an international agreement, is done with the same majority.
2. An international agreement that has been ratified by law has superiority over laws of the country that are not compatible with it.
3. The norms issued by an international organization have superiority, in case of conflict, over the laws of the country if the agreement ratified by the Republic of Albania for its participation in the organization expressly contemplates their direct applicability.

Article 123

1. The Republic of Albania, on the basis of international agreements, delegates to international organizations state powers for specific issues.
2. The law that ratifies an international agreement as provided in paragraph 1 of this article is approved by a majority of all members of the Assembly.
3. The Assembly may decide that the ratification of such an agreement be done through a referendum.

PART EIGHT—CONSTITUTIONAL COURT

Article 124

1. The Constitutional Court guarantees respect for the Constitution and makes final interpretations of it.
2. The Constitutional Court is subject only to the Constitution.

Article 125

1. The Constitutional Court is composed of 9 members, which are appointed by the President of the Republic with the consent of the Assembly.
2. Judges are named for 9 years without the right to be reelected, among lawyers with high qualification and with work experience not less than 15 years in the profession.
3. One-third of the composition of the Constitutional Court is renewed every 3 years, according to the procedure determined by law.
4. The Chairman of the Constitutional Court is appointed from the ranks of its members by the President of the Republic with the consent of the Assembly for a 3-year term.
5. The judge of the Constitutional Court continues his duty until the appointment of his successor.

Article 126

The judge of the Constitutional Court cannot be criminally prosecuted without the consent of the Constitutional Court. The judge of the Constitutional Court can be detained or arrested only if apprehended in the commission of a crime or immediately after its commission. The competent organ immediately notifies the Constitutional Court. If the Constitutional Court does not give its consent within 24 hours to send the arrested judge to court, the competent organ is obliged to release him.

Article 127

1. The term of a judge of the Constitutional Court ends when he:
 - a. is sentenced with a final decision for commission of a crime;
 - b. does not show up for duty, without reason, for more than 6 months;
 - c. reaches 70 years of age;
 - d. resigns;
 - e. is declared incompetent to act with a final judicial decision.
2. The end of the term of a judge is declared with a decision of the Constitutional Court.
3. If the seat of a judge is vacant, the President of the Republic with the consent of the Assembly appoints a new judge, who remains on duty until the mandate of the dismissed judge ends.

Article 128

The judge of the Constitutional Court can be removed from office by the Assembly by two-thirds of all its members for violations of the Constitution, commission of a crime, mental or physical incapacity, acts and behavior that seriously discredit the position and reputation of a judge. The decision of the Assembly is reviewed by the Constitutional Court, which, upon verification of the existence of one of these grounds, declares the removal from duty of the member of the Constitutional Court.

Article 129

The judge of the Constitutional Court starts the duty after he makes an oath in front of the President of the Republic.

Article 130

Being a judge of the Constitutional Court is incompatible with any other state, political or private activity.

Article 131

The Constitutional Court decides on:

- a. compatibility of the law with the Constitution or with international agreements as provided in article 122;
- b. compatibility of international agreements with the Constitution, prior to their ratification;
- c. compatibility of normative acts of the central and local organs with the Constitution and international agreements;
- d. conflicts of competencies between powers, as well as between central government and local government;
- e. constitutionality of the parties and other political organizations, as well as their activity, according to article 9 of this Constitution;
- f. dismissal from duty of the President of the Republic and verification of the impossibility for him to exercise his functions;
- g. issues related with the election and incompatibility in exercising the functions of the President of the Republic and of the deputies, as well as the verification of their election;
- h. constitutionality of the referendum and verification of its results;
- i. final adjudication of the individual complaints for the violation of their constitutional rights to due process of law, after all legal means for the protection of those rights have been exhausted.

Article 132

1. The decisions of the Constitutional Court have general binding force and are final. The Constitutional Court only has the right to invalidate the acts it reviews.
2. The decisions of the Constitutional Court enter in force the day of their publication in the Official Gazette. Constitutional Court can decide that the law or normative act is to be invalidated on another date. The minority opinions are published together with the decision.

Article 133

1. Acceptance of complaints for judgement is decided from a number of judges as determined by law.
2. The Constitutional Court decides with the majority of all its members.

Article 134

1. The Constitutional Court is put into motion only on the request of:
 - a. the President of the Republic;
 - b. the Prime Minister;
 - c. not less than one-fifth of the deputies;
 - d. the Chairman of High State Control;
 - e. every court according to article 145, paragraph 2 of this Constitution;
 - f. the People's Advocate;
 - g. organs of the local government;
 - h. organs of religious communities;
 - i. political parties and other organizations;
 - j. individuals.
2. The subjects provided for in subparagraphs 'f', 'g', 'h', 'i', and 'j' of paragraph 1 of this article may make a request only for issues related with their interests.

PART NINE—THE COURTS

Article 135

1. The judicial power is exercised by the High Court, as well as the courts of appeal and courts of first instance, which are established by law.
2. The Assembly may establish by law courts for particular fields, but in no case an extraordinary court.

Article 136

1. The members of the High Court are appointed by the President of the Republic with the consent of the Assembly.
2. One of the members is appointed Chairman following the procedure contemplated by paragraph 1 of this article.
3. The Chairman and members of the High Court hold the office for 9 years without the right of re-appointment.
4. The other judges are appointed by the President of the Republic upon the proposal of the High Council of Justice.
5. Judges may only be citizens with higher legal education. The conditions and procedures for selection are defined by law.

Article 137

1. A judge of the High Court may be criminally prosecuted only with the approval of the Assembly.
2. A judge of the High Court may be detained or arrested only if apprehended in the course of committing a crime or immediately after its commission. The competent organ immediately notifies the Constitutional Court. If the Constitutional Court does not consent within 24 hours to the sending of the arrested judge before a court, the competent organ is obliged to release him.
3. Other judges may be criminally prosecuted only with the approval of the High Council of Justice.
4. A judge may be detained or arrested only if apprehended in the course of committing a crime or immediately after its commission. The competent organ immediately notifies the High Council of Justice. If the High Council of Justice does not consent within 24 hours to the sending of the arrested judge before a court, the competent organ is obliged to release him.

Article 138

The time a judge stays on duty cannot be limited; their pay and other benefits cannot be lowered.

Article 139

1. The term of a High Court judge ends when he:
 - a. is convicted of a crime with a final judicial decision;
 - b. does not appear for duty without reason for more than 6 months;
 - c. reaches the age of 65;
 - d. resigns;
 - e. is declared incompetent to act with a final judicial decision.
2. The end of the term of a judge is declared with a decision of the High Court.

Article 140

A judge of the High Court may be discharged by the Assembly with two-thirds of all its members for violation of the Constitution, commission of a crime, mental or physical incapacity, or acts and behavior that seriously discredit the position and image of a judge. The decision of the Assembly is reviewed by the Constitutional Court, which, upon verification of the existence of one of these grounds, declares his discharge from duty.

Article 141

1. The High Court has original and review jurisdiction. It has original jurisdiction when adjudicating criminal charges against the President of the Republic, the Prime Minister, members of the Council of Ministers, deputies, judges of the High Court, and judges of the Constitutional Court.
2. For a unification or change of judicial practice, the High Court has the right to select specific judicial issues for examination in the joint college.

Article 142

1. Judicial decisions must be reasoned.
2. The High Court must publish its decisions as well as the minority opinions.
3. The organs of the state are obliged to execute judicial decisions.

Article 143

Being a judge is not compatible with any other state, political or private activity.

Article 144

The courts have a special budget, which they administer themselves. They propose their budget according to law.

Article 145

1. Judges are independent and subject only to the Constitution and the laws.
2. If judges find that a law comes into conflict with the Constitution, they do not apply it. In this case, they suspend the proceedings and send the issue to the Constitutional Court. Decisions of the Constitutional Court are obligatory for all courts.
3. Interference in the activity of the courts or the judges entails liability according to law.

Article 146

1. Judges give decisions in the name of the Republic.
2. In every case judicial decisions are announced publicly.

Article 147

1. The High Council of Justice consists of the President of the Republic, the Chairman of the High Court, the Minister of Justice, 3 members elected by the Assembly, and 9 judges of all levels who are elected by the National Judicial Conference. Elected members stay in office for 5 years, without the right of immediate reelection.
2. The President of the Republic is the Chairman of the High Council of Justice.
3. The High Council of Justice, with the proposal of the President, elects a vice-chairman from its ranks. The vice-chairman organizes the activity of the High Council of Justice and chairs its meetings in the absence of the President of the Republic.
4. The High Council of Justice decides on the transfer of the judges as well as their disciplinary responsibility pursuant to law.
5. The transfer of judges may not be done without their consent, except when the needs of reorganization of the judicial system dictate this.
6. A judge may be removed from office by the High Council of Justice for commission of a crime, mental or physical incapacity, acts and behavior that seriously discredit the position and image of a judge, or professional

insufficiency. The judge has the right to complain against this decision to the High Court, which decides by joint colleges.

PART TEN--THE OFFICE OF THE PROSECUTOR

Article 148

1. The office of the prosecutor exercises criminal prosecution and represents the accusation in court in the name of the state. The office of the prosecutor also performs other duties set by law.
2. Prosecutors are organized and operate near the judicial system as a centralized organ.
3. In the exercise of their powers, the prosecutors are subject to the Constitution and the laws.

Article 149

1. The General Prosecutor is appointed by the President of the Republic with the consent of the Assembly.
2. The General Prosecutor may be discharged by the President of the Republic upon the proposal of the Assembly for violations of the Constitution or serious violations of the law during the exercise of his duties, for mental or physical incapacity, for acts and behavior that seriously discredit the position and reputation of the Prosecutor.
3. The other prosecutors are appointed and discharged by the President of the Republic upon the proposal of the General Prosecutor.
4. The General Prosecutor informs the Assembly from time to time on the status of criminality.

PART ELEVEN--REFERENDUM

Article 150

1. The people, through 50 thousand citizens who enjoy the right to vote, have the right to a referendum for the abrogation of a law, as well as to request the President of the Republic to hold a referendum about issues of special importance.
2. The Assembly, upon the proposal of not less than one-fifth of the deputies or the Council of Ministers, can decide that an issue or a draft law of special importance be presented for referendum.
3. Principles and procedures for holding a referendum, as well as its validity, are provided by law.

Article 151

1. A law approved by referendum is promulgated by the President of the Republic.
2. Issues related to the territorial integrity of the Republic of Albania, limitations of fundamental human rights and freedoms, budget, taxes, financial obligations of the state, declaration and abrogation of the state of emergency, declaration of war and peace, as well as amnesty, cannot be voted upon in a referendum.
3. A referendum upon the same issue cannot be repeated before 3 years have passed since it was held.

Article 152

1. The Constitutional Court reviews preliminarily the constitutionality of the issues put for a referendum according to article 150, paragraphs 1 and 2, Article 151, paragraphs 2 and 3, as well as article 177, paragraphs 4 and 5, within 60 days.
2. The importance of special issues, as provided in paragraphs 1 and 2 of article 150, is not subject to judgement in the Constitutional Court.

3. The date of the referendum is set by the President of the Republic within 45 days after the promulgation of the positive decision of the Constitutional Court or after the term within which the Constitutional Court had to have expressed itself has expired. Referenda can be held only in one day of the year.

PART TWELVE--CENTRAL ELECTION COMMISSION

Article 153

The Central Election Commission is a permanent organ that prepares, supervises, directs, and verifies all aspects that have to do with elections and referenda and declares their results.

Article 154

1. The Commission consists of 7 members who are elected with a mandate of 7 years. Two members are elected by the Assembly, 2 by the President of the Republic, and 3 other members by the High Council of Justice.
2. The membership of the Central Election Commission is renewed every three years pursuant to the procedure established by law.
3. The membership in the Commission is incompatible with any other state and political activity.
4. Electoral subjects appoint their representatives to the Commission. They do not have the right to vote.
5. A member of the Commission enjoys the immunity of a member of the High Court.
6. The Commission has its own budget.

PART THIRTEEN--PUBLIC FINANCES

Article 155

Fees, taxes and other financial obligations, national and local, reductions or exemptions of certain categories of taxpayers from paying them as well as the method of their collection are specified by law. In such cases, the law may not be given retroactive effect.

Article 156

The State can take and guarantee loans and financial credits when so authorized by law.

Article 157

1. The budgetary system is composed of the state budget and local budgets.
2. The state budget is created by revenues collected from taxes, fees and other financial obligations as well as from other legal revenues. It includes all state expenses.
3. Local organs define and collect taxes and other obligations as provided by law.
4. State and local organs are obliged to make public their revenues and expenses.

Article 158

1. The Prime Minister, on behalf of the Council of Ministers, presents to the Assembly the draft law on the budget during the autumn session, which cannot close without approving it.
2. If the draft law is not approved until the beginning of the next financial year, the Council of Ministers implements every month one-twelfth of the budget of the previous year, until the new budget is approved.

3. The Assembly approves the new budget within three months from the last day of the previous financial year, except when extraordinary measures have been decided.
4. The Council of Ministers is obligated to present to the Assembly a report about the implementation of the budget and about the state debt from the previous year.
5. The Assembly takes a final decision after having also listened to the High State Control report.

Article 159

Principles and procedures for drafting the draft budget, as well as for implementing it are defined by law.

Article 160

1. During the financial year, the Assembly may make changes in the budget.
2. The changes in the budget are made based on defined procedures for drafting and approving it.
3. Expenses foreseen in other laws cannot be reduced as long as these laws are in force.

Article 161

1. The Central State Bank is the Bank of Albania. It has the exclusive right to issue and circulate the Albanian money, to independently implement monetary policy, and maintain and administer the exchange reserves of the Republic of Albania.
2. The Bank of Albania is directed by a council, which is chaired by the Governor. The Governor is elected by the Assembly for 7 years, upon proposal of the President of the Republic, with the right of reelection.

PART FOURTEEN--THE HIGH STATE CONTROL

Article 162

1. The High State Control is the highest institution of economic and financial control. It is subject only to the Constitution and laws.
2. The Head of the High State Control is appointed and dismissed by the Assembly upon proposal of the President of the Republic. He stays in office for 7 years, with the right of reelection.

Article 163

The High State Control supervises:

- a. the economic activity of state institutions and other state juridical persons;
- b. the use and preservation of state funds by the organs of central and local government;
- c. the economic activity of juridical persons, in which the state owns more than half of the quotas or shares, or when their debts, credits and obligations are guaranteed by the state.

Article 164

1. The High State Control presents to the Assembly:
 - a. a report on the implementation of the state budget;
 - b. its opinion on the Council of Ministers' report about the expenses of the previous financial year before it is approved by the Assembly;
 - c. information about the results of controls any time it is asked by the Assembly.
2. The High State Control presents to the Assembly a yearly report on its activities.

Article 165

1. The Head of the High State Control may be invited to participate and speak in the meetings of the Council of Ministers when questions related to its functions are reviewed.
2. The Head of the High State Control has the immunity of a member of the High Court.

PART FIFTEEN--ARMED FORCES

Article 166

1. The Albanian citizens have the duty to participate in the defense of the Republic of Albania, as provided by law.
2. The citizen, who for reasons of conscience refuses to serve with weapons in the armed forces, is obliged to perform an alternative service, as provided by law.

Article 167

1. Military servicemen on active duty cannot be chosen or nominated for other state duties nor participate in a party or political activity.
2. Members of the armed forces or persons who perform an alternative service enjoy all the constitutional rights and freedoms, apart from cases when the law provides otherwise.

Article 168

1. The Armed Forces of the Republic of Albania are composed of the army, navy, and air force.
2. The President of the Republic is the General Commander of the Armed Forces.
3. The National Security Council is an advisory organ of the President of the Republic.

Article 169

1. The President of the Republic in peacetime exercises the command of the Armed Forces through the Prime Minister and Minister of Defense.
2. The President of the Republic in wartime appoints and dismisses the Commander of the Armed Forces upon proposal of the Prime Minister.
3. The President of the Republic, upon proposal of the Prime Minister, appoints and dismisses the Chief of the General Staff, and upon the proposal of the Minister of Defense appoints and dismisses the commanders of the army, navy, and air force.
4. The powers of the President of the Republic, as General Commander of the Armed Forces, and those of the Commander of the Armed Forces, their subordination to constitutional organs, are defined by law.

PART SIXTEEN--EXTRAORDINARY MEASURES

Article 170

1. Extraordinary measures can be taken due to a state of war, state of emergency, or natural disaster and last for as long as these states continue.
2. The principles for actions of public organs, as well as the extent of limitations on human rights and freedoms during the existence of such situations that require extraordinary measures, are defined by law.

3. The law must define the principles, the areas, and the manner of compensation for losses caused as a result of the limitation of human rights and freedoms during the period in which extraordinary measures are taken.
4. Acts taken as a result of extraordinary measures must be in proportion with the level of risk and must aim to re-establish the conditions for the normal functioning of the state, as soon as possible.
5. During the situations that require extraordinary measures to be taken, none of the following acts should be changed: Constitution, the law on the election of the Assembly and local government organs, as well as the laws on extraordinary measures.
6. During the implementation period of extraordinary measures, there may not be elections for local government organs, there may not be a referendum, and a new President of the Republic may not be elected. The elections for the local government organs can be held only in those places where the extraordinary measures are not implemented.

Article 171

1. In case of armed aggression against the Republic of Albania, the President of the Republic upon request of the Council of Ministers declares the state of war.
2. In case of external threat, or when a common defense obligation derives from an international agreement, the Assembly, upon proposal of the President of the Republic, declares the state of war, decides the state of general or partial mobilization or demobilization.

Article 172

1. In the case of paragraph 1 of article 171, the President of the Republic presents to the Assembly the decree for establishing the state of war within 48 hours from its signing, specifying the rights to be limited.
2. The Assembly takes immediately under review and decides, with the majority of all its members, upon the decree of the President.

Article 173

1. In case of danger to the constitutional order and to public security, the Assembly, with request of the Council of Ministers, may decide for a state of emergency in one part or in the whole state territory, which lasts for as long as this danger continues, but not longer than 60 days.
2. Upon establishment of the state of emergency, the intervention of armed forces is done with a decision of the Assembly and only when police forces are not able to restore order.
3. The extension of the term of the state of emergency may be done only with the consent of the Assembly, for each 30 days, for a period of time not longer than 90 days.

Article 174

1. For the prevention or the avoidance of the consequences of natural disasters or technological accidents, the Council of Ministers may decide for a period not longer than 30 days, on the state of natural disaster in one part or in the whole territory of the state.
2. The extension of the state of natural disaster can be done only with the consent of the Assembly.

Article 175

1. During the state of war or state of emergency the rights and freedoms contemplated by articles: 15; 18; 19; 20; 21; 24; 25; 29; 30; 31; 32; 34; 39, paragraph 1; 41, paragraphs 1, 2, 3, and 5; 42; 43; 48; 54; 55 may not be limited.
2. During the state of natural disaster the rights and freedoms contemplated by articles: 37; 38; 41, paragraph 4; 49; 51 may be limited.

3. The acts for declaring the state of war, emergency or natural disaster must specify the rights and freedoms which are limited according to paragraphs 1 and 2 of this article.

Article 176

When the Assembly cannot be convened during the state of war, the President of the Republic, with the proposal of the Council of Ministers, has the right to issue acts that have the force of the law, which have to be approved by the Assembly in its first meeting.

PART SEVENTEEN--REVISION OF THE CONSTITUTION

Article 177

1. Initiative for revision of the Constitution may be undertaken by not less than one-fifth of the members of the Assembly.
2. No revision of the Constitution may be undertaken during the time when the extraordinary measures are taken.
3. The draft law is approved by not less than two-thirds of all members of the Assembly.
4. The Assembly may decide, with two-thirds of all its members, that the draft constitutional amendments be voted in a referendum. The draft law for the revision of the Constitution enters into force after ratification by referendum, which takes place not later than 60 days after its approval in the Assembly.
5. The approved constitutional amendment is put to a referendum when this is required by one-fifth of the members of the Assembly.
6. The President of the Republic does not have the right to return for review the law approved by the Assembly for revision of the Constitution.
7. The law approved by referendum is declared by the President of the Republic and enters into force on the date provided for in this law.
8. Revision of the Constitution for the same issue cannot be done before a year from the day of the rejection of the draft law by the Assembly and 3 years from the day of its rejection by the referendum.

PART EIGHTEEN--TRANSITORY AND FINAL DISPOSITIONS

Article 178

1. Laws and other normative acts approved before the date this Constitution enters into force will be applied as long as they have not been abrogated.
2. The Council of Ministers presents to the Assembly draft laws necessary for implementing this Constitution.

Article 179

1. The mandate of the existing constitutional organs with the entering into force of this Constitution ends pursuant to the terms contemplated by Law No. 7491, dated 29.4.1991, "On the Main Constitutional Provisions" and its respective amendments.
2. The members of the Court of Cassation continue their activity as members of the High Court pursuant to their previous mandate.
3. The members of the High Council of Justice elected from the ranks of the prosecutors are replaced with new members elected by a general meeting of the judges.
4. The organs of local government continue their activity until their mandate terminates.

Article 180

1. International agreements ratified by the Republic of Albania before this Constitution enters into force are considered ratified according to this Constitution.
2. The Council of Ministers presents to the Constitutional Court the international agreements which contain provisions that come in conflict with the Constitution.

Article 181

1. The Assembly, within two to three years from the date this Constitution enters into force, issues laws for the just resolution of different issues related to expropriations and confiscations done before the approval of this Constitution, guided by the criteria of article 41.
2. Laws and other normative acts, adopted before the date this Constitution enters into force, that relate to the expropriations and confiscations shall be applied when they do not contradict it.

Article 182

Law No. 7491, dated 29.4. 1991, "On the Main Constitutional Provisions" as well as the other constitutional laws are abrogated the day this Constitution enters into force.

Article 183

This Constitution enters into force with its promulgation by the President of the Republic.

**ANNEX V: APPROVED WORKPLAN
JANUARY - DECEMBER 1999**

PROJECT NAME: Election Administration, Legal Reform, And Voter Information and Education
COUNTRY: Albania
PROVIDER NAME: International Foundation for Election Systems (IFES)
SPAN OF WORK PLAN: 01 January, 1999 - 31 December, 1999

INTRODUCTION IFES established an office in Albania on April 1, 1998. It provided technical assistance to the Central Election Commission (CEC) established for the partial local elections in June. In cooperation with the OSCE Presence in Albania under provisions established by law, it mediated disputes between the various party factions on the CEC, thus enabling the elections to go forward. IFES also took part in the OSCE's observation of the elections.

After the elections, IFES turned its attention to the constitutional drafting process, working with ACCAPP and the parliamentary Constitutional Drafting Commission. Specifically, the IFES Albania Project Director formed a working group with the Chairmen of the two existing CECs in Albania to have the Drafting Commission include a provision in the draft constitution that would establish a single permanent and independent CEC for all elections and referenda in Albania. The Drafting Commission ultimately approved such a provision in the draft, and the Peoples' Assembly included the provision in the draft Constitution presented to the Albanian electorate on November 22, 1998. The Constitution was overwhelmingly endorsed by the electorate. According to the Central Election Commission (or Central Voting Commission), voter turnout exceeded 50% with over 93% voting in favor of the Constitution.

American personnel were ordered out of Albania in August. In October, USAID approved a short-term work plan focusing on a public awareness campaign in connection with the Referendum on November 22nd.

Under this workplan, the IFES Albania Project Director (an American citizen) temporarily relocated from Washington, DC to Skopje, Macedonia to run the project from there. In the meantime, IFES continued to operate out of its current offices in Tirana. The services of a French national were engaged to conduct the Public Awareness Campaign, and to serve as on-site implementer while the Project Director remained in Macedonia in daily telephone and e-mail contact with the Tirana office. In all, three staff meetings were held in Ohrid, Macedonia, near the Albanian border. On approval of the US Embassy, the Albania-based IFES staff traveled to Macedonia to meet the Project Director.

In the proposed short-term workplan, IFES stressed that the opening of an office in Skopje was simply a short-term measure intended to address immediate needs. A full evaluation on the implementation of the workplan awaits completion. However, it is possible to draw some preliminary conclusions.

- " The Macedonia/Third Country National Strategy (" November Strategy") was successful in accomplishing the major objectives set forth in the short-term work plan, as regards the public awareness campaign.
- " Despite this success, achieved under an extremely onerous political and security climate, the November Strategy is inefficient and costly. It is not a viable option for the long term.
- " If Americans are to continue to be excluded by the USG from working on projects in Albania for the foreseeable future, IFES will engage the services of a Third Country National to replace the current American Project Director.

Given these conclusions, and in consideration of an uncertain timetable of Albanian governmental action regarding implementation of the constitutional provision

establishing the new Central Electoral Commission and election law reform, the tentative work plan assumes the following:

First - There will be a full-time Project Director on the ground in Albania in February of 1999; and

Second - January will be largely devoted to administrative matters, as well as a reassessment of the programming to determine the sequencing of the various elements of the project.

STRATEGIC OBJECTIVES:

- S.O. 2.1 - *Increased Better-Informed Citizens' Participation in Political & Economic Decision-Making*
- S.O. 2.2 - *Create Legal Systems That Better Support Democratic Processes & Market Reforms*

CATEGORY
Technical and Legal Assistance

DESCRIPTION OF ACTIVITIES	DELIVERABLES	EVALUATION CRITERIA	IMPACT
<p>IFES will seek to initiate early action on election law reform and the establishment of the constitutionally-mandated new Central Election Commission by engaging appropriate governmental, non-governmental and international actors in drafting legislation. Included in this effort will be the translation of selected materials and the provision of legal analysis, commentary, and recommendations.</p>	<p>Recommendations to appropriate Albanian and international actors to create a structure for the development of the required legislation, including the establishment of panels or working groups to evaluate legislative needs and make recommendations for specific legislative initiatives.</p>	<p>Progress toward passage of electoral law reform, which reflects a consideration of comments provided by IFES and recommendations developed through IFES-sponsored activities</p>	<p>2.1.1.2: Amendments to the referendum law enacted by Albanian Parliament that address significant inadequacies and lacunae in the current law</p>
<p>Once the members of the new Central Election Commission are appointed, IFES will offer its services to the new body to assist it in several of the following areas, depending on specific needs and/or requests: development of a central administrative capacity, including staffing, technical and administrative needs; establishment of a structure of lower level commissions; coordination of shared responsibilities with other Albanian institutions, such as the Parliament, Council of Ministers and Ministry of Local Government; preparation of training and voter education materials; advice on legal questions; and the drafting of administrative regulations and related materials.</p>	<p>Advice, written and unwritten, on legal and administrative issues that arise relating to the establishment and building of the new CEC.</p>	<p>Progress toward full legal and administrative implementation of Constitutional provision establishing the new permanent and independent Central Election Commission.</p>	<p>2.1.1.1: Issuance of Presidential and other orders necessary to implement the law and its amendments</p>
<p>In advance of the establishment of the new CEC, offer advice and assistance to the newly established Ministry of Information, the Ministry of Local Government and other government actors dealing with electoral issues.</p>	<p>Coordination of efforts among local and international actors in respect of this activity</p>	<p>Establishment and maintenance of lines of communication among various actors in the process, facilitation of information flow on matters of fundamental importance, and avoidance of duplication of effort</p>	<p>2.1.1.1: Allow significant actors in the process, including IFES and the OSC to work in cooperation with one another in support of each others' efforts to assist the Republic of Albania with respect to the legal and administrative aspects of the referendum</p>
	<p>Advice and recommendations, written and unwritten, to the CEC and other Albanian governmental units; preparation of draft materials for their consideration; development of</p>	<p>Proper functioning of the new CEC despite the deep recent division among the various political forces in Albania</p>	<p>2.1.1.1: Provide support to government authorities and others in working to ensure the integrity and efficiency of the administration of the vote on the referendum, and to provide a measure of public confidence in the process that is so important to the perceived legitimacy of the vote</p>

establishing the new Central Electoral Commission and election law reform, the tentative work plan assumes the following:

First - There will be a full-time Project Director on the ground in Albania in February of 1999; and

Second - January will be largely devoted to administrative matters, as well as a reassessment of the programming to determine the sequencing of the various elements of the project.

STRATEGIC OBJECTIVES:

- S.O. 2.1 - *Increased Better-Informed Citizens' Participation in Political & Economic Decision-Making*
- S.O. 2.2 - *Create Legal Systems That Better Support Democratic Processes & Market Reforms*

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In advance of the establishment of the new CEC, offer advice and assistance to the newly established Ministry of Information, the Ministry of Local Government and other government actors dealing with electoral issues.

DELIVERABLES
Recommendations to appropriate Albanian and international actors to create a structure for the development of the required legislation, including the establishment of panels or working groups to evaluate legislative needs and make recommendations for specific legislative initiatives.

Advice, written and unwritten, on legal and administrative issues that arise relating to the establishment and building of the new CEC.

Coordination of efforts among local and international actors in respect of this activity

Advice and recommendations, written and unwritten, to the CEC and other Albanian governmental units; preparation of draft materials for their consideration; development of

EVALUATION CRITERIA
Progress toward passage of electoral law reform, which reflects a consideration of comments provided by IFES and recommendations developed through IFES-sponsored activities

Progress toward full legal and administrative implementation of Constitutional provision establishing the new permanent and independent Central Election Commission.

Establishment and maintenance of lines of communication among various actors in the process, facilitation of information flow on matters of fundamental importance, and avoidance of duplication of effort

Proper functioning of the new CEC despite the deep recent division among the various political forces in Albania

IMPACT
2.1.1.2: Amendments to the referendum law enacted by Albanian Parliament that address significant inadequacies and lacunae in the current law

2.1.1.1: Issuance of Presidential and other orders necessary to implement law and its amendments

2.1.1.1: Allow significant actors in the process, including IFES and the OSC to work in cooperation with one another in support of each others' efforts to assist the Republic of Albania with respect to the legal and administrative aspects of the referendum

2.1.1.1: Provide support to government authorities and others in working to ensure the integrity and efficiency of the administration of the vote on the referendum, and to provide a measure of public confidence in the process that is so important to the perceived legitimacy of the vote



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