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THE STEPS OF THE ALBANIAN GOVERNMENT IN FOREIGN POLICY 1920

Abstract

The paper introduces these key ideas: First, Albania admitted to the League of Nations remained under international protection in terms of its rights to independence and territorial integrity. Second, Any intervention against Albania would be brought to the League of Nations, which would have to check that no one of the Balkan potentials acted to break Albania. Thirdly, Albania’s accession to the League of Nations was a consequence of itself, while in international affiliation the acceptance of a country into the League of Nations brought with it its recognition as a state. Fourth, this act marked a recognition of the state and of the Albanian government and paved the way for the fair resolution of the Albanian issue at the Ambassador’s Paris Conference in 1921. It was precisely on 9 November 1921 that this Conference made its final decision for Albania: recognition the independence of Albania and the borders of 1913, with some changes in the northeast in favor of Serbia.

Key words: political agreement, harmony, good neighborliness, independence, political territory, decision, political, government, state.

The steps of the Albanian Government in foreign policy 1920

Taking a retrospective look at these developments, we can say that the attitude of American politics was decisive, even more so in the absence of the London Treaty decisions, and the formulas within it. Wilson’s interventions, through memoranda, had brought a new philosophy to the harmonization of issues that had been put forth by the Peace Conference in Paris. There was

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a new force of relations between the Great Powers and at the same time the secret diplomacy had been damaged. This had made it possible to find a new expression in dealing with the Albanian issue, creating new opportunities for re-establishing Albania’s independence decisions and its borders.

The organization of Albanian state institutions had been a decisive factor in dealing with the Albanian issue in international relations. The US intervention against the compromise of the European powers of 13-14 January 1920, foreseeing a new fragmentation of Albania, namely its northern part (Shkodra), was in Albania’s good, because it avoided the break-up, giving it a greater incentive for the Albanian National Movement to make improvements in the Albanian internal terrain. While announcements from the Lushnja Congress delegation still in Paris were even less promising. His diplomatic efforts had not brought any concrete result. Given the unfavorable international political situation, in March 1920 the government of Tirana had asked the government of Rome, through the military command in Vlora, to review its position by respecting Albanian national rights.

While in March the National Council left the Congress of Lushnja had defined the government’s duties in the field of foreign policy, to take the appropriate measures at this stage to ensure the independence of Albania and to join those regions that were not yet under the control of the Government of Tirana. While the High Council, on March 26, 1920, pointed out that with the Yugoslav and Greek neighbors “we all have the will to live in a friendly harmony. We have great hope that even our neighbors have the same ethnic and vital rights. We hope that Italy will take into account the common will of the Albanian nation, change the policy that has hitherto been on the Albanian issue and will become the member of Albania’s independence and integrity.

In the same differing view of Italy, on April 1, 1920, the National Council also expressed. But the Italians refused to enter into talks with the Albanian side, especially regarding the issue of sovereignty over the city of Vlora. It maintained the view that the Albanian side had to wait for the conclusions of the Peace Conference talks, as envisioned in the August 20, 1919 agreement.

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2 - The program announced at the Lushnja Congress was followed by a rapidly expanding movement across the country. The government of Durres had left the new government, which was located in Tirana on February 11, 1920. At the end of March, the first meeting of the Assembly came out of the Lushnja Congress, the Albanian provinces were laid under the new power, the invading forces that were there since the war, agreed with this reality, and the southern areas were subordinated administrative bodies of the Tirana Government, even though they were under the Italian invasion. Even in Shkodra, in mid-March 1920, the French garrison wardes were removed (Arben Puto, “Diplomatic History of the Albanian Issue 1878-1929”, p. 326, Tirana 2003).

3 - History of the Albanian People III, 28 November 1912-7 April 19139, Tirana 2007, p. 150.

4 - AMPJ. I spend a temporary accommodation in Albania, August 20, 1919. File no. 3, 1919, f. 78.
But, realizing a reasonable compromise, she had decided to make these tolerances to the Italian side. First, the use of military bases in the Bay of Vlora; secondly, the organizational assistance of Italy; Third, the recognition of special economic interests in Albania. The Tirana Government had found it reasonable to associate these issues with certain conditions. First, the Italian side had to recognize the administrative union of the prefecture of Vlora with other parts of the country. Second, Italy had to engage in respecting the independence of the Albanian state. Even though politically the Albanian government had been released, this was not accompanied by the same language by the Italian side. That had created the possibility for the Government of Tirana to be prepared with other means.

Then, under the conditions that the Albanian delegation was not listening to the Peace Conference, once Italian politics did not provide any sign of compromise, the Albanian political circles were reflecting the views that were dealt with at the Lushnja Congress that war should be used as a last resort that could bring the sovereignty of the Albanian nation. Under these conditions, the government of Tirana had tried to pursue solving politically in the Vlora case. Thus, on April 3, 1920, the Albanian government had asked Roma representatives in Albania to allow the involvement of the prefecture of Vlora under the administration of the Albanian state, bearing in mind that, by contrast, the government of Tirana was given the right to act.

While on April 10, 1920, F. Kastoldi was received in Vlora by Piacentin and said he was leaving for a poll near Tirana, but he was stopped in Durrës and met with the prefect of Esad Toptani and his people. He was tasked with knowing that he would find the possibility for the Albanian government to accept the Roma view. The maintenance of Vlora from Italy was in the interest of both

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5 The newspaper “Drita”, Gjirokastër, April 1920, no. 89, f.4
6 He left the colonial military career and entered into diplomacy as a full-fledged minister with an official mission to handle and guide all Albanian political issues. It was the worst choice that Italian politics could do. In fact, he came upon a commission to impose an inadequate policy, to exaggerate the exodus movement to undermine the Lushnja Congressional platform and to turn the situation in favor of Italy.
7 He immediately reported to Rome good news “weak government, no force, no means”. On the contrary, the Esadist movement is spreading “is gaining weight and will soon overcome its opponents”. In Rome, hopeful of Kastold’s report. Esad was a “vicious paper”, so much so that the Esadist forces on those days were endangering Tirana. But the Italians did not agree between them. Piacentin ordered the Italian garrison to oppose the Esadistas. Two faces, optimism and arrogance of the “down from the sky” commander and the realization of the general confronted each other; seeing instead that the politics of violence had no chance. While the high spheres of the Foreign Ministry were still locked up in the previous formulas. Arben Puto “Political Albania 1912-1939,” p. 262, Tirana 2009.
countries, thus constituting an “insurance for Albania itself”\textsuperscript{8}.

On April 28, 1920, Sforca gave Kastoldi’s instructions to reaffirm the plan for the Italian Vlorë. The latter had conveyed to the Albanian government and at a preliminary meeting with Sulejman Delvin, he spoke with arrogance that Italy would have full sovereignty over Vlorë, and had claimed to leave some territories to Greece and Yugoslavia. From that moment Sulejman Delvina had refused to wait for me, not only so, but was informed that “the government did not know any high commissioner for control over the government with the agreement of 20 August 1919. These agreements the government called it unlawful unviable, it undermined the territorial integrity and sovereignty of the Albanian state\textsuperscript{9} “.

Kastoldi was under the pressure of the repeated request of the Tirana government for the release of Vlora and its suburbs. The Roma government had opposed it with the same reasoning, “you know the view of the ruling government over the Vlora issue surrounded by an adequate hinterland, remain in our hands steadily and without obstacles\textsuperscript{10},” the Italian Ministry of Education Foreign Affairs on April 28, 1920, the High Commissioner in Albania. After this, Rome sought new opportunities to overcome the situation in Albania. She had tried to support some politicians who were dissatisfied with the positions that had taken hold of political power behind the Lushnja Congress. This seems to be reflected in the letter sent by Pandeli Evangjeli on May 2, 1920 to his friends, which among other things showed that “their principal is Mustafa Kruja, who works day and night with Italy’s money, mentioning Pasha (Esad Pasha) as the only man who can save Albania. Kruja has sent an ultimatum to the government to give up\textsuperscript{11} “.

Under conditions created in the spring of 1920, Albania’s position became more critical, the Tirana government had valued the main enemy of Italy and tried to avoid war on both fronts. Starting from the point of view, “today, we have to be careful not to raise issues with Yugoslavia, why the Yugoslavs can understand Italians on our backs, and we are not able to make war across the world\textsuperscript{12},” on the basis of this logic and interests, MP Sejfi Vllamasi, accredited with a letter from Aqif Pasha as a member of the regiment, held talks at the Yugoslav foreign minister. Yugoslav parties were asked: First, the return of some Albanian cities around the Albanian-Yugoslav border, which would strengthen the Albanian state both from the economic and the political point of view, against

\textsuperscript{8} - History of Albania III, Tirana 2007.
\textsuperscript{9} - Eqerem Vlora “Memories”, vt. II, Tiranë, House of Book and Communication 2001, p. 133
\textsuperscript{10} - There again.
\textsuperscript{11} - AMPJ, File no. 28, 1920, f. 12 “Epandle Letter to the Evangelical Beloved Agalar”
\textsuperscript{12} - “The Albanian People’s War ... ”, then. III, Tirana 1984, f. 218.
the common Italian rivalry\textsuperscript{13}. Secondly, the departure of Yugoslav forces from Albanian occupied territories. The Belgrade side did not even want to discuss it, while the latter was justified by pointing out that the presence of Yugoslav troops in Albania\textsuperscript{14} was linked to the existence of the forces in Albania. In principle, the Yugoslav party was in the position of the Yugoslav delegation at the Peace Conference\textsuperscript{15}. Belgrade’s policy had no confidence in the K-Albanians’ struggle against the Italian invaders and did not want to declare openly in anti-Italian politics for another reason: the Yugoslav delegation was continuing talks with the Italian state delegation on the “Adriatic issue” and disputes of them had not found the way of solution. While in the internal plan, the Yugoslav politics was interested in supporting the movement of Esad Toptani, who was the main internal opponent of the Tirana government, for the most part in Albania, the Esadist movement was active.

While at the end of April 1920 the Albanian government had sent to Korça Eshref Frashërri with a message from Sulejman Devine for the French command, reminding him that for the future he expressed the conviction that as in the past he would continue to consider with generous benevolence to the requirement that the city council of the city will have the permission to submit it to the supreme interest of his homeland\textsuperscript{16} “.

\textsuperscript{13} - Sejfi Vllamasi, “Historical Memories and Memories”, notebook no. 4, f. 174.
\textsuperscript{14} - History of Albania, ul. III, Tirana 1984, f. 219.
\textsuperscript{15} - If Albania is deprived of its independence and will have an autonomous government, Italy will receive Vlorë and a mandate over the rest of Albania, while Greece, southern Albania with Gjirokastër and Korca, in the Serbo-Croatian-Slovenian state will to win, in addition to Northern Albania, the ratification of the Serbian-Albanian borders in the eastern part of the border. Mandates should be set for a deadline and Albania neutralized and demilitarized. The answer of Mr. While in the afternoon the Serbian-Slovenian delegation, in the afternoon meeting held at Ke d’Orse at point four said: As far as Albania is concerned, the Delegation of the Serbs, Croats and Slovenes of the Kingdom of Slovenia also withdraws one in the beginning, that the best choice would be that the administration of Albania, that Albania, which was created at the Ambassador’s Conference in 1913, was entrusted to an autonomous local government without the intervention of any Power foreigners. If this solution is not accepted, and if the parts of the Albanian territory are finally adapted to other states, then the northern border becomes subject to regulation as shown in the attached map. The Albanian districts will enjoy the autonomous province as a special regime, analogous to that which is stimulated by the Peace Treaty with the Czechoslovak Republic for the autonomous Ruthenian province of Czechoslovakia. (The Question Adriatique - Records of documents officiels - Paris, Imprimerie Typographique, 3, Rue de Pondichery, 3 (xve), ADRIATICUS-1924, pp. 106-112.
\textsuperscript{16} - Whereas the representatives of Korça and Pogradec had presented to the French military the requirement to allow the administrative union of the two provinces that were represented with the rest of the country under the national government; did not answer because he could not act without obtaining permission from the superior command that followed the Paris guidelines, which continued to support Greek claims on South Albania. This attitude was repeated in May 1920, when Paris decided to withdraw its contingent from Korça. In this case, French diplomacy favored the replacement of French troops in Koçë and the Greek ones. The request for substitution
Under these conditions, Trikupis ordered the march and to interconnect the Albanian authorities with interim agreements. But such a move to Venizelos had been recommended by the government of London. So it seemed that the Albanian government’s relations with the Greek government had begun to move on a safer ground. Greece was committed to military and diplomatic actions for the realization of its goals in the Balkans and Minor Asia. This favorable situation between the two states enabled Korça to hold the first talks between Jakov and the representatives of the movement in Korça. Their essence was finding the means to avoid an armed struggle and consultations with the Greek government. Consequently, in the afternoon of May 27, 1920 a representative of James, Papapreto priest, and three representatives of the national movement in Korça, Pandeli Cale, Qani Dishnica and Nikollaq Zoi had managed to create the potential bed for the Albanian government to have easier agreement with the Greek government.

Thus, it was possible to establish an agreement between the two governments. The Greek side consisted of Iliakis and Trikupis, while the Albanian side consisted of Eshref Frashërri, General Director of the Tirana Government’s Works, Jorgo Reci, President of the Council of Europe, Pandeli Cale, former Albanian Minister Qani Dishnica, Member of the Council of Paris, Nikola Zoi, finance director, and Captain Selahedin Blloshmi, who took with them a French officer, and set off toward the Albanian-Greek border; there they met with representatives of the Greek government, which consisted of General Trikupis, General Iliakis of Thrace. They, with the approval of Greek Prime Minister Venizelos, agreed to enter talks to sign the agreement. The protocol was signed the next day, May 28, 1920 and can be divided into two parts, relating to the

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17 - Athens’s diplomacy was noted for the realization of the interests in the Sevres treaty in August 1920 (Arben Puto, “Diplomatic History of the Albanian Case 1878-1926”, Tirana, Albin 2003.f, 328

18 - Where they met with the general governor of the West Thrace, Iliakis, and the mayor of the city. With the approval of Greek Prime Minister Venizelos, they agreed to enter into negotiations to sign the treaty (“Historical Studies” No. 4, Tirana, 1987, p. 82. Muin Chami, “Kapshtica Protocol”).

19 - In the afternoon, after Albanian representatives had gone to Florin, they returned to Korça where they had been given the necessary authorization and went back to the border in Kapshtica,
obligations of the signatory parties. The Greek side had the obligation to stop the advancement of the Greek army to invade Korça. While the Albanian side took three engagements of a temporary character, until matters were settled at the Peace Conference or in the talks between the two sides.

First, the feelings of the “Greeks” should not be felt, meaning Greek Greeks.

Secondly, to allow the functioning of churches and schools in Greek.

Third, accept the invasion of a land bush occupied by the Greek armies during their last march to conquer Korça.20

We believe that the achievement of the signature of the Kapshtica Protocol is explained by the evaluation of two factors, giving its internal factor weight, which was related to the expansion of the authority of the Albanian government and the gradual stabilization of the order, at a time when Greece wanted to avoid it a possible conflict with the Albanian government because of the important commitments it had in the east. While the intervention of the English government must be seen as a very important external factor, which made it possible to exclude Greece from the conflict with Albania.21 The subject of this act from a legal point of view was limited. He managed to maintain the existing situation in the border area and the Greek army had no right to enter the Albanian territory at the time the French army departed. This situation would continue until the border issue was resolved through the Peace Conference in Paris, or even with direct agreement between the two governments.

This historic event was an international agreement that had been linked by the Government of Tirana and was once the first act recognized by a foreign government as a party. But this act, from a diplomatic point of view, clearly improved its position in relation to the Italian government. This made it possible to temporarily close an overly problematic frontier and make it possible for the Government of Tirana to be diplomatically and militarily reminded of the plans of Italy in Vlora.22

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20 - USA, F. MPJ, dosje nr. 233, f. 56.

21 - Conflict that would lead to the weakening of the struggle against the Turkish movement. Such a weakening of London’s policy would not be wished for well-known reasons because it wanted to dictate Turkey’s conditions of peace through the Hellenic army, which he wanted to have as strong and focused as possible. This had made it possible that at the last moment England opposed the invasion of Korça by Greek troops. He had asserted Venizelos, a French military attaché in Grecia’s capital, General Grama, on May 29, 1920, adding that he was satisfied with this solution. (A.F. Frangulis “The Greater World Crisis”, Paris, Libraire Felix Alcan, 108, Bulevard Saint-Germain, 108, 1926).

22 - Since March 1920, some parallel power had begun to form and operate, represented by the local “National Defense” committees, an unofficial secret organization with the objective of liberating Vlora; by the end of May they had managed to organize enough forces to oppose
Following the Italian Prime Minister’s speech on 27 June 1920 on the situation in Albania and the fight against the Italian army in Vlora, in early July 1920 the Italian-Albanian talks took place; Baron Alioti had held a meeting with representatives of the Tirana Government in the Porto Romano of Durres: Interior Minister Ahmet Zogu, Minister without Portfolio Spiro J. Kola, a vlonja (A. Mehmeti), Nuri bej Villa, Under Secretary of Foreign Affairs. The “Assembly” newspaper dated July 23, 1920 under the title “Why the agreement protocol was not signed” made it clear that the Tirana government had opposed the Italian party’s request for it to hold some strategic positions in the Gulf of Vlora. Baron Alioti, refusing to sign the protocol, completed a tour in Vlora. On July 16, he was in the port of Vlora, where he met General Piacentin, General Puliezen and other militaries. Gen. Piacentin, with Baroness Aliot’s counsel on July 17, sent to Drashovicë Ulusie Bosion to talk with representatives of the National Defense Committee, which had come to an end without results.

Alioti spent nearly all of July from Vlore to Durrës and then to Tirana. There were several meetings with Sulejman Delvina and repeatedly sent reports on the talks, pointing to the unwavering stance of the Albanian side for the full withdrawal of Italian troops from Vlora. In one of the few reports, he noted that “The interim government recognizes our internal difficulties very well and speculates on the harsh conditions of Vlora defense, which the Italian press has made known in the case of the controversy that sparked the behavior of the Socialist Party, and it was impossible to convince Albanians about the presence of Italy in Vlora.”

Whereas the attacks of 22 and 23 July against the Italian army in Vlora had forced the Italian government to review its position; she had agreed to enter into new talks with the Albanian government. Instead of Baroness Aliot, the Roma government sent for Manzoni’s resumption of talks in Tirana. Italy had requested that the talks be held in Durrës, but the Albanian government had persisted in Tirana, where the meeting was also held. Manzoni was put in front of the fact done. At the meeting with Sulejman Delvin, he was informed that the text was ready. “So just 24 hours after the deal in Tirana, Manzoni, confident of...

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24 - This is how Aliot’s mission ended. Sforza is shocked by his failure, but he does not lose hope. He thought that some “mistakes of the past” had to be corrected to smooth the ground in negotiations with the Albanian side. For this reason, the Titonius-Venizelos Treaty of July 1919 was denounced as a first step (Korça Gazette, July 24, 1920, No. 8, p. 10).
the already hopeless situation, demanded authorization for the firm. The force was immediately authorized on 29 July and the Tirana Protocol was signed on 2 August 1920\(^{25}\). “

The deal forced Italy to withdraw its armies from Albania before 2 September 1920 and its intentions to annex Vlorë, committing itself to respecting Albania’s full independence and territorial integrity. Whereas, based on the second point, the Italian government should provide sufficient evidence of respect for Albanian sovereignty over Vlora and “repatriate Italian troops currently blocked in Vlora and its coastline and other parts of Albania\(^{26}\)”. While the Albanian side made a leap leaving the island of Sazani in Italy’s use, but not finally annexed to it. At one time K-Albanians would be relocated to the shores of Shushica and Vlora would be considered a neutral zone during the period of repatriation of Italian military forces. But the Albanian government would take all its functions to administer the city and province of Vlora accompanied by a sufficient number of gendarmes.

However, after the conflict with Italy, the Albanian government was still struggling with the two neighboring states, north and south, and to cope with this situation\(^{27}\). To achieve this, in the autumn of 1920, it had shifted its center of activity into international politics from the Paris Peace Conference in the League of Nations\(^{28}\).

On October 12, 1920, the Albanian delegation at the Peace Conference presented to the Secretary General, Drumond, the request of the Government of Tirana for Albania’s accession to the League of Nations\(^{29}\). While referring to Professors Valentina Duka, one of the most important tasks of politics outside of Iliaz Vrioni’s government was the recognition of Albania in the League of Nations. Thus, on October 12, 1920, through a request addressed to the League of Nations, the Albanian government had demanded its recognition, “but this demand had faced the open opposition of Yugoslavia, Greece and France standing behind them\(^{30}\).” Below adds that the English Government announced to Tirana

\(^{25}\) USA, F. 271, viti 1920, dosja nr. 35, f. 165.


\(^{27}\) The government had focused attention on the international re-affirmation of the 1913 decisions on recognition of Albania and its borders.

\(^{28}\) Which represented some advantages compared to the Peace Conference. The conference was an organ in the narrow circle of winning powers and outside any public opinion control. Whereas the League of Nations brought a new element in international life; she addressed problems in the debate on the basis of publicity, hence public participation.

\(^{29}\) USA. f. 251, viti 1920, dosja nr. 54, f. 138.

that it was ready to support its accession to the League of Nations, provided that
the Albanian government provided English-Persian Anglo-Persian society with
the exclusive right to request and use kerosene in Albania. The government of
Iliaz Vrioni unconditionally accepted the English proposal. A comprehensive
summary of the decisions of the Ambassadors Conference of July 29, 1913, as
well as the Organic Statute of Albania, were presented. While on November 22,
1920, the Albanian delegation also presented a special memorandum containing
the Albania’s application platform for admission to the League of Nations. These
problems had also been brought before the Special Committee of the
League Assembly, which had been formed for the examination of admission
requirements. The Albanian delegation faced the question: Did the government
de jure, de facto, and by whom? On the basis of which, the Legal Section of the
Secretariat had interpreted that, and “the Albanian government was not de
facto or de jure recognized by any other power”.

This was one of the negative conclusions for which the Italian delegation
had the main part, arguing that the delegation of the Italian delegation to Tirana
with the senior official Manzoni, talks that led to the agreement of 2 August
1920 and the removal of Italian troops from Vlora, could not be considered
as recognition. “The Italian government did not recognize the Albanian
government neither de jure nor de facto”. But the worst was that with this view
were the representatives of Greece, France, Yugoslavia, which, according to the
French delegation, the decision to accept Albania was a challenge to the Powers
that had not yet defined its status.

The Assembly had considered Albania’s request at the 17 December 1920

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31 - There again, f.129.
32 - Based on the judgment that Albania was not a new state, it had its charter before the World
War I and the existence of the independent state had the approval of the Conference in London.

The main acts that had been recognized by the Albanian state were from 1913 to 1914 and none of
the Signatory Powers of these decisions had denounced it. The memorandum raised the problems
of Albania and during World War I, its terrain had become a war site, a fact that made possible
the flagrant violation of the 1913-1914 decisions. The decisions taken could not be violated
either by the London Secrecy Treaty of 1915. This situation had made it possible to cause a total
chaos in the Albanian territory, which consequently destroyed those state structures that could
have been built before the World War. With the end of the war, the Albanian state had regained
and overcome some difficulties and managed to maintain the territory of 1913. After the war, the
Albanian government had managed to control the situation within the country. The Memorandum
was a legal remedy, defending the view that the Albanian government had all the attributes to be
de facto and de jure governments and had come out of a national assembly (Lushnja Congress)
and had managed to emerge as a party to the 1920 agreement with Greece The compromise of
Kapshctica), and the agreement with Italy on 2 August 1920. (Preliminary Protocol of Tirana,
National Library AL 10/51 C).

33 - That de jure recognition of Albania by Powers in 1914 could not be called more effective.
hearing, which completely closed the situation and Albania’s candidacy had passed unanimously, being protected by Robert Cecil and N.W. Rouell. They rejected the opposing theses that were heard at the Fifth Commission and called Albania’s status compatible with its admission to the League of Nations. This helped to improve the situation by creating the premise of joining all other representatives and on December 17, 1920, Albania was unanimously accepted as a member of the League of Nations. This historic moment is reflected in the newspaper “Sun” on 12 November 1921, “The first is Lord Robert Cecilli. The second is bishop Theofan S. Nolin, the prime minister of Albania in the League of Nations. All delegates, without any exception, to the most important Conference are mindful that the Conference will bring good trees.”

While other papers, such as the “Korca newspaper”, on December 22, 1920, under the title: “Albania admitted to the League of Nations”, made known the enthusiasm with which this important political event was expected by the prime minister of that time Iliaz Vrioni, and praised the Albanians “with a special pleasure that Albania with common votes was admitted to the League of Nations. This acceptance is the strongest sign of securing our independence. Therefore I would like to express my wishes and affections to the entire Albanian people.” Earlier on this spectrum, Albania would be present in the international situation and at the same time invited by those countries that might have opposed its admission.

Thus, at the beginning of January 1921, the “Korca newspaper” reflected the reception of the Albanian delegation headed by Midhat Frashëri, at the French Senate Foreign Affairs Committee, Selvić, who had heard about half an hour of Albania’s state of affairs and welcomed “Albania’s admission to the League of Nations. France decided to send as a representative in Albania a ministry as a charge d’affair, d.mth in charge of work, and for the most important areas in” four consular Albania. On November 12, 1921, the Albanian Prime Minister sent the telegram to the Federation “Vatra” and reported that “The Royal Guvernas of his Great Britain recognized the Albanian de facto and de

35 - They had made the facts presented in the memo of the Albanian delegation.
36 - Thus, the covert war treaties and the projects that were made at the Peace Conference remained only in the paper and did not affect the position of Albania as an internationally recognized state.
38 - Korçë newspaper, December 22, 1920, no. 34, f. 1 art “Albania admitted to the League of Nations”
39 - “Journal of Korça”, January 5, 1921, no. 58, f. 1 art “Foreign Affairs Commission heard Albanian delegation on the situation in Albania”
40 - there again, f.1
jure\textsuperscript{41} government”.

While Faik Konica, on November 12, 1921, informed the Albanian Prime Minister about the “Vatras” contribution to this difficult political process. The fire, Konica wrote, “in the hours when the homeland was violated, was the only remaining Albanian foundation, and to one point was the governor’s seat officially recognized by the British governor\textsuperscript{42}.” But, analyzing this political event, the natural question arises: how could a hopelessly request go so far in an admission? This issue should have two arguments:

First of all, the Albanian factor had a significant increase as a result of the demonstration of the Albanian will through the Congress of Lushnja and the Vlora War, accompanied by a significant improvement of the political situation within Albania.

Secondly, politically, England had followed with particular attention to the situation in Albania, which could become the domain of English interests in exploiting the Albanian altitude\textsuperscript{43}.

So Albania admitted to the League of Nations remained under international protection in terms of its rights to independence and territorial integrity. Any intervention against Albania would be brought to the side of the League of Nations, which would have to check that none of the Balkan powers acted to break Albania. As a conclusion we can say that for the Albanian side, the agreement made in advance with the English government had achieved a great political victory. Albania’s accession to the League of Nations was a consequence of itself, while in international affiliation, the admission of a country to the League of Nations brought with it its recognition as a state. This act marked a recognition of the Albanian state and government and paved the way for the fair resolution of the Albanian issue at the Ambassadors Conference in Paris. On November 9, 1921, this Conference made its final decision on Albania: the recognition of Albania’s independence and the borders of 1913, with some changes in the northeast in favor of Serbia.

\textsuperscript{41} - The newspaper “Dielli” Boston, November 11, 1921, nr. 2285, f. 1 art “The British Government makes the first step 11 November 1921”.

\textsuperscript{42} - The newspaper “The Sun”, Boston, November 12, 1921, no. 2286, f. 1. art “Faik Konica sends telegram to the Prime Minister”.

\textsuperscript{43} - England’s interest in Albania’s kerosene sources was becoming more and more. Taking advantage of the difficult international position of the Albanian state, the English government announced to Tirana that it would make Albania’s accession to the League of Nations possible if the Albanian government would give Anglo-Persian angling Persian society an exclusive right to seek and used kerosene in Albania. The government of Iliaz Vrioni, who in November 1920 replaced that of Sulejman Delvina, unconditionally accepted the above mentioned English requirement. History of Albania, ul. third (1912-1944), Tirana 1984, p. 239.
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FOCUS “SECURITY” OF STORAGE AREA NETWORK (SAN)

Abstract

The Storage Area Network (SAN) is a space-saving storage technology to manage data securely. The amount of data that needs to be stored is growing, and this is due to the growing number of users of Information Technology all over the world. In this paper we will see what this technology is, the basic components that are involved in its construction, the protocols that are being used, and will address security issues in SAN. SAN provides storage space management and maintains fast data up. Security has been and remains the top priority for any campaign that works with sensitive information and data, another element should be SANs. The vulnerability assessment is one of the critical requirements to make data storage a system safe. Knowledge about security elements and solutions can help data storage administrators to increase the security level and reliability of networks.

Keywords: SAN, DAS, NAS, SCSI and FCIP

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1. Introduction

Information and data are essential (vital for any company, business or ordinary customer today. It seems that the demand for information storage increases almost twice as much as the growth of storage capacities. Moreover, we have a situation where this capacity can not to grow sensibly. The traditional way of storing information is using a server, each containing its storage and these storage spaces are accessible directly from the server and can’t be shared with other servers, this is called Direct Attached Storage (DAS). Powerful companies that need more storage space will use not one but some servers and each has its own space to store it. management and the second part of the memory that was left unused to any server was very difficult to be exploited by the servers Creating a common storage space that can be accessed by all servers, and here we refer not only to a collection of hard drives but to some processes that govern how storage is accessible from the server. This type of storage space is called Networked Storage.

2. Technology DAS, SAN, NAS

There are three main technologies that share storage in the Direct Attached Storage (DAS), Storage Area Network (SAN) and Network Attached Storage (NAS) network. Let’s look at their physical connections with servers to better understand the differences between them.

Figure 1. Technology DAS, SAN and NAS
Direct Attached Storage (DAS) is a dedicated disk that connects directly to the server, and uses the “point to point” link to the server. In fact, point to point connectivity is the simplest way of communication that exists in information retention systems. Access to data storage in DAS is done directly through the server. The disadvantage is that if the server is closed or shut down, applications and users working in DAS do not have access to this data. DAS can be a good solution for small companies as data storage management becomes more difficult with increased data storage volume.

Network Attached Storages (NAS) is defined as one or several Hard Disks together connected to the network. NAS is the storage of data that is connected to a shared network and is directly accessible over the local area network (LAN) from any of the users or servers that are attached to the network and functions as a file server that stores and shares network data. The main function of NAS is to share network files so send or receive via TCP/IP protocols.

NAS uses different protocols for different operating systems, which are: Network File System (NFS) belonging to the Unix operating system and Common Internet File System (CIFS) used for the Windows operating system.

Usage of files on NAS is done over local network speed (LAN) and file access sometimes becomes impossible from delays or network barriers. So because of the needs of companies to use better performance devices and to transfer larger amounts of data such as the appearance of movies or online transactions, it was downloaded from the NAS to SAN, which is compatible with MAC, Unix and Linux windows.

Storage Area Network (SAN) if we refer to Figures 1, it is defined as a network consisting of several computers, servers and devices that are interconnected to one another. This infrastructure allows different devices to communicate with one another.

SAN is one of the data storage technologies currently used in different network sizes for storing and accessing data at greater and more reliable speeds. The operation of each network storage area is based on the basic communication elements that manages physical connections, management layers for possible connection organization, computer system, and devices for safe and reliable data storage. The SAN manages the data at the block level, so it’s not at the file level for tracing and distributing free disk space to the data. SANs are also used to make a high-speed connection between storage and servers.

Various SAN servers can use different operating systems such as Windows, Unix, and Linux. With the help of various communication techniques and communication protocols such as iSCSI and FCIP, SAN allows storage and storage of data at long-range high speeds.
3. SAN components

SAN members such as servers and network clients need access to the same data at the same time. The file system is the technology used to access multiple servers for the same data at the same time in the SAN.

Any storage device that connects to a server or computer can not do anything alone, so the file system connects between the drive blocks and the operating system that is available to modify or create and modify any disk file. Each file system has the information table about the status of the disk blocks for managing and sharing the disk blocks.

If a node in a network fails or has a functional problem, other nodes on the network can continue accessing the data blocks without any problems.

4. Storage Area Network security issues

Maintaining and availability of data is an important issue in the IT world today. To increase the level of security in the SAN we have to verify the security risks and weaknesses in maintaining data and communication between SAN elements in order to take measures to increase security. The methods of access control in SAN are:

Authentication, which is used to identify the person, software, and hardware that should have permission to use the system. Most people working in storage sites feel that security exists in another network area and that there is no need
to worry about security features in new storage technologies such as SANs. Authentication does not exist naturally in SAN, but exists through some other applications such as SAN management programs and applications that have access to SAN control. Certain identification models such as Diffie-Hellman-Challenge Handshake Protocol (DH-CHAP), Fiber Channel Authentication Protocol (FCAP) and Fiber Channel Security Protocol (FCSP) provide security for different types of connections such as switch-to-switch connections, node-to-node and node-to-switch connection.

**Authorization**, which is used to verify the access level to the device in a SAN and is provided by the WWN of the node or gate known as WWNN and WWPN.

**Encryption**, which does not exist on most data storage devices but is provided using some third-party apps, but there is generally no encryption method from layer 0 to layer 4 in FC.

**Availability**, where availability control of the equipment is the same as Quality of Service QoS and exists in the second layer of FC known as the frame error path. Availability and ability to detect and control errors is one of the essential tasks for implementing a SAN.

### 5. Possible solutions for securing data in SANs

Data to be protected are divided into two groups:

1. **Data In Fly** (DIF)
2. **Data At Rest** (DAR)

In flight data, we mention data and information transmitted as packets from source to target. The Protocol Data Unit (PDU) protects the data during transmission and is known as the data security in the flight. Break data is also known as maintaining secure data on disks like encrypting stored data or secure application and accessing data stored on disks. Regardless of data sharing, where data was shared as Data In Fly and Data At Rest, the security of these data consists of two main components that are:

1. Confidentiality of data
2. Integrity of data

Confidentiality of data is recognized as a guarantee for information regarding access by unauthorized persons to these data, while data integrity has the responsibility of data security guarantee not to apply any change or corruption after retention of data in disk. Securing data in the SAN can be made possible
based on a logical security split that takes place in two directions:

- Provision of physical equipment consisting of SAN (factory-level security)
- Providing Data

Providing of physical hardware is based on several components: Fiber Channel Authentication Protocol (FCAP), fiber channel zoning, masking of logical unit, port connection, etc.

**5.1 Data Encryption**

Data encryption is one of the simplest ways to secure data. Regardless of whether the data is stolen, lost or secured in some way, they can not be read without the correct encryption key. Data encryption has been used to exchange information safely and securely for many centuries. It transforms data that is unprotected into encrypted data using a keystroke and is difficult to break and return to comprehensible text without the help of this browser.

The two most important types of encryption are:

1. Symmetric encryption
2. Asymmetric Encryption

In symmetric encryption, the same secret or password that is used to encrypt a message decrypts the encrypted corresponding text. This algorithm is the simplest and the most efficient way to implement a secure communication.

![Figure 3. Symmetric Data Encryption](image)

In a non-encrypted encryption a key is used to encrypt a message, and another key is used to decrypt encrypted encrypted text. Asymmetric encryption is also known as “public-key encryption”
Some encryption algorithms that are even more popular nowadays are:

- Data Encryption Standard (DES)
- Advanced Encryption Standard (AES)
- Diffie-Hellman
- Triple Data Encryption Standard (3DES)

The main methods used as standard for data security are: Fiber Channel Password Authentication Protocol (FCPAP), Diffie Hellman - Challenge Handshake Authentication Protocol (DH-CHAP) and Fiber Channel Security (FC Sec).

### 5.2 Security solutions in iSCSI SAN

Authentication, authorization, and encryption are the three basic security elements in the SAN. Authentication on iSCSI SAN is provided using the Challenge Hand Shake Protocol (CHAP). For authorization control, SAN uses the name of the initiating node. Encryption uses IP Sec and Secure Socket Layer (SSL). Most SAN vendors believe that SAN is not a tangible technology because it works on Gigabit Ethernet infrastructure and is also a point-to-point technology, so attackers are not capable of hacking and hacking SANs and this occurs only if they have physical access to the SAN equipment.

iSCSI SAN has basic identification elements such as iSCSI Qualified Name (IQN), LUN, and iSCSI Simple Name Services (iSNS) server. IQN is an iSCSI initiating client identifier that acts as a MAC address in the Network Interface Card (NIC). The only authorization method available to iSCSI SAN is IQN.
that is not a secure method. They are a fake and can not be a good method of authorization.

LUN is a logical part of storage devices. Each information storage device is divided into several LUNs where each LUN functions as a logical disk partition on the computer desktop. ISCSI works on the TCP 3260 port. The ISNS server is located on any iSCSI device or operating system. Each iSCSI or target initiator is registered on the ISNS server. ISNS is responsible for informing customers about available iSCSI networking equipment and customer information for various security settings that are used in SAN for communication with targets. The ISNS server works on the TCP 3205 port.

6. Conclusions

The SAN architecture is built to make the connection between servers and shared storage fast, reliable, easy, and secure.

Networking Components: The SAN can be built based on the use of fiber optics or Gigabit Ethernet according to the SAN architecture and the connection protocol. Other SAN components are hubs, connectors, switches, and routers.

Data storage systems do not have any security features, and this lack of security makes storage more vulnerable to various attacks. The best way to have SAN security is the combination of authentication, authorization, and data encryption. The result also shows that the most vulnerable part of security in the storage space are internal people, who are people who have access to information storage devices and their management consoles.

Security solutions in iSCSI SAN consist of different authentication methods such as DH-CHAP, RADIUS server and Kerberos v5. The best result is when combining these authentication methods with an encryption method like IP Sec. There are several specific security solutions in the FC SAN such as zoning (strong or soft zoning), LUN masking, and gateway connectivity.

It’s the security, the performance and the seriousness that make SAN a good choice for data retention on networks.
Reference

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CRIMINAL LAW: ITS EFFICIENCY AND INEFFICIENCY OF A REASONABLE TRIAL TIME

Abstract

Criminal law\(^1\) constitutes of set of legal principles, determining criminal acts, when is considered a person criminally responsible and criminal sanctions attributed to who committed the offense.

The main task of the criminal law is the study, progression and implementation of criminal legislation in the territory of the Republic of Albania. The essential feature of the criminal law relates to the efficiency that it transmits. According criminal principles point of view and the continuous study it can be understand whether further reformation is necessary or not. The effectiveness of criminal law appears as a feature enabling the proper recognition and understanding of the institutions, notions and in general, criminal law principles in force. Respectively, in practice, the science of criminal law helps to adequately interpret and apply criminal law principles.

In a wider sense, criminal law’s task is to study criminality and take necessary measures to prevent it, as well as to study the fundamental issues and effects of criminal and punitive policy. In this regard, this science studies the actual institutions and meanwhile proposes to apply new measures and new institutions to improve crime prevention. Crime prevention means any act or tool used by natural persons or government bodies and agencies intended to minimize the damages that may cause the criminal offense\(^2\).

One of the of criminal justice’ element considered in this paper is the reasonable trial time, also supported by the Constitutional Court and the ECHR’s practice, the role of the defense lawyer appointed by the court/ prosecution office, who can indicate a series of problems and evidences of the inefficiency of criminal justice in Albania.

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The democratic standards of the defendant rights were accepted in all procedural criminal principles. The entire procedural principles are a guarantee to achieve the full effectiveness of criminal justice in fight against crime, for regular implementation of the Criminal Code articles. Respecting and enforcing the principle of legitimacy by the court develops a due lawful process. Using and verifying evidences, ensuring the participants’ equality in the judicial process, the defense rights of the defendant, a court decision based on law and fairness ensures punishment of the offense and of its author.

The effectiveness of the Criminal Procedure Code is clearly stated at all stages of the criminal process in order to achieve justice, the practical implementation of the Criminal Code that punishes the perpetrator, the imposition of punishment individualization against him or the acquittal when the charge is not proven.

The efficiency of a judicial system depends on the manner of courts’ organization, the available budget, the number of judges and laws applied by them. This system is often reformed in Albanian law; however, its shortcomings will be thoroughly analyzed in the second part of this article regarding the inefficiency of criminal justice for a correct legal process within reasonable time, the role of the lawyer appointed by court / prosecution.

According to the European Convention on Human Rights and the Constitution of the Republic of Albania, everyone has the right to have the case adjudicated within a reasonable time.

“The Constitution of the Republic of Albania, respectively Article 42/2 provides the right to a correct legal process: “Whoever, for the protection of 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. “

The principle’s purpose of a trial within a reasonable time has to do with the fact that, a trial process within a reasonable time and through a final decision, terminates the legal uncertainty in which can anyone be found in terms of his legal position, improving the justice system and guaranteeing constitutional rights.

One of the instruments of international human rights protection is the right to a fair legal process stated both in the International Convention on Civil and Political Rights, also incorporated in Article 6/1 of the European Convention on Human Rights. Even though Article 6/1 of the ECHR protects the individual’s

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3 ECHR, Article 6 and the Constitution of the Republic of Albania article 42, paragraph 2.
4 Article 14 of the Convention.
5 Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law that will decide on disputes regarding the rights and
right to a judicial trial within a reasonable time, it does not provide a solution as to who will be the consequences of discrepancy of this principle. However, this Article should be seen in conjunction with Article 13 of the ECHR where it is provided that, state authorities should enable the parties’ effective remedies (through national legislation, criminal law) if a right / freedom provided in the Convention is violated.

Determination of a reasonable continuance, takes in consideration the complexity of the case, the conduct and interests of the defendant and the behavior of the judicial and administrative state authorities. The courts’ task is to ensure avoidance of unnecessary delays in trials through all participants in the process. Extended process beyond reasonable time limits is a request applied both to civil and criminal cases. The evaluation if the trial time limits have been respected or not, takes in consideration: - The complexity of the case (the nature of the indictment / charge, the number of the accused persons, the time needed to collect the evidence and the compilation of the charges, respect of the notification procedure, complaints at different levels of the judiciary, etc); - The applicant’s conduct (absence of advocate, provision of evidence and proper presentation, etc.); - The conduct of the relevant authorities (lack of judge, prosecutor, dispatch of letters, etc.).

Parts of the objective factors are the nature or the character of the case, because it cannot be change from the subjects or actors that give or speed the verdict up. So, unlike other factors, it cannot be assessed by the court that has completed the criminal or civil case, but by a higher court instance, such as the Court of Appeals or the High Court, who will ultimately make their case by case assessment. Comparison between the objective and the subjective nature of the reasonableness assessment relates to the terms of termination.

Decision no. 12, dated 05.03.2012 of the Constitutional Court, emphasizes that as far as the conduct of the authorities is concerned, although civil proceedings have provided for the principle that the procedural initiatives belong to the parties (Article 2 of the CPC), it does not dismiss the obligation to ensure a prompt adjudication, as required by both Article 42 of the Constitution of the Republic of Albania and Article 6/1 of the ECHR. In this regard, the ECHR has maintained the same position (see the Decision of June 08, 2006, Surmeli v. Germany, Application No. 75592 / 01, par. 129).

Since 2000, the jurisprudence of the European Court of Human Rights (“ECHR”) and European States are obliged, in front of a local authority, to

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6 Decision No. 12, dated 05.03.2012 of the Constitutional Court
create effective means over the delay of the proceedings\textsuperscript{7}.

The European Court of Human Rights has noted mostly that the increasing cases of violation of the Article 6/1 of the Convention has led the tribunal itself to pay attention to the risk that exists for the “power of law” within the internal legal system of the states. In this context, Article 13 of the Convention provides for an additional warranty for the protection of the individual’s fundamental rights (Further within the internal legal system).

Article 6/1 of the European Court of Human Rights imposes on states parties the obligation to organize their judicial system in such a manner that national courts respect all the requirements of this article, including the development of the process within a reasonable time period. In cases if there are deficiencies in the judicial system, the best solution is the prediction of an internal legal remedy to speed up the process in order to prevent a very long process. Such a legal remedy is more efficient than anticipating a measure of compensation, since it prevents the state from being considered responsible for subsequent convention violations, and unlike compensation, it does not repair \textit{a posteriori} consequences.

For the first time, the European Court of Human Rights has decided in the “Kudla” case against Poland \textsuperscript{8} (decision of October 26, 2000), that due to the length of the trial, Article 13 of the ECHR is violated, except for Article 6 (examination within a reasonable time). This the decision was followed by others such as Hartman vs. the Czech Republic\textsuperscript{9}, Decision of July 10, 2003, or Mifsud vs. France, the decision of September 11, 2002\textsuperscript{10}.

According to these decisions, the internal appeal instrument must be effective and it becomes such only if it enables the courts to give in as soon as possible the decision, or at least to provide indemnification for the prolonged adjudication terms.

In support of this principle, our Constitution, in its article 131 / f has defined as one of the competences of the Constitutional Court, the final judgment of individuals’ complaints of violation of constitutional rights for a due legal process after they have been exhausted all legal means for their protection. More specifically and detailed for trial within a reasonable time, is Article 42 of the Constitution, according to which: “... everyone has the right to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law “.

\textsuperscript{7} Kudła v. Poland, October 26, 2000, §152.
\textsuperscript{8} Kudła v. Poland, October 26, 2000, §152.
\textsuperscript{9} Hartman v. Czech Republic, July 10, 2002
\textsuperscript{10} Mifsud v. France, September 11, 2002
Decision No. 12\textsuperscript{11}, dated March 05, 2012 of the Constitutional Court states that: *according to the Article 42 of the Constitution anyone has the right to protect his constitutional and legal rights, freedoms and interests or in the case of charges brought against him a fair and public trial within a reasonable time by an independent and impartial tribunal established by law. This provision establishes the obligation to organize the legal system in such a way that the courts meet the requirements of the standards for a due process, including that of the trial within a reasonable time. In this regard, courts have a duty to ensure that all participating parties in the proceedings are brought in order to avoid any unnecessary delay* (see Decisions no.42, dated 25.05.2017, No.12, dated 05.03.2012 of the Constitutional Court).

Decision no. 76\textsuperscript{12} dated December 04,2017 of the Constitutional Court, regarding the requirements to ascertain a violation of constitutional law for a due legal process within a reasonable time, emphasizes that the reason for the extension of the process should be assessed on *the basis of the criteria set out in the legitimacy of the ECHR, according to which the reason for the length of the trial must be assessed in the light of the particular circumstances of the case, having regard in particular to the complexity of the case, the applicant’s conduct, the conduct of the authorities, the risk that passes the applicant for this length of time for the trial* (see Decision No. 59, dated 16.09.2016 of the Constitutional Court). Consequently, in order to conclude whether, in the present case, we are before the violation of the right to a fair hearing, the Court considers that *each of the above mentioned elements must be taken into account.*

In the Code of Civil Procedure with the latest amendments to the law no. 38/2017\textsuperscript{13}, OB 98, dated May 05,2017, in Chapter X, the legislator for the first time has provided clear rules regarding the violation of terms, the measures that are imposed to speed up the trial proceedings and the damage reward in case of terms violation. All the rules that we will outline below are in coherence with the definition of Article 6/1 of the European Convention “On the Protection of Human Rights and Fundamental Freedoms”.

The need for change in this direction was indispensable. Up today, court proceedings have been abusively postponed for years, and no one was held responsible, while with the new amendments the court is faced with greater responsibility towards the process of a case within a reasonable time frame set by law and if this term is violated unreasonably then these judge’s unfavorable

\textsuperscript{11} Decision No. 12, dated 05.03.2012 of the Constitutional Court

\textsuperscript{12} Decision no. 76 dated 04.12.2017 of the Constitutional Court

\textsuperscript{13} Law no. 38/2017, Official Journal 98, date 5.5.2017, Chapter x, page 162, of the Civil Procedure Code
decisions are forwarded to the High Inspectorate of Justice for the imposition of disciplinary measures against him. Also, the citizen has the right after the final verdict to file a claim for compensation of damage if terms violations are found.

The matter is which are these reasonable terms within which an issue from its inception to its termination at each stage for the adjudication of a criminal case: (at the Court of First Instance up to 2 years for crimes; for offenses 1 year; At the Court of Appeal for criminal trial 1 year; 6 months for criminal offenses; at the High Court for criminal offenses 1 year; 6 months for the offenses;)

Regarding to these changes, it is worth to mention the fact that the Constitutional Court on all the reviewed requests has consistently contained new provisions identifying new cases of reasonable time limits violation.

Thus, the Decision of the Constitutional Court No. 76 dated December 04, 2017 emphasizes in advance that the Law No. 38 /2017 “On Amendments to the Code of Civil Procedure” entered into force on November 05 2017, the law which added Chapter X “On the adjudication of applications for ascertaining the violation of the reasonable terms, anticipation of the proceedings and damage recovery”. The provisions of this chapter determine the evaluation of the reasonable period of the proceedings as well as the fair remuneration when it is found unreasonable time extension in the investigation procedures, trials and as well as in the execution procedures of the decisions. According to recent legal amendments, there will be a legal remedy that is effectively presumed, which will guarantee an acceleration of the criminal, civil or administrative judicial process, as well as compensation, so a concrete result against the violation of right for a judicial proceeding within reasonable legal time limits. The Civil Procedure Code did not foresee retroactive effects on matters that were fundamentally concluded by ordinary courts and for which reasonable deadlines have passed under the relevant legal provisions but has regulated and specified rules and procedures for matters that are or will be be considered after November 5th at ordinary courts regarding allegations of unreasonable litigation. Since in the present case we are not before a case which is still under consideration in court but the appellant complains of decisions of the courts that have already passed all the levels of the judicial appeal and for which the legislation does not provide for other effective remedies for the protection of this constitutional right, the claimant is legitimated to consider this claim.

The Criminal Procedure Code of the Republic of Albania provides that courts should come to a decision at a single hearing and if this is not possible, then the court decides to be continued the next working day and only for special
reasons, postponed to fifteen days\textsuperscript{14}.

This is in accordance with the principle of “uninterrupted trial”, which aims to present completed and coherent facts to the judicial panel, thereby facilitating their assessment. In the judicial practice the concept of uninterrupted trial has been deformed since it has been abandoned or rather has never been accepted as recommended by law. Today we can say that it does not really exist. The duration of the trial, in addition to the consequences in terms of human rights, there are also considerable economic consequences.

On one hand, increasing efforts to ensure the participation of all involved persons may be expensive, but on the other hand, shorter and more efficient judicial processes would significantly reduce costs for all involved parties. In this way it would be possible to judge more issues by using these resources. However, it seems that the Criminal Proceedings Code does not facilitate the uninterrupted trials. Parties are required to file a list of witnesses and experts, at least five days prior to the date set for trial\textsuperscript{15}

This is an insufficient time to notify witnesses and to be presented at the court, especially taking in consideration the register of civil status directorate, as well as the ineffective Albanian postal system. Moreover, it appears that the parties may “officially” request the evidence, which is determined by the court whether they are accepted or not, only after the court hearing opened\textsuperscript{16}.

On this subject, the Constitutional Court\textsuperscript{17} emphasizes that, regarding the conduct of the authorities, does not relieve the courts of responsibility to provide a prompt adjudication, as required by Article 42 of the Constitution of the Republic of Albania and Article 6/1 of the ECHR. Although the civil procedural framework has provided that procedural initiatives fall within the parties (Article 2 of the CPC). In this regard, the ECHR has maintained the same position.

Thus, it is impossible to come to a decision within the same working day or the next one especially where the hearing of witnesses and experts is required. Consequently, in spite of the principle of uninterrupted trial, in Albania the main hearings often continue for long periods and there are cases that it took years to end. It is very rare that a trial terminates within one session and instead of continuing on the following working day, the trial is postponed for the maximum allowed period, i.e. fifteen days, and this is not an exception but a rule. Moreover,

\textsuperscript{14} Article 342 of the Code of Criminal Procedure of the Republic of Albania.
\textsuperscript{15} Article 337, paragraph 1, of the Code of Criminal Procedure of the Republic of Albania.
\textsuperscript{16} Article 357 of the Code of Criminal Procedure of the Republic of Albania
\textsuperscript{17} Decision of ECHR, dated 08.06.2006 “Surmeli v. Germany”, App. No .75592 / 01, para. 129
sometimes sessions are only made to inform that someone or something misses and judicial review is postponed for another two weeks.

One of the most common causes of postponing the court proceedings is the non-appearance of defense lawyers without legitimate reasons. There are indications that they use postponement as a defense technique. This is still an unsolved problem because this is related to the fact that detention is counted as a day and a half in calculating the time of imprisonment\(^\text{18}\) or to meet the maximum length of detention on remand or for other purposes.

The impression is that court-appointed defense attorneys often play a passive and formal role. In general, court-appointed lawyers tend to meet less often with their clients and simply appear in sessions without being consulted previously. Based on the principle that “\textit{Justice should not only be given but should also appear to be given}”, the courts must make efforts to ensure that the charge and defense are treated in the same and respectful manner. Judges should avoid informal contacts in court or elsewhere with each of the parties. The same goes for prosecutors and defense lawyers. This would reduce opportunities for corrupted deals.

The Constitutional Court\(^\text{19}\), in its consolidated practice, has stated that the right of defense must be realistic and effective and not just theoretical, courts of ordinary jurisdiction must take all legal measures that in the function of a fair trial give to the individual the opportunity to make real defense respecting the principle of equality of arms. The Code of Criminal Procedure, contains no another provision regarding disciplinary measures for defense attorneys, except a provision regarding the conduct of the session, Article 341. On the contrary, but it seems not to be used for the situations outlined above, the CPC creates the opportunity to suspend the deadlines for the defendant for acts committed by the lawyer of the hearing.

Although this provision is intended to prevent defendants and defense lawyers from using postponement as a tactic for the purposes outlined above, this situation may lead to the “punishment” of the defendant for an action that only belongs to the defense lawyer. It is regularly abused with this provision, by suspending the deadlines for all defendants when only one of the defense lawyers is absent, thus “punishing” the defendants that are not related to them.

In order to limit these types of practice from the defense lawyers, disciplinary measures should be enacted in the Criminal Procedure Code. The measures that may be imposed are, for example, the obligation to pay a part or all of the

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\(^\text{18}\) Article 238, paragraph 2, of the Code of Criminal Procedure of the Republic of Albania.

\(^\text{19}\) Decision of the Constitutional Court no. 30/2010
procedural costs, fines, to be prevented from attending as a defense lawyer on the current issue or in general before the court in question. However, the first and foremost measure is for the court to make it very clear to all parties that disciplinary measures will be taken against objectively unjustified the.

It should be clear to the lawyers the fact that taking on more issues than they can bear is not a reason to delay court hearings. If an unjustified delay can be punished with a fine, such delays should lead on the obligation to pay the procedural costs. Regular and repeated abuses must ban the lawyers from the case in question and if the defense lawyer has a history of postponed proceedings, then he should be prevented from appearing before the court in question. In order to encourage the Chamber of Advocates to fulfill its responsibilities as a disciplinary body, the measures to be provided in the CPC should be made subject to the appropriateness of the measures taken by the Chamber of Advocates. Another possibility is to make it clear to the Chamber of Advocates that if it does not fulfill its disciplinary responsibilities, then the power to impose disciplinary measures is passed to the court.

Of course, the effectiveness of the criminal justice system and criminal legislation in combating criminality depends on the outcome of criminal cases trials. The effectiveness of criminal legislation against crime is significantly reduced if the number of innocent cases increases, the return for completion of investigations or decision to dismiss the case or if the court imposes penalties on the minimum provided by the Criminal Code. The number of appeals against court decisions is another indication of a due legal process, lack of trust in justice.

The fundamentals for the independence of the judiciary have also been identified by the Organization for Security and Co-operation in Europe such as: Judicial Administration; Judicial Selection and Responsibility towards Independence in Trial. The effectiveness of the criminal justice system for investigating and adjudicating criminal cases is also indicative of the effectiveness of criminal and criminal procedural legislation.

Recommendations of the Committee of Ministers of the Council of Europe and the European Union, have played an important role in aligning legal reforms in the criminal justice system with European standards. Understandably, the achievements so far are only part of the reform process that is expected to be taken. One of the main conditions for integration into the European Union is precisely the reform in the criminal justice system as a whole and in the

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20 Hysi, V. The Role of the Criminal Justice System in Crime Prevention, Legal Life, N.4 / 2010,
judicial system in particular as well as the fight against corruption within and out of this system.

The Sectoral Strategy of Justice defines this vision for the justice system: “... transforming the justice system to be open to anyone, to inspire confidence in everyone and to provide justice for everyone22”. This strategy states that: “... an effective justice system does not only contribute to the economic well-being of a country, but aims to develop its society by ensuring that the power of law functions properly.”

In this process, the current challenges of the justice system, in the service of increasing public confidence, remain:
- The functioning of the judicial system, not only for the aligning with legislation with the acquis communitaire and good practices, but above all to the effective implementation of the adopted legislation, transforming judicial practices into rapid efficiency, avoiding trial delays and reducing overdue issues.
- Respect for human rights, especially the rights of vulnerable categories such as prisoners and pre-detainees, humanitarianism, legal security for them, access to justice in the function of due process of law.

Conclusions

At the end of representing these data, I would like to emphasize that the identification of causes and the determination of the measures to be taken is a great first step in the way of solving the problem, which should be followed by others.

According the principle that “justice delayed is justice denied,” I would like to stress strongly that unjustified delays and further delays in criminal proceedings can not only be tolerated but they are jeopardizing the justice, both in terms of guaranteeing the legality of the criminal proceedings and the rights of the parties involved, as well as in putting the perpetrators of the law offenders responsible, so should be an immediate common reaction to the situation.

The delays in verdicts to some high-risk criminal cases warns of a truncated justice that risks the failure of criminal proceedings, the elimination of evidence, the weakening of judicial review, the lack of interest of witnesses and in some cases the release of defendants due to the expiry of detention periods.

With all the undeniable and visible achievements, we are aware that justice as well as the entire politics, economy or Albanian society as a whole, still has

22 In this sectoral justice strategy, etc. (Official Journal No.116 of August 15, 2011, p. 4580-4595)
problems, shortcomings and other challenges to face.

The road to consolidating positive values and building on contemporary standards of an independent, professional, and high moral integrity is still long and difficult.

There are some functional judiciary mechanisms that we need to change and reform.

Further reforming of the Albanian judiciary, achieving western standards, and gaining public confidence in criminal justice are a constant goal for which we are all ready and determined to contribute more in the future to successfully deal with it.
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MSC. Arkend BALLA¹
Prof. Dr. Mithat MEMA¹

CIVIL PARTICIPATION AS A NECESSITY OF
DEMOCRATIC GOVERNANCE

Abstract

Civic participation is a very important aspect of democratic governance. In general terms, civic participation means the effort of citizens to take into account their concerns, needs, values and expectations in decision-making processes. Citizen participation in policy development and development programs is really feasible to achieve a two-way communication between citizens and offices and state employees at the central and local level.

In order for a citizen’s participation to be healthy and effective, it is always required that the government process be open to participation of citizens, state offices, central and local government bodies as well as transparent, and persistent citizens. Citizens should be well informed about the role they can play, their rights and obligations in the quality of their partner with governing institutions.

This paper aims to address the need for a democratic system for citizen participation in policy-making and non-visa policy processes.

Key words: civic participation, electoral system, political representation, political party.

Citizens’ participation as a demand for democratic governance

In a democratic governance system, civic participation in decision-making, their involvement in the work for the development of policies and programs of economic and social development at the central and local level, the creation of opportunities and the practical and effective implementation of their monitoring of the bodies’ work elected and other public institutions are among the main factors

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that are conducive to the well-functioning of a democratic regime. Increasing participation and the ever-greater, non-formal but effective involvement of citizens in policy-making and the work of the country’s governance are factors that make a democratic society the best:

- making decisions about how to handle the problem solving at the central or local level, which best responds to the needs of citizens and brings the best for their livelihoods.\(^2\)

- Increasing opportunities and creating a supportive and inclusive environment for accountability by government and state officials.\(^3\)

In Albania, since the beginning of the reform processes for the achievement of democratic standards, the work is being carried out to carry out an effective reform of the society, which aims to achieve the standards that will enable the country to rank and stay alongside other democratic countries. Among the paths that are pursued to enable the realization of this major objective are the efforts to build and develop permanent relationships and relationships between democracy and social mentalities, which include, as the most important, the relationship between the governing bodies and the basic structures of the civic communities. In order to realize this society, it is necessary to invest and work to promote, create and develop the necessary culture that must be at the core of the behavior of public institutions, elected and state employees, policy makers, decision-makers and policy makers, and programs for the economic and social development of the country, on the one hand and the community of citizens, on the other. Collaboration and mutual trust must be at the forefront of work for the realization of this very important dimension that has a democratic society. Differences between the features, characteristics, interests, instruments and paths that can be followed, the needs and opportunities of public institutions and citizens to engage in mutual-based cooperation, are subject to the need to identify as precisely as possible possible in the scope of each of them and the objectives they can accomplish.

Citizens’ interest in taking part in the governance processes is closely related to the interest and objectives that the society must achieve through this participation. These objectives may be related to democracy itself and its development as a culture of behavior and governance bases, as they should or may aim at realizing the effective implementation of policies for the country’s social and economic development. Such a connection stems from the fact that

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the development of democracy and democratic culture, as the basis of behavior in society, requires the participation of citizens because:
- More participation means a higher democratic level.
- High participation leads to the development of an active civil society.
- Citizenship increases democratic legitimacy in central and local decision-making.
- Civic participation contributes to the building of models and experiences that serve the society to build the bridges of effective cooperation between citizens and state institutions and offices.

   Citizens’ participation is the way to make it possible:
- Designing policies or making acceptable, realistic and sustainable decisions.
- Setting the balance between what is required by the community and what is offered by selected institutions and by public service providers.
- Increasing support, legitimacy, transparency and accountability at work for drafting development policies and programs for their implementation.

Participation of citizens in governance can be their direct or indirect involvement in formulating or evaluating the objectives for social and economic development of the country or local government unit concerned. To do this, it is necessary for the society to work to make citizens aware of the values of this participation. Citizens need to understand the skills they have and the opportunities they are given to become an active part of decision-making and governance. They need to understand this process and need to be supported to develop in their community the right capacities for practical realization. Citizens should think that participation is always in their favor, participation does not weaken does not formalize, but it makes it possible to find the best solution to their problems. It is important for people to understand but also to feel that participation brings added value to their endeavors and to society to reach goals as a community (Xiao Hu & Wan Wart, 2007).

As a rule, citizen participation in governance, public decision-making and monitoring of the implementation of policies and programs for economic and social development is influenced by two motives:
   (i) personal motives that are related to the personal demand of the individual to how to solve a particular problem, the solution of which affects his or her concerns
   (ii) motives related to the public interest

The following table summarizes the different types of participation and the objectives that citizens can achieve through them.
### Table 1. Objectives and types of civic participation

<table>
<thead>
<tr>
<th>Author</th>
<th>Objectives of civic participation</th>
<th>Types of participation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Walters et al.</td>
<td>Help in seeking definition, alternatives, or criteria (discovery)</td>
<td>Consultation</td>
</tr>
<tr>
<td>(2000)</td>
<td>Public Education on a Proposed Issue and Alternative (Education)</td>
<td>Information</td>
</tr>
<tr>
<td></td>
<td>Public opinion assessment about a set of options (measurements)</td>
<td>Consultation</td>
</tr>
<tr>
<td></td>
<td>Persuading the public towards a recommended alternative (conviction)</td>
<td>Information</td>
</tr>
<tr>
<td></td>
<td>Fulfillment of public norms and legal requirements (legitimization)</td>
<td>Information / Consultation / Active Participation</td>
</tr>
<tr>
<td>OECD (2001)</td>
<td>Strengthening democracy</td>
<td>Active participation</td>
</tr>
<tr>
<td></td>
<td>Increase transparency and accountability</td>
<td>Information</td>
</tr>
<tr>
<td></td>
<td>Achieving better services</td>
<td>Active consultation / participation</td>
</tr>
<tr>
<td></td>
<td>Reaction to the pressure of similar groups (social pressure) at the international level through the application of superficial measures to improve interaction with citizens without substantial changes in traditional decision-making processes</td>
<td>Information</td>
</tr>
<tr>
<td></td>
<td>The division of responsibilities (or blame) for a difficult or unpopular political decision</td>
<td>Information / Consultation</td>
</tr>
<tr>
<td></td>
<td>Deferring difficult decisions through debates and extended discussions</td>
<td>Active consultation / participation</td>
</tr>
<tr>
<td></td>
<td>Removal / avoidance of protests</td>
<td>Information</td>
</tr>
</tbody>
</table>

Participation of citizens in decision making and governance processes should be treated as a process of continuous communication of elected representatives, government, public institutions and citizens, which should always aim to find ways and solutions to enable the continued growth of welfare than the population. To accomplish this dual process of cooperation it is necessary that:

- Governance to be realized as an open process that should create real opportunities for citizens to become active and direct in it.
- The citizen should be constantly informed and have full information on the policies and decisions the government receives and the government needs to have up-to-date information on the needs and demands of the citizens.
- The society should be committed to forming the right civic culture in relation to the rights, duties and the role that the citizen should have as a participant in decision making, policy making and implementation of programs for the
economic and social development of the country.\textsuperscript{5}

According to Dahl, R. (1961) democratic society should provide equal and adequate opportunities for citizen participation. These opportunities should guarantee the rightful citizens to:
- set for priority issues to be addressed and resolved by central and local government institutions and bodies;
- expressed their views on these issues;
- exercising their authority, through voting or otherwise, to prioritize the policies for the country’s social economic development.

These rights are also enshrined in the Lisbon Treaty, which aims to make possible the development of a more democratic and transparent Europe, a Europe where citizens’ voice is a key factor in decision-making, where the citizen really is involved in governmental processes, control and support of the work of central and local government institutions\textsuperscript{6}.

Easton model for studying civic participation in decision making and contestation

The Easton model is an approximation of the process by which it develops its activity into a society that functions on the basis of democratic principles. In the structures of the model, the institutions that form the infrastructure of a democratic society are outlined:
(i) The system of political parties, civil society with its constituents, civic interest groups and PIOs; and
(ii) Political, decision-making and implementing institutions of the country’s economic and social development programs

This model also reflects on the way in which the function and how the governance process takes place in a democratic society. The term governance in this model implies the whole process, in which it participates:
(i) identifying the needs of the company and formalizing them in the form of requests or requests for intervention;
(ii) analysis of the requirements and drafting of policies, programs, laws, regulations, norms, etc. .. under which and for the implementation of which the company must work to meet the requirements and articulated needs;
(iii) implementation of policies and programs drafted by decision-making institutions
(iv) the implementation of the implementation processes, the evaluation of the results and the formulation of proposals / recommendations for ongoing developments.

\textsuperscript{5} Dahl, R, 1961, Who Governs?, Yale University Press
\textsuperscript{6} TASCO (2011). OSHC and Participation of Citizens in Decision Making Processes
The model is built on the hypothesis that political parties, civic interest groups and NGOs are the requirements generators and formulators of the needs for interventions to be made in the way of country governance, the policies and programs to be drafted, legal, regulatory and all regulatory and procedural framework under which the institutional, political, economic and social life in the country should develop. According to this model, they are also monitors, observers and quality assessors of these documents and their implementation process. Selected Institutions and public offices of the state, the model treats them as institutions that have the task of analyzing needs and needs, and based on the results of this analysis, these institutions should develop policies, programs for their implementation and all building necessary legal and procedural. These institutions and state offices are also responsible for the implementation of policies and programs.

The basic objective and main purpose of the Easton model is to use it as an instrument to identify and analyze the process of governing the work at the central and local level, in a democratic society, considering this as a process of cooperation among all the various actors of society. In the definition and listing of these actors summarized above, the model is based on the hypothesis that all these actors are part of the reality and social, economic and political environment of society, which not only differ from but other people do not have cutouts. In fact, this is a hypothesis that pervades reality and does not reflect it in a humorous way, just as it is. For example, relying on this hypothesis, the model offers the opportunity to study the process of government by accepting that political parties and groups of citizens, political parties and civil society organizations, etc., are completely different institutions, not only in the sense that their goals and purposes, the instruments and the ways they use to accomplish them, are entirely distinct but even though in them, the model accepts hypothesis that they are not part and do not exercise the same individuals activity. The model does not take into account the fact that the same person may be a member of a particular group of civic interest or an NGO and at the same time be a member of a political party. The model has no built-in mechanisms that can be used to judge and evaluate the synergy effect, positive or negative, which may bring to the progress of the government process the fact that members of decision-making institutions, policy makers, or officials in state offices that have the task of implementing policies and programs are at the same time participant in interest groups or NGOs - and / or members of a political party.
Conclusions

Civic participation is a very important dimension that influences the development of a democratic governing system and representatives.

According to the Easton model, citizens are monitors, observers and quality assessor of decisions taken by public institutions.

The more citizens are directly or indirectly involved, through political parties, civic organizations, non-profit organizations, etc., the more democratic and representative the governing system.

In a free political system that develops on the basis of the principles of democratic society, the multi-dimensional participation of citizens makes a truly democratic system.

Capacity development of civil society and other non-political institutions that function as part and constituent of it is necessary for the progress of civic participation in the governance of the country either as part of the decision-making bodies as well as monitoring of the activity of public institutions.
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PRESENT DAY MOVEMENTS OF THE EXTERNAL ALBANIDES, BASED ON GPS DATA, IN RELATION TO THE REGIONAL GEODYNAMICS

Abstract

From the geological point of view, Albanides are part of the folded Mediterranean Alpin belt. It extends to the south in Dinarides and Helenides, along the eastern coasts of the Adriatic and Ionian Sea. From this region further east, through the Aegean Sea, they continue in Taurides. As the whole, these units are associated in the Dinarides-Albanides-Helenides-Taurides arc. Its western outline takes place in a confrontation against the Adria micro plate. Nowadays, the movement of the Adria micro plate is crucial to throw light into the geodynamic evolution, stress build mechanism and consequently strain accommodation in the western folded flank of the Dinarides-Albanides-Helenides-Taurides chain as well as the whole Mediterranean. After the GPS deployment in Southeastern Europe, aiming the monitoring of the geodynamic movements along the Adria contours against the African and Eurasia major plates, a number of 6 permanent GPS stations were also deployed in Albania within the Nato “Science for Peace” program. Furthermore, a network of repeated stations was built, during a 6 years period, starting from the year 2000. Based on Albanian GNSS data the overall geodynamics of the Albanian crust and the surrounding region is pointed out. This paper aims to describe these results within the most comprehensive description of the local and regional tectonics.

Keywords: geodynamic; frontal collision, GNSS; Adria microplate.
1. Adria regional geodynamics

The tectonic evolution of the Europe and Mediterranean has been strongly affected by the Adria micro plate movement, which represent a continental lithospheric unit which cover the eastern Italy, the Po river plateau and the Adriatic Sea, in the western side of Dinarides. Its movements have caused the convergence between African and Eurasian major plates (figure 1). The time history of the crustal deformations in the central Mediterranean point out a co-movement of the Adria until late Miocene, as part of the African plate. The Anatolo-Aegean-Balkan system [9], pushed the southern part of Adria, due to its movement towards west, leading to its detachment from the African plate. After this tectonic event, Adria undergone a counter clockwise rotation in relation to the Eurasian plate, inducing a strong compressional regime in the central Mediterranean [2]. As the result of its collision with the southern Apennines, during the late Pliocene to the upper Pleistocene, its clockwise rotation refered to the African and Eurasian plates, slowed down [2]. Present day movement of Adria is an important factor in the Mediterranean, as the main source of the tectonic stress accumulation and the cause of numerous earthquakes in the confining regions. Taking into account the present movement of Adria thoroughly ones can understand its connection to the African and Eurasian major units, and explane the geodynamic of the collision area between these tectonic plates as well as the central Mediterranean tectonic processes.

The displacement of Dinarides, Albanides and Hellenides is directed towards the Adria micro plate, thereby Dinarides and Hellenides are positioned diametrically opposite in a converging direction to the Appenines. The orogenic compressional movements in the folded belts surrounding the Adria micro plate, are expressed by thrusting folds and tectonic nappes (figure 2-b), [1]. Likewise, along the contact areas where the displacement between these tectonic plates occurre, folding takes place along with the arise of tectonic stress. The stress field is continuously intensified up to a critical point beyond which new faults are created and the existing ones are activated [6]. As the consequence the borders of the Adria microplate are distinct for a high seismicity (figure 2-a, 2-b). Seismological and geological studies shows that the tectonic characteristics of Adria, are dominated by the continental collision between the African and Eurasia plates (figure 2-b). The epicenters of earthquakes in the Adriatic region are mainly concentrated along the coastline area (figure 1-a).

The passage between the Gargano region and the central Dinarides is expressed by a highly active tectonics. The majority of earthquakes within these areas, are located in the Appennines (Italy), in the central Dinarides, from the
northeastern Italy up to Slovenia, along the west coasts, Serbia, Montenegro, Albania and Greece (figure 2-a), [2][6].

**Figure 1.** The schematic view of the tectonic pattern of the Mediterranean, where the Aegean Sea region is showing up along with the eastern edge of the Adria micro plate.

In the southern part of the Hellenides, the Aegean arc which in contrast to the Adriatic collision, in the Hellenides and Dinarides, shows different geological and geophysical characteristics, comparable to those of an Island arc [8].

**Figure 2.** a) the earthquake (M>4.0), are distributed along the Adria and southern Balkan contours, according to the ISC catalogue for the last 33 years; b) the distribution of the focal mechanism solutions of the earthquakes affected the Mediterranean region according to Global Centroid Moment Tensor (CMT).
The oceanic subduction zone sinks towards the Hellenides at nearly 180 km, directed northeast. The Ciclades volcanic and the southern Aegean sedimentary arc, outline the Aegean arc [1]. The Aegean arc is positioned in the middle of the Arabian-African collision on the south, Eurasia to the east and the Adriatic collision on the west. The transition from the Aegean oceanic subduction zone to the Adriatic collision zone (continental subduction zone), is accommodated through a dextral transform fault, oriented NNE, in the western flank of the Kefalonia-Lefkada islands [11].

Taking into account the described tectonic pattern, Albanian territory is situated in the region of the major tectonic units confrontation, being affected by the corresponding geodynamics. Actually the geodynamics of this region is properly monitored and measured in quantitative terms by mean of a number of GPS stations, functioning so far in the region. Part of this network is also the Albanian GNSS, since 2000.

2. GPS network configuration in Albania and recorded data

The regional geodynamics of Adria, as well as the its borders relation to the major African and Eurasian plates, is monitored so far by a number of GPS stations deployed all over the South-Eastern Europe. Jointly to this regional network, a number of local permanent GPS stations have been installed in Albania, aiming the monitoring of the present day geodynamics and tectonic movements of the Albanian orogene. GPS stations have been installed in stable basement sites regarding the local geological conditions found in Albania, taking into account also the major tectonic division inside the country.

They are spread to monitor the entire territory, namely in Tirana, Shkodra, Peshkopia, Berati, Saranda and Maliqi (figure 3-a), thus configuring the Albanian GNSS permanent network. In addition to permanent GPS stations, a secondary GPS network composited by 47 periodic stations is built as well, with points uniformly distributed with the priority to the most distinct tectonic nodes [5]. During a 5 years period, each year a GPS measurement campaign has been organized utilizing these predefined periodic points, measuring at least 48 hours per point.
The GPS receivers, being compound by the outdoor and indoor equipment, are of the Ashtech and Topcom types. These instruments records the position in each point every 30 sec, within a very small error range. GPS antennas are placed in open places to better lock to the satellites, having a clear sight to the sky. To properly measure the correct position in each site, GPS antenna should receive a strong enough signal by at least 6 satellites instantly. The angle of the receiver antenna to the horizon accomplishes values $>12^\circ$. All the selected sites were build according to the international standards, constructing their basements on a strong rocky formation, as far as possible to the other sources of electromagnetic signal transmission such as television or mobile antennas. Meanwhile, for the secondary GPS stations, their benchmarks have been strongly reseeded into basement rocks to be ready for periodic measurements, upon the installation of portable GPS units [6]. Achieved data have been processed abroad according to the established working packages of the corresponding NATO Project, within the framework of the “Science for Piece” program. Obtained results are very interesting from the geodynamic point of view and the present day tectonic movements of the Albanian crust, giving a clear view of the actual tectonic stresses build up in Albania and surrounding region, as well.
3. GPS data interpretation and results

From regional data, obtained from GPS measurements in the Southwestern Balkan, results that the northernmost edge of the Adria microplate undergoes a counter clockwise rotation, reflecting a north-south overall compression. This compressional field changes direction to northwest-southeast in Friuli region, along the Dinarides coastline to the north of Dubrovniku. This dynamics is well evidenced by the strain rate tensor inversion as well as the focal mechanism of earthquakes (figure 2-b), [5]. Deformations are present not only along the coastal regions but also in the whole Dinarides.

Measurements obtained by the two GPS stations, in Dubrovniku and Matera, revealed a shortening (compression) by a rate of 1.9 mm/year. As well as between Dubrovnik and Sarajevo stations, along the inner Dinarides, where shortening happens by a rate of 2.5 mm/year. This displacements have been noticed also by the dense Croatian GPS network [4]. An enormous change is observed between the Dinarides and the northern Albanides. Dubrovnik GPS station undergoes a northward displacement referring to the Eurasian structure, whilst the GPS stations in external Albanides, namely Shkodra, Tirana and Saranda, show a westward displacement tendency (figure 4).

**Figure 4.** a) Crust displacement recorded by permanent GPS stations deployed along the borders of the Adria microplate, referring to the Eurasian plate (courtesy to F. Jouanne et al., 2008).
The strain rate tensor inversion clearly support these deformations. Dubrovnik station undergoes a 1.25 mm/year of displacement rate, along the eastward component, and 2.78 mm/year along the northward component, as comparing to Shkodra station. If the relative movement between both stations would be attributed to a single fault line, then the most probable fault to confine Dinarides and Albanides is the Shkoder-Peja tectonic fault [5,13]. According to this hypotheses, this fault is characterized by a dextral strike-slip displacement by a rate of 3 mm/year. During the Neogene, this fault has been the major border between Dinarides, which undergone an average rotation, Albanides and the northwestern Hellenides, affected by two subsequent rotations.

In order to test the existence of the present rotation of Albanides and northern Hellenides, a clockwise rotation pole is determined in reference to Eurasia, in the external Albanides. Based on the measurements, a rotation pole is found between the southern external Albania, refering to the Eurasia, for which the rotation angle, measured at Matera station, is -0.776° ± 1.22°. Incremental shortening rate along the Adriatic, between the northwestern and southwestern Albania, is an evidence of a counter clockwise rotation of the southern Adriatic foreseeing an increment of the relative displacement along the Adriatic from north to south, and a clockwise rotation of the Albanian crust having the same direction and relative displacement norm. In this reference frame of Albania, a very important residual displacement in the inner Albanides, leads to important conclusions regarding the existence of considerable deformations in this region [5,10].

4. External Albanides tectonic ovevements

External Albanides, which comprise Kruja, Ionian and Sazani tectonic units, have been affected by an important pre-Pliocene compression and also by a significant post-Pliocene shortening in the Periadriatic foredeep. They are structured by NNW-SSE to NW-SE thrusts, backthrusts and folds and by transversal faults with a NE-SW to nearly E-W orientation. Numerous focal mechanism solutions of shallow earthquakes demonstrate an ongoing horizontal compression (thrust faulting) dominating along the Adriatic collision (figure 2-b). Active tectonics is expressed by important historical earthquakes, as shown by the repeated historic destructions of Durresi (177 B.C, 334 or 345 A.C., 506, 1273, 1279, 1869, 1870, 1926 Ms 6.2), Apollonia (II-III BC, 217 AD), the 1920 Tepelena(Ms6.4) earthquake, the 1962 (Ms 6.0) Fieri earthquake and the 1979 Montenegro earthquake (M 6.9), [14].

As above shown, GPS results supports the occurrence of south-westward motion of points located in external Albanides relative to Apulia (figure 5). It
is possible to distinguish a moderate deformation across the inland part of the periadriatic foredeep (2 mm/year at the latitude of Tirana between TIRA and KRYE stations), and an important shortening across Adriatic Sea increasing from north to south of Albania [5]. From north to south, displacement rates of points located in the external Albanides presents changes in directions and norm. In the northern Albanides, between the Shkodra-Peja fault zone and Lezha fault, where displacements are normal to the fold’s axis, an ongoing shortening of 3.0 (+/-1.7) mm/year, is suggested as observed by a rapid change between the western GPS points and the other points of this area, which direction is also compatible with focal mechanisms. In the central, external Albanides, between the Lezha fault and the Vlora Bay, displacement rates reveal the occurrence of an ongoing shortening, partly offshore [ 2.3 (+/-1.3) mm/year] and partly onshore [ 1.7 (+/-1.3) mm/year], [4] 

Between central and southern Albanides a major change occur in displacement direction and also in the norm of displacement as well. This change is evident near the Vlora town affected by earthquakes in 1601, 1833, 1862, 1865 and 1866 in an area characterized by an intense seismicity with focal mechanisms showing the occurrence of both thrust and dextral strike-slip events, with a direction parallel to the Llogara Pass Fault (Othoni Island-Dhermi pass Fault), (figure 5). GPS points suggests the existence of a 4.5 mm/year dextral strike-slip displacement rate along this major fault accommodating the tectonic contact between the Apulian plateforme and Albanides.

In the southern, external Albanides, an ongoing deformation occurred offshore (4.9 mm/year +/- 0.3), referring to the SARA permanent station with the Apulia fixed reference frame) [5]. Displacement rates do not allow identifying an E-W extension component that could be related to the quaternary graben system south of Saranda.

The NE-SW Vlora-Elbasani-Dibra (VED), transversal fault zone, cuts through all the Albanides [7]. It is underlined from south-west to north-east by the Lushnjë flexure, the Dumrea diapire, the Elbasani depression, marked by important quaternary infills [10], and the transversal structure of Labinoti, continuing further, in Macedonia.

The current tectonics, along this structure, is expressed by an alignment of important historical seismicity comprising 15 historical and instrumental earthquakes (\( M_s > 6 \)). This active faults zone is also underlined by the NEE-SW alignment of the aftershock cluster consecutive to the September 1, 1959 and November 30, 1967 earthquakes respectively, located on the south-western and north-eastern edges, respectively, of this fault zone [14].
The current tectonics of this fault zone is expressed by an extension regime, measured in both sides of the Elbasani graben, whereas no relative displacements are recorded in both sides of the fault zone, in its southwestern edge (figure 5). It is then highly probable that this fault is mainly active in the Elbasani area and in its eastern edge, as shown by the 1967 Dibra earthquake [14]. Relative displacements across the fault zone indicate that this fault is almost normal which is in good agreement with the focal mechanism solution for the Dibra earthquake [14], as well as with the observed surface trace during the field work after the earthquake occurrence.

In the Apulia and Eurasia fixed reference frame, inner Albanides points present south-westward displacements reaching 2 mm/year north of the Elbasani-
Dibra fault (according to Peshkopia GPS permanent station), and up to 4 mm/year for points located south of the fault zone. External-Inner Albanides boundary (figure 4), appears to be the western boundary of the active tectonics, expressed by E-W and N-S extension in Bulgaria [6], Macedonia, Albania and northern Greece and in the Corinth Gulf [3][9]. In the Orhid-Korca graben system, current displacements (figure 5), indicates a moderate E-W extension across the Orhid graben that change to a N-S or multidirectional extension in the Korca graben. This highlights the rapid change between early quaternary E-W extension and the late N-S one, as described by [12], which may also be explained by a current multidirectional extension identical to the present-day deformation. Historical seismicity (figure 1), clearly indicate that this deformation is released during earthquakes with magnitudes $M \geq 6$.

4. Conclusions

The Albanian territory is part of the folded Alpine belt, which geological structure lays between the Dinarides in the north and the Hellenides in the south. The Alpine belt is the result of the collision between the major tectonic plates, namely Eurasia and African one. The folded Dinarides-Albanides-Hellenides belt moves convergently aside the Adria microplate. The convergent compressional movements between the folded orogene surrounding the Adria microplate, are expressed by thrusted folds and tectonic nappes, which often are related to the new tectonic faults and reactivation of the existed ones. The vast borders of the Adria microplate are pronounced for the high seismicity. Based on the GPS data in the Balkan region, it results that the Dalmatian coastal region moves towards the Adria microplates by a rate of 2 mm/year. As well it is observed that the northern Balkan is rotated in a counter clockwise direction. Based on the GPS measurements in the Albanian territory it results that the Albanian crust is shortening in the north-south direction as well as in the east-west one. This results are achieved by comparing data recorded by Matera GPS station in Italy and Ohrid GPS station in Macedonia.

5. Acknowledgements

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Prof. Asoc. Dr. Enver BYTYÇI

THE INFLUENCE OF THE MEDIA DURING THE NATO BOMBING IN KOSOVO

In the Kosovo crisis and the Alliance’s military commitment to solving it, information has played a paramount role for several reasons: first, because the public opinion was elaborated and persuaded by information and media, secondly, because the media was able to reach its users in a record time. Kosovo was part of the public awareness and information in the world for a long time. The beginnings of this process can be found with no disruption from 1981. Yugoslavia was then a relatively open country and tens of hundreds of reporters, journalists and analysts in the West had the opportunity to be present and witness the events in Kosovo. Thanks to this fact, the historical developments from 1981 up to date are generally reflected mainly truthfully and without the influence of anti Albanian fabrications and defamation propaganda.

In the late 1980s, the Albanians drew the attention of the civilized world due to the unprecedented resistance to protect the autonomy of 1974. The strikes of miners and metallurgists in Stari Terg of Mitrovica, the marching of hundreds of thousands of Albanians protesting to protect their constitutional rights, successive protests and rallies of women, youth and students in defense of the freedom achieved with the Constitution of 1974, were the subject of media and information not only within former Yugoslavia, but in all Western countries. Meanwhile, Serbia’s nationalist stance and removal of Kosovo’s autonomy in turn drew the attention of such media. Although under the shadow of a permanent conflict caused by Serbia, considering the successive wars in Slovenia, Croatia, Bosnia-Herzegovina, Kosovo was often present on the agenda of the global media. The public attention became particularly sensitive to the inhuman act of poisoning primary and secondary school students in 1990, killing of the Albanian soldiers in the Yugoslav army and unique campaign to reconcile blood feuds, in which Albanians expressed the opinion that under no circumstances they would accept the Serbian rule in Kosovo.
After the Dayton Conference, domestic and international media stressed the fact that Kosovo would be the last act of the Yugoslav drama. However, the intensity of information for and about Kosovo increased significantly after 1997, with the appearance of the Kosovo Liberation Army. The peace movement represented by the leader Ibrahim Rugova had created uniformity and monotony in the news and information media, therefore the emergence of the KLA immediately drew the attention of world opinion. In the period from July 1998 until the summer of 1999, Kosovo remained the subject of world events of the time. The period of military intervention of NATO, constitutes the culmination of the media engagement with the crisis and conflict between Albanians and the Belgrade regime in Kosovo.

The dimension of media and information at the time of the crisis in Kosovo included information from the war front, which spread from reporters and journalists who were able to penetrate inside the theater of conflict development. These journalists belonged to two categories: the first category included the group of journalists invited by the Milosevic regime, coming mainly from his allied countries. However, among them, in addition to Russian, Belarusian and Greek journalists attending were also guests from Italy, France, Germany or other countries. Some of them were favored, as the countries they came from did not support NATO air strikes against Serbia. While the second category was made of a group of journalists who had secretly entered the territory of Serbia and from there provided news and information for multiple radios, television stations, newspapers and news agencies.

This group, limited in number, was the most just and unbiased part of public information. The other category was comprised of journalists who followed the events on the border with Kosovo and Serbia, from Albania, Macedonia or Montenegro, paying close attention to those who have acted and observed in the field. The fourth category belonged to announcements provided by the parties in conflict themselves, on the one hand NATO spokesman and, on the other hand, the spokesman of the Serbian Government. Meanwhile, the Kosovo Liberation Army was unable to create a genuine center of daily information on everything. The Kosovo Information Center, which was established by Rugova’s Democratic League, would provide some type of information, but not to the extent of affecting public opinion.

The foreign journalists who remained in Pristina, kept in touch with President Rugova, his assistant Fehmi Agani, or with some local journalists of “Koha Ditore” and “Bujku” newspapers, but they were not able to find detailed information about the situation on the ground. However, in some cases foreign reporters were able to chase the events e.g. in Prekaz, Malisheva, or other conflict hotbeds.
There were two different approaches to information: that of the journalists and journalism of the Western democracies who were engaged in the real reflection of efforts to resolve conflict through the violence of the military action by air, on the one hand, and that of the camp of information structure coming from Serbia and its political, military and police structure or the media manipulated by its allies, on the other hand. However, in Macedonia, Montenegro, Greece and several other countries in the region, media and information was often influenced by the propaganda and falsifications of Belgrade. Thus, the Serbian TV station in Macedonia, KISS, repeatedly and falsely announced that “Albanians were fleeing Kosovo due to NATO bombing.” While a group of cameramen and reporters of Greece distorted reality, by filming and saying “Here look, women in Pristina in a calm and normal way perform their daily shopping”. Information was processed differently in Albania. Our country, in this aspect, became a partner of the West, in support of NATO and its military actions to liberate Kosovo.

The Kosovo conflict and military intervention of NATO to resolve the crisis is estimated by experts and researchers as a new model in terms of the experience for providing information and dissemination of the news from the informative center of NATO in Brussels. Media content and effects of this conflict are considered as the most effective, to the extent that an American contributor to the Media Operations Centre in Brussels had stated that “The success of the media operation had finally led Milosevic to capitulation”. In an American research, it is also stated that “Foreign policy cannot be conducted by the media. But neither can it be done without participation from the media”. The importance of information and media was actually formulated in 1940, when the American General, Eisenhower, stated that “Public opinion wins War” (Public opinion wins war).

The formulation of information and news about the Kosovo crisis followed three phases: The first phase covers the period before the air-strikes of NATO. The second phase belongs to the period of bombing against military and strategic targets in Serbia, while the third phase belongs to the post-war period.

1. In the prewar period, efforts were made so that information, news and chronicles of the events in the field went public as soon as possible. This process aimed at preparing public opinion in support of a possible military action. The content of the media information of this time was mostly promoting the

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idea that Milosevic was preparing for Kosovo a second Bosnia, advocating the logic that in such case the democratic world should not be indifferent. The Swiss newspaper “Neue Zürcher Zeitung” thus commented: “It is the same scenario as in Bosnia. Albanians are convinced that the Belgrade Government has started anew their ethnic cleansing in Kosovo”. Meanwhile, the German newspaper “Süddeutsche Zeitung” also wrote that: “It is the same scenario as in Bosnia: ... the Military and police forces of Serbia burn villages and force tens of thousands of civilians to flee - and then we see slaughter and mass graves in the news”.

Before the start of the war in Kosovo, the foreign media, as well as those published in Albania, Kosovo and the Balkan area, had expressed the fear that Kosovo would be Serbia’s next victim. Information, comments, opinions, and analyzes were used to legitimize an armed intervention to resolve the crisis. The media tried to recover after each event the historical memory of war crimes and crimes against humanity in Europe and the world. The Serbian President Slobodan Milosevic, during the wars in Croatia and Bosnia-Herzegovina, was compared to Hitler and his crimes received the same moral condemnation in the media. Meanwhile, Milosevic’s comparison with Saddam Hussein was a common routine in the media jargon and the statements of politicians, especially in Albania and Kosovo, but also in the Western media.

Facts and events before 1999 were sufficient for the Serbian leaders to be viewed as perpetrators of crimes against humanity and genocide against non-Serb peoples in former Yugoslavia, but in Dayton, Milosevic was able to take on the nickname “man of peace”. However, the developments in Kosovo, after the emergence of the KLA in September 1997, returned his previous crimes to the public attention. The media and information formulated before, during and after the war, had provided the backbone of the argument, avoiding a human tragedy, which was caused by a government known for its crimes against humanity.

The specific cases of the Serb violence and massacres in Kosovo constantly occupied television screens and newspaper pages in the world, but the most influential echo in the public was caused by the Racak massacre. The media effect of that time was caused in particular by head of OSCE mission in Kosovo, William Walker, who went to the scene and standing before the massacred corpses held accountable the head of state, Slobodan Milosevic. President Clinton defined the Racak massacre as an act of death. The television screens in the West presented horrific footage of the murder of innocent people. Meanwhile, the Racak massacre raised awareness in public opinion, especially in the Western democracies. In these conditions of battleground horror and media coverage, the Rambouillet Conference was convened on February 6, 1999.

*Andres Wysling, “Treuergüze und Ruinen in Drenica”. In: Neuer Zürcher Zeitung vom 17.3.1998.*
However, the Racak massacre had been contested in the Western media. Two French newspapers “Le Figaro” and “Le Monde” described it as “a fabrication of the Albanian party”. It seemed that the French diplomacy and politics was not moving quickly towards perception of the truth regarding the events occurring in this hotbed of crisis. After the war, in 2001, the German television ARD and the newspapers”Frankfurter Rundschau” and “Berliner Zeitung” were declaring that Racak had the massacre appear as manipulation, with the specific purpose of “justifying military intervention in Kosovo”. The show aired on German television ARD and published in BZ and FR even called the Racak massacre a lie (EineLüge). The Racak massacre and its inclusion as a key event in all global media marked a turning point in the pro-intervention positioning in former Yugoslavia of NATO and its members.

2. The U.S. President Bill Clinton, in his television speech on March 24, 1999, when he also commanded bombing of the military and strategic targets in Serbia stated that “It is imperative to put an end to this tragedy”, legitimizing the military intervention of NATO without a Security Council mandate. Meanwhile, two days after the bombing, at a meeting in Budapest, the U.S. special envoy to the Balkans, Richard Holbrooke, defined the central role of the media in this conflict. According to him, in this conflict, the politicians are more concerned with what the public should be informed of and what not.

From this moment, the clashes among media had as an objective the legitimacy of military intervention of NATO in Kosovo. In this context, film footage received a particular importance. Videos and cameras were more effective than thousands of words. The wave of refugees increasing each day was part of all television screens and newspaper pages across the world. Although Milosevic tried to present the refugee crisis as a crisis caused by the NATO bombing, he could not achieve the goals of his media campaign.

Politically, Serbia took an irreparable blow. The political statements issued in the public opinion further strengthened the comparability dose of Milosevic and his repressive apparatus to that of Hitler’s regime during World War II. At a press conference on March 28, 1999, the German Minister of Defence, Rudolph Scharping, spoke for the first time of “crimes against humanity” in Kosovo. A few days later, he usesthe terms “death machinery of Milosevic” and “ethnic cleansing”, while the German Foreign Minister, Joschka Fischer

spoke of the “Serbian SS” and called the opponents of the war “supporters of a new fascism”. Responding to the opponents of the war in his party of the German Greens, Fischer declared that “I haven’t only learned from the notion “Never again war”; on the contrary, I have learned from the notion “Never again a new Auschwitz”.” The comparisons to the Holocaust and Hitler’s genocide faced the opposition of various Jewish organizations, especially in Germany. While, the holder of Nobel Peace Prize, Holocaust survivor, Judeo-American Elie Wiesel, wrote in the “Newsweek” magazine: “The persecution of Albanians is very serious, but it’s not the Holocaust”.

The British Prime Minister, Tony Blair, was the most active political personality in the media at the time of the NATO bombing and took it upon himself to raise public awareness more and more about what was happening with the Albanians in Kosovo. He repeatedly warned that Europe could not accept another Nazi time at the end of the twentieth century.

In the organizational level, media information centers were created in several bases in Europe and the United States of America. The most important of these was the “Media Operations Centre” (Media Operations Centre- MOC), where the best and more intelligent 20 experts of information processing were involved. This center was directed by Alastair Campbell, the main personage of the group of advisers to Tony Blair in the media during the campaign. In Europe and the United States of America, there were also formed and operating companies of war imaging performance. The statements of political leaders of major NATO countries as well as the Generals and political leaders of the North Atlantic Alliance itself were the main object of the media war and communication of the truth to people. For example, MOC, soon after the beginning of operation, coordinated the statements of all political leaders, Presidents and Prime Ministers of the member states of NATO, in order to maximize their impact on public opinion.

Meanwhile, the Centre arranged the daily press conferences of Alliances’s spokesman, Jamie Shea, formulating for him with special care each sentence to be cited. Media operation center of NATO in Brussels was the main source of information, in which skilled experts in the military field of international law were engaged. Journalists, experts, Generals, Prime Ministers, Presidents of the member countries of NATO pledged to argue in public on “Why this war was so important for the New World Order”. The NATO’s spokesman

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8 ARD Television, in the “Panorama” transmission, dated 15.4.1999.
Jamie Shea, later on after the war, would make the comment that “Kosovo was the first media war. The utilization of media, the battle for elaboration of the public opinion were just as important as the air strikes ... Journalists were also soldiers, in the sense that they had to explain to the public, why this war was so important”. Meanwhile, videoconferencing became a very important tool of information. They had a tremendous impact in terms of the periodicity of addressing topics and the process of attacks occurring on those 78 days against Yugoslavia (Serbia).

3. Post-war information aimed mostly at justifying the use of force for resolution of the Kosovo crisis. Generally after the war, the media defended its previous positions of the argument for military intervention to prevent a humanitarian catastrophe, but in the meantime, doses of doubt increased, on whether the media and information had been misused for the purpose of disinformation and manipulation or not. It can be assumed that the revocation of any event or process, as in the case of the Racak massacre, also had to do with internal political conjuncture of the countries where such initiatives, as the ADR in Germany were disclosed.

However, any correction was due to difficulties during the war to follow the development of events from up close. Reports, information and news provided the chance for a real perception of the situation and real coverage in support of the war. However, in specific cases, this difficulty was based on the fact that the media was not able to convey the actual situation in the field. E.g., if for some reason, aircraft bombs missed the provided target and caused damage and victims among the civilians, the image conveyed to the public was always owned by the opposition media, Milosevic regime. Although NATO reports went to TV-screens and newspaper pages through statements, the local media in Serbia were able to broadcast specific footage of the consequences of collateral damage occurring in the field. This opportunity had given to Belgrade the advantage of unverifiable manipulation of the truth. For this reason, the media war took on such proportions, as to create the possibility of manipulation of facts and figures. After the war, in the West and especially in some East European countries, statements, contradictions and half truths were put together. This created the image of an unjust war in Kosovo.

However, as the main actor in the NATO war of media was considered its spokesman, James Shea. After the war he wrote some notes, which are of interest to researchers in this field.

First, James Shea states that it could be expected for a war and crisis such

as the one in Kosovo to have a perfect reflection of reality. Conflicts and crises lead to polarization of opposing parties. A conflict always involves opponents and, therefore, it has counter-arguments, propaganda and disinformation. The Atlantic Alliance links with the media and press in times of crisis are harder than during peacetime. This is because information from the government during the war is limited, while the media is interested in penetrating the background of the developments.

However, writes James Shea, the strategy of NATO cooperation with the media and the press during the Kosovo crisis has had a positive impact enabling military operations to be associated with mitigating of adverse actions.

**Second,** the former spokesman of the Alliance wants NATO media outlets to be structured during peacetime and not just function in times of war. Even the Media Operations Centre in Brussels should have to be institutionalized earlier, from the beginning of operations. The absence of such center had hampered at the beginning of operations the processing and dissemination of information. The main tasks of this center had been the planning and coordination of activities in view of the goals of the war, observation and selection of the reports spread by the media network of the opponent, in this case Serbia, opposition of the opponent’s options, as well as the design, analysis and examination of incoming news and announcements.

**Third,** James Shea highlights the fact that it is necessary for information to be transmitted at a fast pace from the first days of combat operations. The experience with the conflict in Kosovo indicated that in the first days the organization of disseminating information hadn’t been good, which had damaged the ongoing work, as well as the credibility of information.

**Fourth,** he demands that in the future, i.e., any potential conflict or crisis, more information is to be had on the opponent. In the case of the war in Kosovo, NATO was late in starting to collect information for the media and the Yugoslav press. Therefore, the center of Brussels was at times caught off guard by the propaganda machinery of Milosevic. While Milosevic had access to the media of Western democracies, due to the principles of freedom of the press, the Alliance had no access to the media controlled by Milosevic. Therefore, it was required an improvement of the media planning.

**Fifth,** if Serbs in the Kosovo crisis were able to broadcast through the media anything they cared about directly from the scene, with photos and video
footage, the media centers of NATO and the pro-war media and press in the West was unable to provide images of the burning of villages by Serbian military, and could not present through moving images the mass graves, which were later discovered and so on. The advantage of the adversary, writes James Shea, needs to weaken through some specific measures which can be pondered and processed in the future.

Sixth, he stresses that, during the Kosovo crisis, the media could have been better at coordinating time in order to pay attention to the constant supply of the media with new material.

Media participation in the Kosovo drama and conflict was of crucial importance, because never before Albanians had been able to draw the attention of the democratic countries. The media restored, to Kosovo its rights, what Kosovo had been missing throughout its history, unlimited support and therefore public awareness on what the parties in conflict represented. At that time, television screens were filled with gruesome images of the Kosovo drama. These images as well as countless stories of the written media sensitized all strata of population in the democratic countries. Given that in these countries the public opinion determines the position and implementation of state policy, then we can imagine how large of an impact the media had in promoting a fair decision-making in support of the Albanian victims in the Kosovo conflict.
Ekrem SPAHIU

THE NECESSITY OF ALBANIAN KINGDOM
AND ITS LEGALITY

90 years ago, exactly on September 1, 1928, (Saturday), the Constitutional Assembly in its fourth meeting, unanimously adopted the Statute changes (i.e. the Constitution). Two of the most important ones were: “Albania is a democratic, parliamentary and hereditary Kingdom” and “The King of the Albanians is His Majesty – Zogu the First.”1

The transition of Albania in the form of governance of the monarchical system was in fact a transition to a more traditional and more acceptable system for Albanians than the Republican system. The kingdom was installed by the same person, who three or four years ago installed the Republic and was proclaimed President of this Republic.

The proclamation of monarchy has been evaluated with numerous contradictions in the public opinion, which can be grouped into three positions. The most radical stance is that the monarchy installed by Ahmet Zogu was not legal and was simply an expression of Zogu’s personal ambitions.

Another stance is that the installation of the kingdom, even though it was not lawful, has been a necessary political act for the stability and national security of the country. A third one is that installing of a monarchy has been a national necessity and has been completely legitimate.

From a legal point of view, all three attitudes deserve attention, since the constitutional monarchy as a political system has its roots in the “reign of law” as a legal system. Then, let us analyze some aspects of the legality of the kingdom’s installation in Albania.

As it has been mentioned above, the same personality who led the country for about four years in the capacity of the President and Prime Minister, he was also declared King of Albanians. If this would be a matter of political will or ambition, then what or who could stop Ahmet Zogu from installing the Kingdom since the year 1924 when he returned to power? He had the authority. He had

1 Founding Statute of Albanian Kingdom, Mbrothësia, Kristo P. Luarasi, 1928, pg.3, 9.
embodied the leading values earlier, even in a rather delicate post as the Minister of Interior. He also had been recognized and supported even internationally, a status that his political opponents led by Fan Noli missed, because they came into power illegally. Moreover, they left Albania after six months (December 24, 1924). Albania did not have a tradition of political stability. Under these conditions Zogu had a great “freedom” of action. The question is why did not Ahmet Zogu do this act of Kingdom proclamation from the very beginning? Was that hypocrisy?

The truth is quite different. Ahmet Zogu was very careful in his steps to change the regime’s form in Albania from the Republic to the Monarchy. He worked in several directions in order to be in harmony with the whole political process, the Albanian public opinion, the conviction and the support by the international factor, in particular by the Great Powers, and above all with the initiatives and respect of constitutional and legal procedures.

Ahmet Zogu could not make a political step that would be in violation of inheritance rights. As it is well known, at the Article 1 of the Ambassador’s Conference on July 29, 1913, among other things, it was stated that: “Albania is constituted as an autonomous, sovereign and hereditary principality according to the descent of ancestors of the same blood, under the warranties of six Great Powers. The prince will be appointed by the six Great Powers.” Likewise, it is very well known that immediately after the Ambassador’s Conference, the heir who would exercise this function has been appointed: the prince of German descent Vilhelm Wied, who could not stay longer than about 6 months (7 March-3 September 1914) to exercise his princely power.

Prince Wilhelm Wied, though absent, never proclaimed abdication to free the way, whether for a king or successor prince, or to pave the way for the change of government’s form. Under these conditions, in 1924, Ahmet Zogu could not declare the continuation of the royal / princal descent, because it belonged only to Prince Vilhelm Wied. Then, Ahmet Zogu chose the second way: the proclamation of Albania’s Republic and his proclamation as President and Prime Minister.

But what has not been well explained in the historiography of Albania so far, is why Ahmet Zogu did not express exclusively and in parallel that he “does not know the kingdom” when he declared Albania a Republic and himself President and Prime Minister? I think that here lies the key explanation and not as a category of historians explain that with the proclamation of Albania and Ahmet Zogu as its President, the monarchical form of government in Albania

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was completely abrogated.

When Ahmet Zogu became President of the Republic at 1925, he declared a form of government to be as acceptable as possible and to the benefit of the people of the Albanian state. Such a government would set out, based on institutional way, the functioning of the entire Albanian society and politics, which for 13 years since the declaration of independence had been in complete chaos. Meanwhile, with this act, Ahmet Zogu did not announce the non-recognition of the kingdom. Rather, he left open the possibility of royal continuity.

As soon as Zogu strengthened the state to the extent necessary to be able to assume and administer his powers, then he went back to the political origin known or declared by the Great Powers as “hereditary kingdom”. It was only one obstacle to surpass this “political threshold”: Prince William Wied was still alive and he had not yet been expressed whether he continued to claim the royal throne or abdicate from this throne, so letting someone else to inherit the throne. In this context, many historiographers have distorted or did not properly read the reference to Prince Wied’s statement dated on August 24, 1928, which is being cited fairly as it has been brought by unbiased author Owen Pearson: “Former King Wilhelm, Prince Wied, who had never abdicated, issued a statement declaring that he claimed for himself and for his heirs all the rights to the throne of Albania, despite Ahmet Zog’s aspirations to be King. His opinion and belief was that most Albanians still supported him, but he felt that his immediate return could not be discussed, as it was not possible to hold a free and untouched referendum at that time. He stated that he was free from his personal ambitions and that he never intended to provoke disagreements among Albanians, since the unification, progress and prosperity of which had been and was still his only goal. Thus, he would avoid internal and external political difficulties, waiting for the right moment to return to Albania, which would necessarily foretell a unanimous desire of the people.”

As it has been stated above, the Statement was issued on August 24, 1928. Meanwhile, it is known that the Constitutional Assembly declared Albania as Kingdom on September 1, 1928. What then could be meaning to be considered as the foundation of a legal process?

Albania was announced Kingdom immediately after the statement of its legitimate Prince Vilhelm Wied. But the former Prince, in his statement, said that he had never abdicated, which means that, in a way, he admitted the possibility of abdication. Furthermore, the former Prince also acknowledged that his abdication could be justified after the support of the Albanian people,

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which he thought he enjoyed. Meanwhile, he felt that support had to be “read” through a referendum where the people would express its will. These labyrinths of reasoning show that, for many reasons, Prince Wied had lost faith and possibly the right to pursue reigning of Albania. It shouldn’t be forgotten that he had left Albania 14 years ago, so not exercising his attributes for a relatively long time.

Now let’s come to the decisive element that determines the type and the representative of a legitimate regime: popular support. What was the will of the people that Wied was looking for? Did not the Constitutional Assembly represent the will of the people? Did those troubled times promise to organize and hold a classical referendum as the “lost” Prince claimed?

Thus, in essence, the whole of the former Prince’s statement can be interpreted, more or less, as following: “The Kingdom must continue. I (former Prince) am one of those who can claim this throne, but the people should be asked about it. “As it is well known, the people, through the power of the Constitutional Assembly, did affirm that the Kingdom should continue. On behalf and the will of Albanian people, the Assembly stated as well that it designated even the King, Ahmet Zogu - a Great Albanian, who had demonstrated himself that he knew how to realize the will and noble purpose of the former King Wilhelm Wied: the unification, progress and prosperity of Albanians.

Regardless of Prince Wied’s statement of August 24, 1928, Zog devoted a special care related to this issue, because he doubted that Great Powers could find any other legal space for the return of Wied to the throne of Albania. Consequently, his movements to win the royal Albanian crown during the first period of political activity as the head of the Albanian nation were mostly slow and very mature. Zog and his aides thought it was imperative to initially make the utmost efforts to convince the Great Powers and to provide their support in achieving this major goal for the future of Albania and his own as well. For this very reason, Albanian historian Valentina Duka, writes: “Finally, British and European diplomacy in general, convinced by Italian diplomacy, very active in this region, highly eager to see a stable Balkans, agreed to open the green light to change the form of government in Albania.”

Even though Zog had managed to convince the international factor, he realized that such a constitutional change necessarily required extensive preparations in the internal plan as well. Being always cautious about maintaining the legal form, he tried to make this change within a regular constitutional framework.

Since the Assembly was not legally entitled to change the Constitution, the General Review of the Statute (Constitution) was decided, and for this reason, it was necessary for the parliamentarians to vote on a constitutional law. At that

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time, in Albania there were two Chambers: one of the Deputies and the other of the Senate. On June 7, 1928, the two Chambers convened in a joint meeting. In order to comply with the article and spirit of the Statute, they added Article 141 with the following content: “The General Review of the Statute belongs only to the Constituent Assembly.” When it needed a general review of the Statute, the two Chambers would naturally dissolve and elections for the Constituent Assembly would be decreed.

Following these constitutional changes, on August 17, 1928, the elections for the Constitutional Assembly were held and the Assembly members voted from the people started their meetings on 25 August. On 1 September 1928, at 09:12, the Constitutional Assembly, in its fourth meeting, unanimously adopted the Statute amendments. Two of the most important ones were: “Albania is a democratic, parliamentary and hereditary Kingdom” and “The King of the Albanians is His Majesty – Zogu the First”.

In a very meaningful way, in a country plenty of different religions, Zogu swore on the Bible and the Qur’an: “I, Zogu, king of the Albanians, on the occasion of taking over the royal power, swear to the almighty God that I will preserve national unity and territorial integrity of the state. I will adhere faithfully to the Constitution and will act on the basis of its acts and laws in force, taking into the consideration the will of the people.” Under the new Kingdom Statute, the Constitutional Assembly was transformed into Parliament and began its first meeting with this new capacity on December 10, 1928.

The preparation of the Albanian public opinion for the transition from republic to monarchy and the election of Ahmet Zogu as King of Albanians was very necessary before this action was executed. Closed staff of Zog paid great importance to public awareness of this national historical event, which was achieved with all the necessary tools, but mainly through Albanian and foreign media. Events and rallies were organized, where the people uttered his will to change the form of government and the proclamation of Zog as King of Albania. The first telegram that arrived in Tirana was that of the Skrapar voters, sent on August 17, asking for Ahmet Zogu’s election as King. Other prefectures and other sub-prefectures did the same as Skrapar one. These organized events and festive atmosphere culminated in a major rally in Tirana on 30th of August.

On the other hand, the international factor was well informed and offered to Zog full support for this process. The official recognition of the Kingdom was

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5 Founding Statute of Albanian Kingdom, Mbrothësia, Kristo P. Luarasi, 1928, sim.
6 Selmani, Hysen, “Nga notimet e Zogut I, Mbretit te Shqiptareve” (From the notes of Zogu First, King of Albanians”, KRISTALINA KH, 2008, pg.207
7 10 Vjet Mbretni (Ten years Kingdom), 1928-1938, f.59.
first issued by Italy and then by Hungary, USA, Greece, Yugoslavia, Uruguay, Austria, Bulgaria, France, Holland, Belgium, Switzerland, Spain, Poland, Lithuania, Latvia, Sweden, Finland, Marino, Ecuador, Egypt, etc.

These were the conditions and the circumstances, but also the stages of transition at the process to which the monarchy was established and legitimized in Albania. The issue of legitimacy is a major issue directly related to political stability and national security. This form of government has been asked for from a general assessment of the real situations that the country had passed and was passing, but also as a necessity to overcome the various political forces and local leaders, because the risk of political parties and individual disputes to come to power by any means was seen as a major national problem.

The period from 1912 to the installation of the Monarchy has been the most destabilized period of the country and, consequently, the most vulnerable to Albania’s national security. Under these conditions, for Albania and Albanians wherever they lived, there was no other option of salvation, survival and national security, except of moving to an even greater concentration of energies, efforts and strengths of the whole nation, which was embodied in the political solution of installing the Monarchy.

With the proclamation of the Kingdom of Albania, favorable conditions were created for the full exercise of power and governance throughout the territory of the country and putting an end to intrigues and “behind the scene” actions to the detriment of the country’s interests. However, this can also be seen as an opportunity to personally influence in solving national problems, under the conditions of fragmentation of Albanian domestic politics.

The form and the oath referred to the Qur’an and Bible was considered an important factor of stability, security and well-being of state affairs. It materialized the idea of cooperation with all religious institutions, making factual steps to provide significant supporting and inclusive factors on national security issues, among which the coexistence of different religions was considered fundamental.

The announcement of Ahmet Zogu as King of Albanians marked the beginning of the most important phase of realizing his vision for consolidating the state and all the instruments that render meaning to his modern government.

In conclusion, it must be confirmed that the security situation of Albania before the establishment of the monarchy, could be sorted in two periods: 1912-1925 and 1925-1928. The two periods are separated by the fact that, in the first, Albania, even though it did “surpass the rainbow”\(^8\), i.e, passed from the state of the 500-year occupation to the state of living as a separate nation, it still failed to establish a true governmental regime, a serious political regime which would

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\(^8\) Albanian folk saying referring to drastic changes.
be strengthen within the country and would have a voice abroad. The political system was dim and very unstable.

In the conditions of the provincial and tribal divisions as well as the influences of various internal and external interests, in a period of only 7 years after the end of World War I, a total of 14 governments would come into and resigned from the power. Their Prime Ministers were: Myfid Bey Libohova, Fejzi Bej Alizoti, Turhan Pasha Përmet, Esat Pasha Toptani, Sulejman Delvina, Ilja Bej Vrioni, Pandeli Evangjeli, Qazim Koculi, Hasan Prishtina, Omer Pasha Vrioni, Xhafer Ypi, Ahmet Zogu, Shefqet Vërlaci and Fan Noli. It pays to be evidenced that in December 1921, due to personal ambitions and constant conflicts between political groups, in only 18 days, three prime ministers alternated their powers. Their governance time was measured only by days: Qazim Koculi one day, Hasan Prishtina 5 days and Idhomeno Kosturi 12 days!

As it clearly seems, in those years Albania found itself in power vacuum, so lacking the stability and, consequently, affecting its national security. This political instability in the country was also reflected in the main official European meetings where the luck of our country was discussed. The official Albanian elements, in most cases, were not present. But even when they were present, they were divided, as it was the case at Paris Peace Conference in 1919 - the most meaningful example.

Under these conditions, Albania was not simply divided and isolated, but almost neglected by the world and extremely endangered to lose national security as well. The country was plunged into poverty. The only solution was immigration, which in those years, not only began, but also massed as never before and after.

On the contrary, in the second period (1925-1928), which is not incidentally related to Ahmet Zogu’s name, Albania entered within a short time in the course of the individuality of the governance, its strength and its word. Albania began to be considered in the international arena, even to hear its word as was the case for Chameria. The government was almost completed in its own political infrastructure. However, what unite the two periods are the country’s extreme poverty, weak infrastructure, inefficient education system, dysfunctional legal system, and incomplete diplomatic representation in the world.

Taking into account the abovementioned facts, and the very important one that, in those same years, the security situation in the Balkans and Europe was going to be deteriorated, then for Albania and Albanians wherever they lived, there was no other way of life to survive and to guarantee the national security, except of moving to an even greater consolidation of energies, efforts and strengths of the whole nation, which was embodied in the political solution of
the installation of the Monarchy.

Such experience of consolidation of political power in times of great danger to national security has been experienced by many nations, no matter what form this consolidation has been selected. Germany once upon a time operated under the “Monarch” Bismarck.9 Our closest neighbors, Serbia and Greece operated with the same way. Albania was no exception to this rule. Otherwise, Albania would become target of wild greed. The transition from the Republic regime to Kingdom regime not only was indispensable, but also legitimate. This is very important, because legitimate governance is the cornerstone of the foundation of national political stability and security. This legitimacy, Ahmet Zogu, did win with legitimate means and with the distinguished contributions of the accepted and supported leader at the national and international level.

What Albanians and Albania achieved under King Zog’s rule during eleven years of the Kingdom is a topic that deserves special treatment.

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9 Otto Eduard Leopold Fürst von Bismarck, Prussian Prime Minister who managed to join with Germany and appoint himself Chancellor of Germany 1871–90.
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Elfrida TARAKU

PRIVATE PENSION FUNDS CHALLENGE FOR THE PENSION SYSTEM REFORM IN ALBANIA

Abstract

The object of this study is the analysis of private pension funds and the challenges for the reform of the pension system in Albania after the fall of the communist system, the progress of its most important indicators, the reforms undertaken in the system of private pension funds. Of course, after this analysis naturally emerging problems and further reforms that need to be made to the system in order to maintain its financial sustainability, good administration, etc. The Private Pension Fund is a saving tool designed for additional income when retiring. Among the main factors affecting pension funds are the legal and regulatory framework, prudent investment policies, time span (investment time extension) and public transparency and credibility.

Key words: private pension funds, pensions, insurance, social security, health insurance, penitentiary schemes, fixed-term pension, permanent-term pension

Entry

Recent years have witnessed an intensive retirement effort in many parts of the world, which often involved a widespread use of private sector managed pension programs. Under these conditions, the need to compare the development of programs and experiences between different countries is very important for policy makers, supervisory authorities, and private sector participants. 

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Private pension plans are playing a very important role in securing retirement income, and investment in pension assets will have an ever-increasing impact on financial markets in many countries around the world in the future as well.

Pension funds are considered as large businesses and are important for employers, employees, governments and societies in general.

Social security has evolved in parallel with the economic development of the entire society. In a sense, it can be said that their birth is related to the industrial revolution, with the emergence and consolidation of the modern state and the middle class itself. The level of solving such problems, such as lack of old age, sickness, invalidity etc., is conditioned not only by the way of life of employees, the unemployed, those who have not reached the age of employment but also from the demographic structure, the interest of individuals to solve their problems, etc.

But, referring to the historical social security developments, it is noticed that even the best solutions offered, always remain as temporary alternatives. The provisional nature of these solutions is determined in every case by general economic developments, but on the other hand, for several decades, almost all governments of countries that respect democratic standards respect the obligation to guarantee the rights of the individual, where the right to the benefit of social security, is one of the fundamental principles. In this context, the reform of pension systems, whether full or partial, has a considerable place in the electoral programs of each government, trying to make the individuals more sensitive about the economic program being offered.

1. **Private pension systems**

   **Pension funds and their form of occurrence.**

Private Pension Funds are financial institutions with important effects in two main directions, first in the social one, as an instrument through which individuals can save money for their retirement and secondly, as a very important factor in the capital markets, so the Private Pension Fund is a savings vehicle designed for extra income when they retire. The main task of private pension institutes is to accumulate contributions and invest with maximum security, while the purpose of private pension insurance is to provide: a) early retirement pensions. b) Additional old age, invalidity and family pensions, over those provided by compulsory social security scheme against paid contributions and realized earnings.
In many developed countries in the world, employers are encouraged by governments to create private pension funds in addition to social security contributions, not just to provide other income sources for their employees at the time of retirement but also to promote savings at the national level.

Pension funds include a wide range of savings ranges from social security schemes to voluntary individual contributions schemes or profit-based schemes within the company. Contribute-based schemes are those schemes in which the employee and/or the employer set a fixed amount each month mainly at the time of the payout; Benefit-based schemes within the company at the time of old-age guarantee the employee a certain periodic benefit in the retirement period. Adoption of Law No. 7943, dated 01.06.1995 “On Supplementary Pensions and Private Pension Institutions (and amendments made to the law No. 8393, dated 2.09.1998 “), as well as the completion of the institutional infrastructure of the regulatory framework, have created the possibility of licensing private supplementary pensions institutes, laying the groundwork for a new alternative, which will operate in parallel with the scheme current state social insurance. This enables every individual to invest safely by creating a stable economic base for the retirement period.

**Development of private pension scheme in Albania**

Pension fund management companies have not existed and therefore neither the services provided by this service. The same situation appears in other former communist countries.

With the fall of the communist system and changes in political platforms in countries that had experienced it before, the economy focused on free market operations. At this time, the broader presentation and the development of financial services became a necessity for many countries. The compromises between the successful models applied in the developed countries and the needs that appear in countries like Albania, in most cases, proved to be a necessity for the growth of the welfare of the population.

The financial services sector has never been known before in Albania, with the exception of some limited banking sector operations. At any moment, the government exercised full control and in no case did it leave room for any other initiative in this regard. It has always been the duty of the state, the determination of wages and pensions, which in general have been at very low levels, and furthermore it was noted that the ratio between salaries and wage categories has never been higher than 1:2.

In the case of Albania, the question is coherent: “Why is it required a 20
year period to create service sectors of this nature”? The answer to this question is closely related to the difficulties the country faced during the transition. Judging from this point of view, what makes the situation more difficult, apart from the above phenomenon, is the attempt to influence the change of mindset and mentality. As noted, this is one of the biggest challenges faced by any government that has come to power over the last 20 years.

The insurance sector and its development in recent years is a good illustration of the comments made above.

Pension Companies are controlled and monitored by the Financial Supervisory Authority, a public institution under the authority of Parliament, established by Law No. 9572, dated 3/07/2006 “On the Financial Supervisory Authority”, which plays the role of the regulator for the functioning of the private pension scheme.

Entry into force of Law no. 10197, dated 10.12.2009, “On Voluntary Pension Funds”, has brings about the improvement of the legal basis and the adoption of new subordinate legal acts in implementation this law. This law made it possible to adapt to international standards and directives. European pension fund for the third pillar of private voluntary pension contributions certain.

1. The law aims to improve the existing system of voluntary private pension in Albania with expected impacts:

2. Facilitate long-term social costs by stimulating citizens to save privately and voluntarily to increase their retirement;

Increasing the level of population saving and increasing long-term investments in the country.

Based on the contribution rate, the timeframe for participation in the supplementary pension scheme, the selected pension plan and the investment return of the funds also determines the benefit that the adherents will receive in the form of a pension. At present, there are three voluntary pension fund management companies operating in the market, respectively, which are under the management of a pension fund.

Companies operating in the private pension market operate:

- Raiffeisen
- Sigal
- SicredPensions
Voluntary Private Voluntary Pensions Market

Significant development during 2011 in the voluntary private pension market has been the licensing of operators expected to play an important role in maturing this market, further increasing public confidence in the investment of funds in the private voluntary pension scheme. An important aspect in AFSA’s work, after the entry into force of the new Law no. 10197, dated 10.12.2009 “On Voluntary Pension Funds”, has been the further completion of the legal framework. The new scheme of the organization and operation of private voluntary pensions, sanctioned in the new law, constitutes a novelty for the Albanian financial market. In January 2011, a licensed operator developed the activity according to new requirements, while during the year were licensed and 2 other operators.

Licensing according to European standards of new operators in this market is expected to play an important role in its maturity, further increasing public confidence in the investment of funds in the private voluntary pension scheme. Furthermore, the inclusion of tax incentives in this law, which aim to make the private pension scheme more attractive to contributors and employers. The analysis of data on the private voluntary private pension market until 30.09.2016 shows a total under management asset of 837.09 million lek and net investment income of about 6.01 million lek. The average value of the monthly contribution paid to the voluntary private pension funds during 2016 ranged from 2,000 ALL.
to 13,600 ALL depending on the fund, while the number of active members or members who have made at least one contribution is 5,275 6,295 total members that are registered until 31 December 2016 in these funds.

**Field of activity of new private pension institutes**

Today, six minimum conditions are being sought to enable the activity of private pension funds to be applied in developing countries, including Albania

- The low level of average income (compared to the American system where the minimum income limit is considered $ 2000 per capita) requires a higher level of demand in the field of economic services;
- Acceptable macroeconomic policies, which create a suitable and long-term environment for the functioning of financial mechanisms;
- The normal functioning of nuclear financial institutions (banks and institutions providing guardianship services), as well as government engagement for economic development;
- Open capital accounts to increase investment diversity and at the same time reduce risk of losses;
- Complete legal platform;
- Full transparency vis-à-vis the general public.

Based on some business plan calculations, two out of three companies operating in Albania are seen as an indispensable need for an initial investment amounting to a total of nearly € 1 million extended over a 2-3 year period. For the sake of being “measured” in the way of calculations, and to guarantee the fact that capital will be available to the company, is foreseen as an essential condition at the outset of the activity and at the first stages of development to be destined an initial capital for the company in the total amount of 1.5 to 1.8 million Euros, which must, in any case be guaranteed by the shareholders, thus providing a sufficient amount , sufficient to cover the tolerances of which is foreseen, if need arises.

**The way of investment**

**Retirement pension with defined benefit time**

A defined-benefit pension is the type of pension in which the contributor determines a period of time during which he will benefit from supplementary pension.
**Example:** One person at the age of 35 thinks he will save 5,000 ALL a month for the next 20 years. This person has the opportunity to choose the timeframe for how long he or she wants to benefit from these savings. He can choose to get the full amount at the end of 20 years of saving (even earlier if he wants it). By taking INSTAT data for life expectancy, where life expectancy for men of 55 years is about 20 years, this person chooses to receive monthly benefits in 20 years. Then we would have:

<table>
<thead>
<tr>
<th>Time Coverage</th>
<th>Monthly paid contribution</th>
<th>Monthly benefit for 20 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 years</td>
<td>5,000 ALL</td>
<td>13,600 ALL</td>
</tr>
</tbody>
</table>

Meanwhile, if the adherent is separated from his or her life before reaching his entire fund, through the Family Pension, the remainder withdraws the person designated by him in the contract, and if no contract is specified, then inheritance laws are used.

**Permanent Pension (ANNUITY)**

A permanent-term pension is the type of pension in which the contributor receives supplementary pension throughout his / her life from the moment of the beginning of the pension.

Assume that the person above is a woman. Due to the uncertainty surrounding the life and the fear that he may live longer than the time it provides for retirement benefits, she may decide to sign a permanent term supplementary pension contract. So, in our case, make contributions for 20 years, up to the age of 55 and then benefit a permanent pension.

**How does this permanent pension work?**

For this, computational actions are a bit more complicated. As a basis for calculations, the average life expectancy determined by INSTAT at the moment of retirement for men and women by age groups will be taken. For a woman at the age of 55, the average life expectancy is 25 years. The insurance company calculates that you receive a permanent pension using as a basis this timeframe, and concretely in our case would be 12,000 ALL per month. Even if the person lives for more than 25 years, the insurance company guarantees to give a monthly pension of 12,000 ALL each month.

Meanwhile, if the person is divorced before withdrawing all the funds created by him, the applied family pension will be different from the one above.
For calculation purposes, the life expectancy index obtained as a basis is divided into two equal parts. If the contributor dies during the first half, until the end of the first half, the family will benefit 90% of the monthly pension. For the second half the benefit rate is 78% of the monthly pension.

If the family wants to receive an immediate amount of the family pension, when the contributor dies during the first part of the index, the family will benefit 95% of the remaining principal. If he dies in the second half, the family will benefit 90 percent of the remaining principal.

**Benefits from private pension schemes.**

Private pension schemes provide 3 types of benefits:

a) Additional benefits on old-age, invalidity and family pensions in addition to those benefits deriving from the compulsory insurance scheme.

b) Long-term benefits, which are determined by seniority at work, enabling early retirement and disconnection from the compulsory insurance scheme.

c) Other additional benefits in value or in kind, as a result of the fund’s investment profits.

The Supplementary Pension Fund provides for compensation of income or additional income in cases of disconnection of employment prior to the age of a compulsory insurance pension, when financial relationships are interrupted for various reasons and have been completed over 180 historical months as well as to obtain additional income over those provided by the mandatory state scheme. Specifically, supplementary old-age pension, old-age benefits, early retirement pensions, invalidity pensions, family pensions, disbursements and other benefits derived from the contract and that are foreseen in the fund’s pension regulation. The special retirement provisions are as follows:

The supplementary old-age pension is provided by men and women after the age of the compulsory insurance law, when they have insurance periods of not less than 60 months. Under the compulsory social security scheme, the age of retirement benefits is at least 62 aged for men and 57 for women or for a maximum of 65 and 60 years.

Early retirement benefits benefit men after reaching the age of 45 and women after reaching the age of 40 when they have insurance periods of no less than 60 months and when they do not carry out economic activity.

Early retirement benefits the participants when they do not carry out economic activity and have IFP periods of insurance not less than 180 months.
The insured who becomes completely disabled receives a disability pension when benefiting from it and the compulsory insurance scheme and has completed 60 months of insurance. The amount of the invalidity pension shall be calculated as for the old-age pensions. The persons defined or in the caretaking of the insured person who dies and who has completed the minimum insurance period of 5 years are entitled to a family pension.

Settlements and other benefits, immediate payment of the account position in the form of settlements are made when the insured has completed his insurance in supplementary pensions, has paid contributions for at least 12 calendar months, has not benefited from the right for his pension, his contributions have not been transferred to another pension institute.

**The reasons that enable development in Albania**

The three main motives behind the development of such a direction at this stage of the country’s development are now clear.

1. As in other developing countries, where the birth rate has fallen sharply in the last decade, Albania is becoming a witness to this phenomenon. This phenomenon will definitely bring consequences for future generations by significantly reducing the number of contributors.

2. Today’s legal definitions for the method of distributing the amount of pensions to those who have reached the age of 60/65, which have a time limit of about 35 years, are becoming more difficult to apply. This is seen in connection with the demographic composition that the country has nowadays. For a developing economy, where unemployment problems are high and with a very high percentage of emigration, these circumstances lead to a significant reduction in the total number of contributors. Also the low amount of collected contributions comes as a result of the fact that subjects that are currently in business relations have “speculated” with the mass of contributions during these 20 years of transition. The consequences of the above factors make it almost impossible to obtain a full pension plan for those who regularly make regular contributions. Situated under these conditions, many individuals, aware of the reality they will face in the future, are seeing other possible alternatives through which they will be able to provide sufficient income for the retirement period.

3. The current state scheme, even in the future, will remain limited to low pension payments. The current pension rate is at 36% - 38% of the amount of contributions paid out in the last 10 years of work, while no indexation has been made to offset the current rate of economic inflation in the country.
Albanian market assessed as a very favorable opportunity

The Albanian market is still untapped. The company’s focus is mainly on these categories as potential customers:

1) Large companies such as telephone services, universities, OSHEE, oil and gas companies and self-employed. It is alleged that such high-paying companies will exhibit interest to include in such pension schemes and will create an initial pool for their employees to invest part of their income.

2) International institutions and non-governmental organizations, the financial services sector (banks and insurance companies), judicial assistance offices (private professional studios), business associations and other businesses of this nature, as well as individuals/employees of the state administration.

3) Key position personnel in companies where the average payout level is relatively low. Inclusion of this category into such private pension schemes is considered to be a kind of incentive for them.

Conclusions

It is clear now that Albania and many other countries of the world have entered the irreversible path of reform of the pension system, but are we really in the way and in the proper way of implementing these reforms?

The economic, social and political conditions make Albania, a country similar to other Eastern European and developing countries, as well as unique in many aspects of life and the way they perceive it. Of course, considerable steps have been made towards development, but this development has carried a not-so-small transition cost and has left a bitter taste to a large number of Albanians.

Private pension plans, a new and interesting alternative, are still being seen with much skepticism by the wider population, whose first impact, reminds them of pyramid schemes. This comes not only because of the little information they have, nor the ignorance of the legal regulation and the state control over the pension companies, but also of the lack of fiscal stimulus that the state itself should initiate.

Likewise, with increasing concerns about the reduction of pension benefits and the effect that the current crisis in the pension system has on public awareness, managing private plans does not have to be at a more critical stage than this, and the pressure on those responsible for private management are increasingly growing.

Lack of trust in management companies is also due to the fact that these
companies are still new, as soon as they have entered the market and as such have not yet shown themselves as successful.

Even the legal aspect has in itself shortcomings, which have led to the necessity of a full review of the law itself, which is likely to be done within this year.

Fiscal incentives. One of the main shortcomings of the current legislation is that it determines the taxation of contributions for pensions rather than benefits, which in the first place is the opposite of what the whole world applies in practice, and secondly, this conception reduces the competitive advantage of private pension companies to other money-laundering financial institutions.

Another disadvantage of the success of this new system in the Albanian market is that it is still not considered sustainable and attractive by powerful investors, although in itself this market is a significant part of the financial markets of each economy. state for the protection of domestic capital. The fact that the financial markets in Albania are in the phase of the newborn makes for a period of one to two years, for private pension funds do not have enough investment space. But when this market is opened up to internationalization, domestic companies may be at risk of aggressive competition from international companies in this area. This raises the need for state support, either by setting legal limits for investing most of the capital on domestic resources, but also by setting some temporary ceiling limits for the capital that can invest a foreign company
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Anton GERA¹

THE CONSTITUTIONAL JUSTICE IN RELATION TO
THE PRINCIPLE OF THE RAWLS’ SOCIAL JUSTICE

1. The Constitution and the social justice according to Rawls

The socially-based justice depends mostly by the way how the main rights and obligations are appointed. It also depends on the economic possibilities and social conditions that it itself determines in different sectors of the society. In essence, distributive justice aims at achieving a state of ideal separation of wealth, which is justified on the basis of different principles such as merit, services, needs, and so on and so forth².

Rawls treats the social justice as a continuous request that is attributed to the Government in order for it to reduce the social and economic inequalities in the society³. But according to the latest definition, Rawls defines justice as follows:

He says that justice serves in promoting a fair society, by challenging injustice and by assessing diversity. It exists when all people that live within a common social context are treated equally, get support for their human rights and they also get a fair division regarding the available resources in their community⁴.

In the Constitution of the Republic of Albania, this form of justice is embedded both within the concept of the social State⁵ and the constitutional

¹ University “Aleksandër Moisiu”, Durrës; e-mail g.era@hotmail.it
⁴ Toowoomba of the catholic education, (2006)
⁵ In the preamble of the Constitution of the Republic of Albania it is stated that: “We, the people of Albania, are very proud for our history and we take full responsibility for the future, having faith in God and other universal values….we are determined to create and form a social… State…”
principle of social justice. Therefore, the constitutional principle of social justice requires that, through the law, the social balance be achieved, the interests of different groups within the social structure are harmonized and a state of social welfare is built.

A fair society is the one that at the foundation of its organization has set the protection and respect for human rights and dignity. Both the Universal Declaration of Human Rights, the Constitution of the Republic of Albania and the European Convention on Human Rights and Fundamental Freedoms state in their preamble that “human rights constitute the foundation of justice in the world”.

That’s why, the human rights, just as the principle of the social justice, serve as inspirational and guiding resource for the creation of a fair society.

Rawls thinks that the two principles, the principle of freedom and the one of the differentiation, must be executed in every society and that they must be the guiding principles of the creation and the actions of the institutions that compose the basis of the society. The first principle prevails over the differentiation principle because living in a fair society means that the basic rights and freedoms of the people must always be ensured and later on we can treat the issue on how the goods should be delivered among the people. Firstly, every person thinks about his or her freedoms before dealing or thinking about the distribution of their rights, wealth or power because he knows that by being free, he will be able to ensure his other priorities come true.

The question that arises is as follows: Can human rights and fundamental freedoms be restricted? What does the constitution anticipate regarding the

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6 The article no: 3 of the Constitution of Albania sanctions that: “The independence of the state and the entirety of its territory, human dignity, its rights and freedoms, social justice ... are the basis of this state, which has the duty to respect and defend”

7 MARTINEZ T, Diritto Costituzionale, Giuffre Editore, Milano, 2010 pg. 250

8 The Preamble to the Declaration of Fundamental Human Rights and Freedoms states: “Given that the dignity of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”, the ECHR states”: Reaffirming the deep belief that human rights and fundamental freedoms constitute the foundations of justice ... “while in the Constitution of the Republic of Albania, Article no:3 provides: human dignity, his rights and freedoms, of this state, which has the duty to respect and protect them.

9 IKONOMI L, The philosophy of fairness (a series of lectures), Ekspes publishing house, Tirana, pg. 247.

10 The freedom principle: Every person shares equal rights over the fundamental rights that he possesses which are the kind of rights that are equally shared even with the other people of the society.

11 It is explained in the sentence itself.
limitations of the constitutional rights and freedoms?

In answering this question, Rawls has developed his theory of justice to the extent that he thinks that for the correct application of this theory, the policies of the liberal state must be established and implemented. Only this philosophical argument for Rawls is a condition for creating social security for all people. This form of state, Rawls thinks, is right because it is solved by people who act in a reasonable, stable, tolerant way, who will have the opportunity to conclude a social contract with essentially equal conditions. Rawls, perceiving all his attention to the primary goods, pays a great importance to the contractual theory. According to him, this can be achieved by:

- Achieving personal and political freedom
- Having the possibility to get the necessary education
- Being wealthy.

Rawls continuously states that it is really difficult to achieve any existential priority for the human society without the help of freedom, wealth or even educational opportunities. According to Rawls, the distribution of the main goods is highly affected by the fundamental institutions like the Constitution that decides about the distribution of the political rights as well as about the inclusion of the social and economic legislation. Sharing the rights of primary goods Rawls sees it as a realization that can be made through a social contract that will be done voluntarily, without violence, without the pressure and the threat of others in its adoption, towards the distribution of primary goods. Rawls always thinks that people collaborate to legislate, to develop economic activities as well as during these collaborations, they find ways in achieving the development of the material and cultural values. Therefore, in sharing this result of the created goods, all together should be of a concern, because the contract is made up of equal people, and that no one can win in discussions just based on their superiority. According to this theory, the distribution of the goods is conducted based on the justice and the reasonable conditions. All talks are made in a symmetric initial phase. Hence, the principles from this initial symmetric phase are initially acceptable from the moral point of view. According to Rawls, the parties must be equally represented, as moral individuals, everything must be conducted in an ethical way and in compliance to the self-consciousness of the individual. The whole information regarding education, work and income must be kept confidential (hidden) because as Rawls says, the natural abilities and talents are not as nature-related as we think. These abilities and talents are a product of our continuous work and learning process.
2. The restriction of the fundamental human rights and freedoms according to the Constitution of the Republic of Albania and John Rawls

The list of the fundamental rights and freedoms can be found as a whole in the Constitution and it is divided into chapters such as:

- Individual rights and freedoms (2nd chapter)
- Political rights and freedoms (3rd chapter)
- Cultural, social and economic rights and freedoms (4th chapter).

In the Constitution of the Republic of Albania (1998), human dignity, rights and freedoms are sanctioned as the basis on which the entire juridical order is built\(^{12}\); sanctioned the inalienable, indivisible and inalienable character of the fundamental human rights and freedoms\(^{13}\); it is the obligation of the public authorities to protect and guarantee the exercise of these rights\(^{14}\). Can the fundamental human rights and freedoms be restricted?

The Constitution, when affirming the general principles of the fundamental human rights and freedoms, states that these rights are limited. When can they be restricted?

The actual Constitution disciplines that these restrictions may be imposed in cases when it comes to protecting a public interest or protecting the rights of others\(^{15}\).

Following the analysis of the article no: 17 of the constitution, we also have to mention the fact that there are new conditions enforced in this article, besides the classic ones, when it comes to the limitations of freedoms and rights. Even though these limitations are only adopted by the law, it also states that:

- The limitations of the rights should be attributed to the condition that has caused this limitation.
- These limitations cannot violate the essential part of freedoms and rights.
- The limitations that have been imposed by the law cannot overcome the limitations that have been enforced by the European Convention for Human Rights.

These are the three conditions that the Albanian State must take into account when it comes to laws that restrict human rights and that’s why they are presented

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\(^{12}\) Look up the article no: 3 of the Constitution of the Republic of Albania.

\(^{13}\) Look up the article no: 15/1 of the Constitution of the Republic of Albania.

\(^{14}\) Look up the article no: 15/2 of the Constitution of the Republic of Albania.

\(^{15}\) Look up the article no: 17 of the Constitution of the Republic of Albania.
as three conditions for guaranteeing rights\textsuperscript{16}.

According to Rawls, freedoms cannot be restricted just for the sake of goods, despite the fact that this might be for the best of the whole society. Rawls considers this as the “\textit{supremacy of freedom}”. He thinks that freedoms can never be restricted except in the cases when these restrictions can lead to a better organization of the whole society\textsuperscript{17}.

3. The restriction of the right to the private property according to the Constitution of the Republic of Albania and John Rawls

The Constitution states that the right to private property is guaranteed, but this guarantee is not absolute. Although the right to private property is listed in the catalog of freedoms and constitutional rights in the grouping of personal rights, it cannot be absolutized as a completely individual right because it has an important social character.

It directly influences the general social well-being and must therefore be restrictive. The public interest or social function of property is a constitutional concept that justifies the external limitation that has been imposed on the right to property through the law\textsuperscript{18}. In the state of law, the state cannot intervene in the private property because according to the constitution, the individuals are guaranteed that they will always be treated equally and that their property is theirs only.

The restriction of a fundamental right, such as property, through the law, is an expression of the right and obligation that the legislator enjoys, in the name of a legitimate aim in the public interest, to respond to the dynamics of the country’s development as well as the realization of time-consuming reforms.

If we analyze the article no: 41 of the Constitution, we come to the conclusion that the constitutional criteria of an expropriation policy, which also serves as the restrictive criteria about the right to the private property, are:

- The expropriation should be provided by the law;
- Be undertaken for the public interest or in defense of the rights of other people.

\textsuperscript{16} ANASTASI A and OMARI L, \textit{the constitutional right}, Pegi publishing house, Tirana, 2010, pg 79-86.

\textsuperscript{17} IKONOMI L, \textit{the philosophy of fairness} (a series of lectures), Ekspres publishing house, Tirana, pg 248.

\textsuperscript{18} The Constitution of the Republic of Albania, Article 41, paragraph 3, stipulates that: “The law may provide for expropriations or restrictions on the exercise of property rights solely for public interest”.
• The existence of a fair remuneration\textsuperscript{19}.

The socially-based character of the right to the private property is also highlighted by the decisions of the constitutional court. The Constitutional Court, by its Decision No. 30, of the date 01.12.2005, decided that the process of restitution and compensation of property in post-communist transition countries is not based on property rights but on the principle of fairness and justice and, moreover, in the principle of the social state. The principle of fairness requires that not only the interests of former owners and their heirs, but also those of other members of society, as well as the public interest as a whole, be taken into consideration. Thus, the principle of justice and that of proportionality do not require them to repurchase property rights for all former owners or their heirs or to compensate them with full value\textsuperscript{20}.

The objective of returning property rights is not to erase all injustices, but to reduce them. Restitution of property rights should not cause other injustices. The regulation of property restitution and compensation in its origin aims to correct, to the greatest extent possible, “within the country’s economic opportunities and conditions” the pastoral injustices committed to the detriment of private property through nationalization, expropriation, confiscations or any other unfair manner. The complete reinstatement of previous property rights would be contrary to the principle of equality\textsuperscript{21}.

The right to property is not the same as the right to return it. Any interference towards property may be justified only if it is in the public or general interest. Acquiring property on the basis of an estimated policy for achieving social justice within the community can be precisely described as a policy in the public interest. Therefore, a lawmaker is recognized who, because of the existence of the public interest, may limit the space of disposition of private property. In order for such an interference with the property right to be justified, it is necessary to have a relationship of proportionality between the means used and the aim sought to be realized\textsuperscript{22}.

That’s why Rawls includes the right to property in the first principle of freedom\textsuperscript{23}. He doesn’t show us an all-inclusive list of freedoms, but instead

\begin{itemize}
  \item The article no: 41 point 2 and 3 of the Constitution of the Republic of Albania.
  \item The decision of the Constitutional Court of the Republic of Albania no: 30, of the date 01. 12. 2005
  \item The decision of the Constitutional Court of the Republic of Albania no: 4, of the date 08. 04. 1994
  \item The decision of the Constitutional Court of the Republic of Albania, no: 30, of the date 01. 12. 2005.
  \item Every person has equal rights over his fundamental rights which are the shared rights for every
\end{itemize}
he categorizes some of them as political freedoms, speech and organization freedom, the freedom to own private property, etc. He says that these freedoms must be equally enjoyed by everyone because living in a fair society means that everyone has fundamental rights and freedoms$^{24}$. According to Rawls, the freedoms can never be restricted, except in cases when this restriction would lead to a better organization of the whole society$^{25}$. Rawls continuously states that: it is difficult to achieve any existential priority in society without the help of freedom, education and money. The distribution of primary goods according to Rawls is influenced to a high degree by fundamental institutions such as the Constitution, which decides on the division of political rights as well as the inclusion of social and economic legislation. Sharing the rights of primary goods, Rawls sees it as a realization that can be made through a social contract that will be done voluntarily, without violence, without the pressure and the threat of others in its adoption, towards the distribution of primary goods. Rawls always thinks that people cooperate to draft new laws in order for them to develop their economic welfare and during these collaborations, they also try to find different ways in improving their cultural and material values. Therefore, in sharing this result of the created goods, all together should be of a concern, because the contract is made up of equal people, and that no one can gain from their superiority when it comes at negotiating. According to this theory, the distribution of the goods is held based on: the justice that is held on reasonable conditions. The negotiations are always held in a symmetric phase. Hence, the principles from this initial symmetric phase are initially acceptable from the moral point of view. The parties, according to Rawls, should be equally represented, as moral persons, anything should be done in an ethically blameless manner, with full reasons and high degree of self-responsibility. The whole information about the education, the work, the incomes and fortunes must be kept confidentially hidden. Rawls says that our abilities and talents are not fully natural. They have been cultivated by us thanks to our education, professional life and other conditions that help in our overall achievements.

Hence, we can say that Rawls’ theory is based mostly on the modern constitutional democracy, of the critical thinking and of the alternative thinking when it comes to the creation of the stable institutions in a pluralist society. Rawls’ theory of justice appeals in the fact that the social institutions must be adopted in such a way that it would be possible for people to have a place in society and to

citizen of the society.

$^{24}$ IKONOMI L, *The philosophy of fairness* (a series of lectures), Ekspres publishing house, Tirana, pg 245-247.

$^{25}$ At the same place, pg 248-251.
have better living conditions. According to this theory, says Nozick, a very close rule is created if there is a need to wipe out the impacts of old injustices and to establish justice from the beginning. From this approach, all of which must be consistent, reflect tolerance, eliminate frictions and disagreements. Rawls is right when he says that the institutions that rely on these two principles apply a systematic democratic applicability, thus creating a political collaboration, a better understanding and as well as a compromising spirit when it comes to reaching a social agreement.
Bibliography

- The decision no: 4, of the date 08.04.1994, of the constitutional court of the Republic of Albania.
- The decision no: 30, of the date 01.12.2005, of the Constitutional Court of the Republic of Albania.
DEVELOPMENT OF ACCOUNTING REGULATION IN MONTENEGRO - FINANCIAL REPORTING STANDARDS AND THE REPORTING NEEDS OF SMEs

Abstract

The paper discusses development of accounting regulation in Montenegro by introduction of International Standards for Financial Reporting and how this standardization effects the economy and SME’s performance. In 2015 International Accounting Standards Board issued International Standards for Financial Reporting (ISFR) for small medium enterprises (SMEs) which introduced few changes in reporting needs of SMEs. Changes that were introduced lessened the reporting needs for SMEs however new ISFR for SMEs were not introduced in Montenegro. The aim of this paper is to discuss how current standards supported by national legislation are affecting Montenegro as transition economy and if this standardization is enhancing the development of SME sector. Based on qualitative research and interview with executives of 150 SMEs in Montenegro we will present how standards are applied in practice and if they have increased the quality of reporting for SMEs.


JEL classification: M41, M48, G32
1. Introduction of Accounting standards in Montenegro

Reform of Accounting and Auditing in Montenegro started in 2002 with introduction of *Law on Accounting and Auditing*. This law introduced changes in accounting and auditing because this is the first time that International Accounting Standards and International Standards of Financial Reporting developed by International Accounting Standards Board (IASB) became obligatory in Montenegro.

In addition to that new Law enforced the obligation of reporting by defining that auditing and presenting of financial reports need to be in accordance to International Accounting Standards that were adopted and published by Institute of accountants and auditors of Montenegro. First 18 standards were defined as obligatory but by 2004 all standards became obligatory\(^3\). Another important change that was introduced was the obligation that entities whose annual revenue is larger than 500,000.00 euro needs to use accrual accounting in reporting while companies whose revenue is less than 500,000.00 euro can use cash based accounting. The exception to this rule was the fact that SMEs were allowed to use simplified accounting procedures (accrual based accounting at the moment when obligation is created). After the World Bank Report in 2006 additional changes, based on recommendations, were introduced regarding: electronic reporting, consolidated financial reports, quarterly reporting needs for shareholders etc. When Montenegro became candidate country for European Union (EU) membership national authorities declared that national legislative will be in line with EU law and legislatives. New Law of Auditing from 2016 in paragraph 2 defines that all Financial Reports need to be in line with IAS and ISFR while paragraph 3 defines that Auditing is conducted by International Auditing Standards (IAS); New Law of Accounting from 2016 in paragraph 10 defines that “All entities need to prepare financial reports and consolidated reports based on IAS and ISFR with the cutoff date of 31st December of working year, or the date of registration of statute changes like: mergers, acquisitions, separations or at the date of liquidation of legal entity.” The law distinguishes between legal entities in article 4 by providing making less reporting needs for SMEs. In the article 4, there is clear definition of which entities are considered as SMEs while in the article 10 is defined that micro and small companies need to prepare financial reports based on IAS and ISFR and to submit Balance Sheet, Income Statement and Statistical Annex to Tax Authority. Finally, micro and small companies are not obliged to prepare and submit Management Report.

\(^3\) Report from Ministry of Finance
Business entities that are defined in the same Law as medium or large (more than 50 employees and annual revenue larger than 8 000 000,00 euro) need to prepare and submit to Tax authorities management report that contains: short description of business activities and organization structure, accurate development report, financial position report, results report with all financial and non-financial success indicators, information on management board members and members of various commissions, investment in environment protection, development plans, investments in employees education as well as in research and development, information about buyout of its own shares, information of business units, risk management information, goals and policies information, risk exposure information etc.

Goal of all above stated reforms and reporting needs are further improvement of accounting and auditing practice, increase of quality of financial discipline, transparency in doing business and easier access to information of all stakeholders like owners, shareholders, foreign investors etc.

2. What is the goal of standardization and how the standards are affecting economy and SMEs?

The IFRS Foundation was established in 1973 with a goal to develop high-quality, understandable, enforceable and globally accepted accounting standards and also to promote and facilitate the adoption of those standards. Foundation is non-profit organization and works for public interest as standard-setting body managed by International Accounting Standards Board (set in 2001). Table down shows number of countries in the world that have adopted IFRS:

The Board global mission and its vision hasn’t changed since 2000 and it is: “To develop, in public interest, a set of high-quality, understandable and enforceable global accounting standards that require high-quality, transparent and comparable information in financial statements and other financial reporting to help participants in the world’s capital markets and other users make economic decisions.”

With this vision in mind we understand that the Board’s mission is to provide investors, lenders and others with relevant, transparent and comparable information. Each country that adopts IAS and ISFR is doing so to enable the same for foreign and domestic stakeholders. This is the reason why many international organizations like International Monetary Fund, World Bank, International Federation of Accountants, EU Council, European Parliament and others are supporting the introduction of standards.
Table 1: The number of countries adopting ISFR based on region

<table>
<thead>
<tr>
<th>Region</th>
<th>Number of jurisdictions pro led in the region</th>
<th>Number of jurisdictions that require IFRS Standards for all or most domestic publicly accountable entities</th>
<th>Number of jurisdictions that require IFRS Standards as % of total jurisdictions in the region</th>
<th>Number of jurisdictions that permit or require IFRS Standards for at least some (but not all or most) domestic publicly accountable entities</th>
<th>Number of jurisdictions that neither require nor permit IFRS Standards for any domestic publicly accountable entities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Europe</td>
<td>44</td>
<td>43</td>
<td>98%</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Africa</td>
<td>23</td>
<td>19</td>
<td>83%</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Middle East</td>
<td>13</td>
<td>13</td>
<td>100%</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Asia-Oceania</td>
<td>33</td>
<td>24</td>
<td>73%</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Americas</td>
<td>37</td>
<td>27</td>
<td>73%</td>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>Totals</td>
<td>150</td>
<td>126</td>
<td>84%</td>
<td>13</td>
<td>11</td>
</tr>
<tr>
<td>As % of 150</td>
<td>100%</td>
<td>84%</td>
<td>9%</td>
<td>7%</td>
<td></td>
</tr>
</tbody>
</table>

Source: www.ifac.org (2017), About IFAC

IFRS Standards constitute a globally recognized set of prescribed standards for the preparation of financial statements by business entities:
- the items that should be recognized as assets, liabilities, income and expenses;
- how to measure those items;
- how to present them in a set of financial statements; and
- related disclosures about those items.

Based on previously mentioned misbalance between Montenegrin system and EU law and legislation the research question what would be the economy without standards and if all economic entities are benefiting from it?

Literature on this issue distinguish 2 set of consequences: financial-reporting consequences and expense related consequences (Milisavljevic, 2005); shown in the table down.
Table 2: Consequences of non-compliance with ISFR

<table>
<thead>
<tr>
<th>Financial-reporting consequences</th>
<th>Expense related consequences</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Various bases for making the reports</td>
<td>1. High expenses for obtaining information</td>
</tr>
<tr>
<td>2. Difficulties in translation of information</td>
<td>2. Low level of trust in financial information</td>
</tr>
<tr>
<td>3. Difficulties in understanding financial info.</td>
<td>3. High expense of capital</td>
</tr>
<tr>
<td>4. Difficulties in comparing based on financial reports</td>
<td></td>
</tr>
<tr>
<td>5. Difficulties in making economic decisions based on such financial reports</td>
<td></td>
</tr>
</tbody>
</table>


As stated above without the standards SMEs as well as other business and public entities would present financial reports on different bases and the reports would be difficult to compare, understand, translate and it would be difficult to make decisions based on them. Obtaining information would be expensive as well as additional mechanism for controlling information would need to be present increasing the expenses even further. This situation would make economy risky as there would be high level of uncertainty on market (Milojevic 2005).

The goal of standards is to make information comparable and benefits are clear to both sides: those who present information as well as to various stakeholders that use financial information. IFRS are important to business managers because they need to make decisions based on financial information; if the reports are standardized, easy to understand, interpret and compare, management will make more efficient decisions. Users of financial information other than managers are various stakeholders: banks, regulators, owners, employees... For all external and internal users of financial information it is important to get the reliable information based on which they can track progress of business, compare, analyze, make the economic decisions about how to allocate the resources.

Specifically to SMEs standards enabled (externally) business ecosystem in which they can easily obtain the qualitative and comparable financial information.
on suppliers, clients, potential buyers. *Internally* SMEs benefit from tracking their performance and based on that making better decisions.

Accordingly to previously identified research gap we can set the following hypotheses H1: Adoption of ISFR will have positive effect on development of economy represented through growth of SMEs in number.

Analyzing the data from Montenegro statistics bureau (MONSTAT) we will see if this is the case with Montenegro and if standardization of accounting and financial reporting is contributing to creation of more businesses (attracted more capital into private sector and creating more companies).

### 3. How can we define SMEs in Montenegro and how big is their sector?

According to OECD “SMEs are non-subsidiary, independent firms which employ fewer than a given number of employees. This number varies across countries. The most frequent upper limit designating an SME is 250 employees, as in the European Union. However, some countries set the limit at 200 employees, while the United States considers SMEs to include firms with fewer than 500 employees. Small firms are generally those with fewer than 50 employees, while micro-enterprises have at most 10, or in some cases 5, workers.”

When it comes to EU the definition of SMEs is expanded with the turnover information, according to EU: “*The category of micro, small and medium-sized enterprises (SMEs) is made up of enterprises which employ fewer than 250 persons and which have an annual turnover not exceeding 50 million euro, and/or an annual balance sheet total not exceeding 43 million euro.*”

Considering the size of the market legislators in Montenegro decided to make distinction between: micro, small, medium and large size companies based on size in turnover and based on number of employees. Law on Accounting as well as Law on Auditing are grouping legal entities at small, medium and large based on following:

1. **Micro business entities** are businesses or groups of businesses that at the time when they are preparing their business sheets are fulfilling 2 of following criteria:
   1. Average number of employees during business year was less than 10
   2. Total revenue at the yearly level is less than 700 000.00 euro
   3. Total Assets are less than 350 000.00 euro

2. **Small business entities** are businesses or groups of businesses that are fulfilling 2 of following criteria (at the day when they are presenting their

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financial reports to the state):
4. Average number of employees during business year was less than 50
5. Total revenue at the yearly level is less than 8 mill. euro
6. Total Assets are less than 4 mil. euro
3. **Medium business entities** are businesses or groups of businesses that are fulfilling 2 out of 3 criteria:
   1. Average number of employees during business year was more than 50 but less than 250
   2. Total revenue at the yearly level is more than 8 mill. euro but less than 40 mil. euro
   3. Total Assets are more than 4 mil. euro but less than 20 mil. euro
4. **Large business entities** are businesses or groups of businesses that at the day of preparing their balance sheets are fulfilling 2 out of 3 criteria:
   1. Average number of employees during business year is more than 250
   2. Total revenue at the yearly level is more than 40 mil. euro
   3. Total Assets are more than 20 mil. euro

According to national statistics SMEs in Montenegro make 99.8% of the market and the number of SMEs is growing yearly. While large companies are making only 2% of market share, their number is growing but not at the same pace only 1% growth is recorded.

### Table 3: Presentation of active business entities in Montenegro based on their size

<table>
<thead>
<tr>
<th>Period</th>
<th>2014</th>
<th>2015</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mark</td>
<td>Number</td>
<td>%</td>
<td>Number</td>
</tr>
<tr>
<td>Small companies</td>
<td>23 051</td>
<td>98,9</td>
<td>25 698</td>
</tr>
<tr>
<td>Medium companies</td>
<td>221</td>
<td>0,9</td>
<td>220</td>
</tr>
<tr>
<td>Large companies</td>
<td>36</td>
<td>0,2</td>
<td>37</td>
</tr>
</tbody>
</table>

**TOTAL** | 23 308 | 100,0 | 25 955 | 100,00 | 28 268 | 100,0  |

*Source: Monstat (2016), Number and structure of business entities in Montenegro in 2016, Structure of business entities, page 5.*

According to property ownership 99.3 % of business entities are in private property. When it comes to sectors: 33.8% of businesses are working in trade, 12% are working in hospitality (accommodation and restaurants), 10,6% in professional and science services and 10,4% in construction and the rest of
businesses are split in various sectors (less than 10% in other sectors).

As we can see, statistic shows that SMEs are growing factor of Montenegrin economy and that they are constantly growing making last year growth of more than 8%. We can conclude that business environment is favoring the creation of SMEs, therefore the accounting legislative needs to be adjusted to the SMEs needs.

Conclusions

Based on the research of implementation of financial reporting standard we can conclude that considering the market size and the needs of SMEs in Montenegro in order to help entities grow there is strong need to support further development of accounting, financial reporting and auditing.

Statistic shows that SMEs are growing in number but there is no evidence that business entities are growing in size and that the level of employment is growing. Contra-intuitive fact is that according to reports from Employment Agency in Montenegro the unemployment rate is actually growing and now it is 21.94% which is 0.65% more than it was in January 2017 and 5% more than it was in January 2016. While SMEs are growing in number this is not reflected in employment growth which should be final goal of economy. We can conclude that SMEs need to increase capacity to enable them to employ more people. Accounting can support this by enforcing qualitative and standardized financial reports that can be useful for making financial decisions. However, SMEs need to have the capacities to make qualitative financial reporting. World Bank report from march 2016 shows that this is still not the case in Montenegro. In order to comply to IFRS and other accounting legislative SMEs need to engage external accountant as they lack capacities to provide reports based on standards. Further research in the quality of accounting service providers and the main reasons for engaging them should be conducted in Montenegro.

Furthermore, there was specific need to define micro business entities in Law on Accounting (start-up companies with less than 10 employees). We concluded that the reason for this is because there is considerable number of those entities on Montenegrin market that Tax Authorities feel that there is a need to specifically define them. If their number is growing, then there will be future need to support their financial reporting needs with standards that are suitable to their size and capacity. However, this is hard to determine as there is inconsistency in defining SMEs in national legislative and national statistics bureau MONSTAT. We observed that MONSTAT doesn’t recognize micro business entities in their reports. Moreover, there is no national statistic that can
show if the number of micro business entities is growing and there should be initiative at the state level to further define SMEs and track their development in more detail way.

In general, we can conclude that accounting reform in Montenegro which started in 2002 has made considerable progress and that Montenegro managed to create good bases for market that is suitable for growth of businesses - national statistics confirms growth trend. However, further improvement of existing legislative and institutional framework needs to be supported by national authorities. The essential change that needs to be set in place is the lessening of reporting burden on SMEs and this can be done by introducing IFRS for SMEs. This way the financial reporting will be conducted with better quality and less time and this can enable SMEs to enter further development of reporting by creating integrated financial reports which is the trend on global market. Financial analyses based on integrated reports can lead to less uncertainty on market and to better economic decisions.

References

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• Montenegrin Bureau For Statistics -MONSTAT (2017), Number and structure of business entities in Montenegro in 2016, Structure of active business entities by size, page 5
Msc. Valbona ZEKAJ

THE PARADOX OF NATIONAL SECURITY CRISES

Abstract

Debate on size, dangers, and exit from the crisis has engaged not only domestic and international politicians, but also public opinion and especially analysts everywhere in television studios. The debate arena has recently also affected crisis reports with national security. Currently in these debates dominates the thesis that the crisis is not related to national security and it is simply in the contours of domestic political developments. Indeed, although rich in domestic crises, again there is a vacuum in the analysis of crises and their impact over the last 25 years. And the lack of political and academic analysis always leads us to the starting point. The idea of his article is that the crises have a direct impact on national security, in all aspects of the concept itself. Below we try to bring a discussion about the link between crisis and national security.

Theorists of the modern security concept have over time overcome the definition of the classic concept of security or otherwise of ‘vestfalian sovereignty’ and have approached the contemporary concept. Therefore, to analyze today’s security concept can not be further confined to the term ‘sovereignty’, but it is also necessary to reassess the other dimensions of security. The fact that a number of analysts, albeit not of security science, are reluctant to declare the distance between the current crisis on security risks, indicates in the best case ‘lack of knowledge’ for the context of the term and at worst, coverage of the risks associated with national security from the current crisis. The concept of “sectors” has to do with different arenas where we talk about security. The list of sectors is largely an analytical tool created to observe different dynamics. In the paper ‘A New Framework for Analysis’, the authors Buzan, Uiever, Uilde, of what is known as the Copenhagen School rank in the military / state, political, social, economic and environmental dimensions. As such, the concept of security can be considered as a re-conceptualization and expansion of traditional security studies.
Security - the necessity of recognition

Security continues to be one of the biggest dilemmas of society. The globe did not gain more security even after the end of the Cold War. Since 1989, according to the UCDP (one of the most prestigious security forums), 144 armed conflicts have been recorded in over 80 regions, 47 of them estimated in the magnitude of the wars. Only in the last 10 years the number of active conflicts has increased from 31 to 37, whereas only 6 conflict resolution agreements have been implemented. The number of armed conflict victims since 1989 lasted 6 million, of which over 90% are civilians and 3 out of 4 killed are children and women. More than 50 million are estimated by UNDP the number of refugees displaced from conflict areas.

The need for a dynamic agenda of security studies

The concept and the security environment are in constant, ruthless, perpetual evolution. Scenarios change constantly and the security process is increasingly difficult. The most effective way to predict the potential is to prepare for change. Forums academics, are in the front of analysis, appraisal and solution opportunities. ... In the West, prominent intellectual institutions: universities, academies, colleges, institutes engage in studying, explaining and anticipating developments in the security field. They bring to decision-making institutions (either custom or independently) scientific analyzes and recommendations on the dynamics of developments. In harmony with the environment, security studies evolve qualitatively by increasing the breadth and depth of the issues they deal with. Referring to the concept of security, even earlier security studies came under “pressure” to expand and to include in search areas, which have not previously been in the tradition of such studies.

Just as the concept and security studies have come to expand and deepen, and today they cover areas of complex, nationally and internationally impacted issues in the community’s survival. They range from traditional concepts, mainly related to sovereignty and elements of military power, and are further developed in the causes and consequences of conflicts between and within states, economic capacities, ethnic, religious and ideological conflicts, energy, scientific and technological resources. continue to threaten human security and state stability from political and environmental degradation, infectious diseases, climate change, and the activity of non-state actors.

The most typical demonstration of the evolution of the concept of security is the NATO’s New Strategic Concept, adopted at the Lisbon Summit in 2010,
where the alliance’s basic vision relates to “human security.”

... Currently security studies in our country are not in their best period. There is no environment, as the institutions are dormant. The state of studies does not respond to the overall status, which is and is required to engage our country, regionally and wider, in alliances or in forums. Studies and academic security works are becoming increasingly rare. There are currently no academic institutions to prepare security specialists. Rather than deepening and expanding contemporary curricula, those few institutions that were engaged were prejudiced and ignored, and pressure and ignorance placed them there in the old concept in the barracks area before 1970. In the absence of any national vision-based strategy or perspective vision, it is a special contribution to the Western allies’ assistance to the preparation of a number of security experts. The Marshall Center and some of the famous colleges in the US and NATO countries are the main contributors for more than 20 years for the preparation of security experts. Through training and qualification programs in Western institutions, it was invested in intellectual resources that could serve in the future to create a foundation for analysis, studies and genuine assessments in the field of security. It is also a fact that the lack of ideas, vision, attention, or interest in these investments failed to be evaluated, but were alienated and completely lost in the general amulet.

... Today, our country is committed to international security operations, peace keeping, crisis management, environmental conservation, natural disasters etc. Our country is committed to international headquarters and organizations that have studies, appraisal, drafting and implementation of plans and strategies. Specialists on security issues are demanded almost in all line ministries up to government, parliament, presidency and not just in the Armed Forces, Order Forces, Intelligent Services etc. In the statistical assessment there is a considerable (several thousand) of those who engage in security issues.

To operate with the same standard with partners but also to harmonize the way of action at national level, the only way for those engaged in security issues remains education, training and training with contemporary curricula. Academic institutions have a primary role not only with what we have emphasized at the top of the line, security studies, but also in approaching an environment and intellectual climate for these issues. It is quite meaningful what Freedman articulates “... undoubtedly, if security studies exist and evolve, they must necessarily be embedded in the university system. ... Although security studies, he continues, - are part of relevant policies and theories of action, they must first of all be areas and intellectual disciplines that they need and may reflect on state performance. “ It is more difficult than recognizing the dangers and security
challenges to be prepared to face. And confrontation can not be accomplished with slogans or pompous conferences but with programs running horizontally and vertically.

**Classical security or otherwise known as ‘territorial sovereignty’** in the context of military and diplomatic science and strategy includes mainly elements such as security at the state border, non-interference with the territories of others, unification of a national state, avoidance of war, conflict resolution through diplomatic means, prevention from military confrontation, which are at the same time the most important part of security. But it also includes economic, social, and environmental security. However, it is not limited to, and mainly, the above. Culture, health, technology, information etc. now complement the modern concept of security together with elements in the monetary, commercial, investment security, avoiding major and periodic turmoil, possessing more effective means and capabilities for competition in the free market, hence a whole set of different elements that broaden the overall picture of security in the information age.

**First, military security, or the most conventional security aspect.** Our country is a member of the Euro-Atlantic Alliance and a candidate country for the EU. Both of these geopolitical actors are interested in stability in the Balkan region, which is currently considered the most fragile. And the dangers of instability are more ‘merit’ of domestic developments, which are not being exploited by other geopolitical actors. The EU and NATO have repeatedly stated the need for stability to avoid crises. Regardless of the amplitude of oscillations that may cause crises in the region, for these two actors, in terms of security, they (the crisis) shake their confidence in alliances for bringing the country to resolve its affairs. The fact that both actors (EU & NATO) are maximally engaged in crisis resolution, unfortunately their action has been accompanied by a minimal impact, not to be considered negligible, in the reflection of internal actors. So, the crisis has a completely negative impact on the country’s image in reference to the major security actors, necessarily also in the security process itself. Our country is a ‘small country’ that fails to rise to the level of a ‘small power’, in the absence of genuine power capacities, will continue to face security risks, outside its management skills and Permanent search for role and weight of powers and great allies. *The more delicate the Balkan region is, and the more limited the capacity of our country’s power, the more the crisis directly affects the security dilemma.*

The development of the political game has unfortunately gone from the tactical level (electoral discourse) and the operational level (impact on institutions) to the strategic level, where the ‘domain’ of national interests is.
Such a game does not only affect the weight or format of political elites, but it outweighs the risks at the national level. In the pre-globalization era, national security was a unified and closed concept and system, created and realized when external conditions and influences might not be essential. While in the age we live, as soon as a country enters into a competitive global market system or open information network, national security as an all-embracing and multi-level issue can not only be a security of unitary analysis, internal security. And, “security” is not and can not be a narrow concept at the level of ‘vestfalian sovereignty’, but a broad and dynamic concept. *The crisis that even touches on a conventional security element has necessarily implicated directly the entire national security level.*

**Second, economic security** is the essential part of security, which implies the development and stability of a state at the time of economic globalization and integration. It includes the ability to handle all sorts of risks, crises and difficulties, to use different economic networks in the world including currency, finance, trade, investments, resource development, etc. to gain in market competition. The crisis, which is now considered ‘only’ politically, can not quickly avoid economic impacts. Both internal and international actors are very difficult and almost unpleasant to play in an environment where they are reflected in the lectures “for destabilization, disobedience, non-payment of taxes and obligations, non-respect of the state …”, which, as it may be, is considered to be ‘fragile’. So if the elites, but also the ‘group’ of analysts who fail to recognize the dangers and internal challenges to economic security, bring to the attention the previous crises and the consequences they have caused. The only way to avoid the dangers of economic security is to find an emergency solution for the crisis that is anything but the current situation. *Touching the economic security so fragile as it is from the crisis has effects on national security that has economic security its important part.*

**Third, social security**, as a substantial security component, is directly implicated in today’s crisis. Social stability, which implies that a state should be able to successfully deal with various social conflicts, avoid or alleviate contemporary social turbulence, remove the aggravating and non-competitive factors in the political system and management system. Corruption, low running efficiency, inefficient bureaucratic patterns, etc. affect the birth and evolution of social crises. It is the direct responsibility of elites to assess social risks and build programs that find compliance not only with the elites but also with the public. *Social security comes in the respect of the rights and responsibilities of the majority, and all political elites, including the maintenance of social peace between all strata, giving public sense of order and stability, creating an*
adequate balance between justice and justice, but and keeping under control of negative phenomena such as crime, poverty, corruption, illiteracy, etc. If even one element of social security is touched, it is evident that national security has been violated.

Fourthly, political security is linked and includes elements of political harmony with the view that current state policies and the grand strategy should gain support from all political elites and state administrations, including armed forces and state organs order preservation. But, at the same time, they are in agreement to provide support and approval from the majority of the public and the social strata. Of course, the precondition is for an efficient and honest political system under the rule of law. Crises amplify the effect of each element separately and shake up all the state and society. Elites are responsible for political crises, which, more than any other source, seems to have a leadership crisis in their core. Political security is based on the creation of ‘solidarity’ of political leadership, the nationwide agenda proposal, and the strategic goals that persuade the society. This is accomplished by practicing ongoing reforms in other systems and micro-arrangements and by avoiding efforts to collect power and the non-continuity of those policies and guides that face systematically different types of social conflicts, preventing the occurrence of serious unrest political and social issues.

In conclusion, the reform of political systems and the continuous re-formulation of foreign policy takes place in every corner of the world. From underdeveloped countries, developing countries, in developed countries, do not have a single angle, even for the most powerful countries, which could avoid this option. Moreover, developing countries, compared to more developed or fully developed countries, face specific difficulties and more specific situations. They are very vulnerable to crises that come to refer to problems at all levels and across the variety of nature. These are places that are placed in the challenge of choice among the contradictory strategic objectives. “Political Reform or Social Stability,” “Increasing Efficiency or Safeguarding a Statue of Justice,” “Economic Development or Environmental Protection,” “Integration into the World Community, Opposition to Power Influences,” “State Opening or Nationalism of cultures”. In the choice between balance and dynamics for the equilibrium of often contradictory strategic objectives where resource allocation is sought and planned, developing countries face more constraints on their strength and experiences, which are generally insufficient. What this dynamic brings is a “two-edged sword”, with developed countries overcoming challenges and obstacles while others rarely hurt themselves.

National security objectives that arise in terms of non-recognition and
ignoring external realities and in the request for openness can not be managed or kept under control. State behavior of elites and respect between allies and alliances is the basis of a national state’s power. Internal stability influences the outside. This stability is the foundation of building a better internal governance system, and this obviously refers to the reform and opening up to the world. It is therefore clear that national security is linked to the very modernity of its system. This is the essence of the contemporary security concept. And returning to the starting point, any kind of crisis has direct effects in the entire security system or at least in one of the directions mentioned above. Who claims that the current crisis does not affect national security has failed to learn lessons from past crises in our country or around us.
THE IMPACT OF THE METEOROLOGICAL FACTORS IN THE VALUE OF ELECTROMAGNETIC POLLUTANTS OF THE MARINE SPACES IN ALBANIA

Abstract

Contamination from eddy currents due to the presence of electromagnetic fields is a recent phenomenon. Nowadays, these types of pollution cause considerable damage in terms of: malfunctioning of equipment and their damage, damage to marine flora and fauna, human society, and others. Recognition of these phenomena takes on particular importance for marine environments when investing and increasing demand for services provided by these facilities. Our study aims at assessing the spillage caused by electromagnetic fields by considering the meteorological factors and the quality of the ground-to-air port facilities. An important part of this study is the results obtained on the electric field intensity values, the magnetic field intensity, the electromagnetic radiation in the harbor spaces, through direct measurements with the Electro-smog TES-92 measuring instrument, as well as the absolute humidity values, temperature, atmospheric pressure and electrical resistance in these environments by means of the Thermo-hygrometer and the Barometer (atmosphere) PCE-THB 40. The work presents a complete picture of the impact of meteorological factors, temperature, atmospheric pressure and moisture content in these environments, specific resistance values,

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electrical conductivity and the level of pollution. Based on concrete measurements of meteorological factors and the change of specific resistance values in these spaces, we have been able to interpret the different levels of pollution from the winding currents for the seaports of our country.

**Key words:** electrical resistance, electromagnetic pollution, electrical pollution, meteorological factors.

1. Introduction

Albania’s prospects, as a country with a long coastline and with a very special geographic position, impose and favor the construction of a sustainable, safe, optimum, environmentally friendly, integrated, regionally-owned maritime transport system, and Europe, accessible to all, to contribute to the economic growth of the country, as well as to the quality of life of citizens.

But important for the Albanian government’s policy on transport, remains a crucial condition for the preservation and protection of the environment as a vital factor for the protection and preservation of human life, flora and fauna and the whole ecosystem.

But with industrialization, the use of electromagnetic fields is widely spread. Machinery, equipment, manufacturers of electromagnetic fields as well as television, radio, mobile telephony, electrical equipment etc. have increased the presence of electromagnetic waves, environmental pollution and their negative consequences.

Eddy currents are electrical currents that derive from electric circuits [1], [4], or induced by the electromagnetic fields that are created, or any other type of currents that are generated on earth, water and air from external sources.

The source of eddy currents in harbor environments are: electromagnetic fields of machinery and equipment installed, corrosion protection installations, galvanized coating systems and installations, electrowelding systems and equipment, induced currents of piping systems extended to port facilities, induced lines of electric cable cables, railway lines, trams, bridge girders, in or near port facilities, and any breakdowns or defects that may arise in port energy systems.

All other sources of electricity currents from other electricity consumers near or on the outskirts of the harbor facilities. (houses, other industrial infrastructure) [1].

The level of pollution from the electromagnetic fields and the bias streams depends on: the installed machinery and equipment and their power, by atmospheric factors (temperature, atmospheric pressure, wave, humidity), salinity content, presence of electrical defects, magnetic and electrical characteristics of
environment (materials).

Streamlining electric waves on land, water and air in portal environments cause damage to the normal work of machinery and machinery where they arise and exist, damages to destructive corroded form, human health injuries, biodiversity damages (flora and fauna), as well as affect the work of machinery and electrical equipment installed in the port. [4].

The high and significant values of their currents or their density cause not only corrosion as the highest form of destruction in the area of maritime transport, which is damage to marine environments and damage to infrastructure but also causes damage to fauna and flora, people and other injuries that need to be assessed. [2].

2. Objects and study

The object of our study is the land, water and air spaces of the Port of Durrës, the Naval Port of Vlora, the Port of Saranda and the Port of Shengjin, part of the maritime transport infrastructure in our country. These facilities located in the shores of Albania lying between the Adriatic Sea and the Ionian Sea are important not only as part of the transport structures, but also as important objects for tourism.

The study is the object of real direct measurements of the characteristics of the electromagnetic fields created on the seabirds of our country’s seaplane, focusing on the pots that have the largest installed electric power, 50 m and 100 m from them, and in separating environments between cities (residential areas) and port facilities. Our temperature monitoring, atmospheric pressure, wave height, absolute humidity in these study points has also been done on our part.

The Maritime Port of Durrës is located in the northern part of the sea bay of Durres along the coastline with an area of 1400 (m) with a surface area of 670000 (m2), an area of 650000 (m2), with an entry channel of 6755 (ml), width 120 m, depth 9.5 (m), limited to light bulbs from its beginning to the waves, while the depth on the port territory is 7.3 (m) to 11.5 (m). [11].

The Naval Port of Durrës is the largest port in Albania that offers all port services. Its port facility consists of 12 marshes with a total length of 2275 (ml) and is able to process about 78% of Albania’s international maritime traffic, has a processing capacity of 5,000,000 tonnes per year. [11].

Vlora Sea Port is the second port in Albania of importance, located about 90 km south of the Port of Durres and is defined as the second entrance of Corridor VIII. In this port, the processing of ferry boats with passengers and cargo ships is carried out, covering about 10% of the export-import goods. The
port is in the process of developing its infrastructure and superstructure, which include the construction of the piers for ferries and ferry crossings.

The Naval Port of Vlora is built in the Vlora bay and has a total area of 5,300 (m²) with an aquarium of 5,000 (m²). Depth min. of the port 4.6 (m) and the maximum depth. and port 11 (m). The maximum processing capacity of the goods, loading and unloading is 5400 (tons / 24hrs). It is an open harbor with 2 main bridge where merchant ships and ferries are processed: Bridge “0” with dimensions 100 X 18 m, depth 3-11 m; Main bridge with dimensions 180 X (10-15) m and depth 2-7 m, processing power 300 - 600 000 tons / year. Processing time for ferries averages 4 to 5 hours, while freight vessels 2-3 days. [11], [11]

The Naval Port of Saranda is the only port in southern Albania and serves the southern cities: Saranda, Delvina, Gjirokastra, Përmet, Tepelenë. The port of the city of Saranda, where the main activities are carried out, has an area of 18 thousand (m²). The port of Saranda is a secondary port located about 160 km south of the Port of Durres, where ships and goods are processed. As a port within the city with mainly tourist orientation, for processing of passengers, while processing of goods will take place in the bay of Limion (about 3 km from the port of the city). The processing vessel of the goods has a length of 75 (ml) of diving; 6 (m) depth as well as 2000 (m²) processing squares, in which is installed an electrodync with 5 hooks (tons). Ferry ferry with processing areas 15000 (m²), with contemporary parameters of length 180 (ml), diving up to 9 (m) depth.

The Naval Port of Shëngjin, located in the northern part of the Republic of Albania, is the only port in this area. Within the port space there are closed storage warehouses with a surface area of 2,000 (m²) and 10,000 (m²) space for storing goods.

The terminal of the freight terminal is 2,440 (m²), while the newly constructed passenger with modern parameters is 250 (m²). 600 meters length for processing commercial vehicles, and a length of 260 (m) for fishing gear.

The port of Shengjin has a total area of 3.750 (m²) and the surface of the water basin is 3.500 (m²), with an entry channel of 300 m long and 80 m wide, the total depth reaches 7 (m).

The current capacity of the port for the processing of ships is 1,500-2,000 (tonne / day) (concretely the amount of 30,000 tons of processed cargo per year), vessels of up to 120 (m) can easily be processed.
3. Study methods and measuring instruments

3.1. Method of study
The study is made in 2015 and 2016, according to seasonal quarters due to the characterization of meteorological characteristics. The methodology used is evidencing, statistical and graphical processing of meteorological and electromagnetic fields in the study points for the two-year period, by pointing out the role of meteorology characteristics at the level of electromagnetic pollution. [5]. [10].
So, the results obtained have been processed to give a complete overview of electromagnetic pollution in these environments. We conducted our study for a two-year period 2015 and 2016, divided into four time horizons in each quarter to clearly see the role of environmental and metrology characteristics. [4]. [5]. [6].

3.2. Measuring Instruments
3.2.1. Electro-smog measuring instrument TES-92
For the determination of the characteristic parameters of the electromagnetic field and the electric currents in the environments taken in the study, we used the electro-smog instrument TES-92.

The electro-smog measuring instrument TES-92 is with a three-dimensional spherical frequency wavelength of 3.5 and serves to indicate the average value in three directions. It is a frame that saves and gives 99 values of the front measurements. For the values we seek to receive, this device requires the boundary values that it ascertains when it is notified through the LCD alarm system. [10].

Figure no. 1. View of electro-smog measuring instrument TES-92.
3.2.2 Thermo-hygrometer and barometer (atmosphere) PCE-THB 40

Metrological Factor Data Meter is the Thermo-Hygrometer and Barometer (atmosphere) PCE-THB 40. Temperature, relative humidity and atmospheric pressure from an SD memory card. PCE-THB 40 thermohygrometer and barometer-atmosphere can measure ambient temperature, relative humidity, and atmospheric pressure, while keeping these results on an SD memory card. PCE-THB 40 thermohygrometer and barometer-atmosphere is a compact data recorder with a large memory capacity (up to 16 GB of SD card). [10].

![Figure no. 2 Overview of the instrument Thermometer-hygrometer and barometer (atmosphere) PCE-THB 40](image)

4. Results of the study

The measurements are carried out for each quarter in 2015 and 2016, on the basis of which we have made an average value for two places, at the entrance to the port and the most loaded with work. Measurements and results are also associated with the values of metrology factors in these areas. [10]. [12]. [13].
Table No. 1. Metrological characteristics and electrical resistance marine facilities

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<th>Naval Port</th>
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<th>July-September</th>
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Table No. 2. The level of electromagnetic pollution in the facilities of the Naval Port of Durres (water / earth / air). (Measurements are at 50 m large machining distance) \[10\].

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<th>The characteristics</th>
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<td>Density of magnetic flux(B) [W/m^2]</td>
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<td>Magnetic field strength (H) [A/m]</td>
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<tr>
<td></td>
<td>Earth</td>
</tr>
<tr>
<td></td>
<td>Air</td>
</tr>
<tr>
<td>Energy Density (S) [W/m^2]</td>
<td>Water</td>
</tr>
<tr>
<td></td>
<td>Earth</td>
</tr>
<tr>
<td></td>
<td>Air</td>
</tr>
<tr>
<td>Electric field strength (E) [V/m]</td>
<td>Water</td>
</tr>
<tr>
<td></td>
<td>Earth</td>
</tr>
<tr>
<td></td>
<td>Air</td>
</tr>
</tbody>
</table>

Table No. 3. The level of electromagnetic pollution in the facilities of the Naval Port of Vlores (water / earth / air). (Measurements are at 50 m large machining distance)

<table>
<thead>
<tr>
<th>The characteristics</th>
<th>The time of measurements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>January-March</td>
</tr>
<tr>
<td>Density of magnetic flux(B) [W/m^2]</td>
<td>Water</td>
</tr>
<tr>
<td></td>
<td>Earth</td>
</tr>
<tr>
<td></td>
<td>Air</td>
</tr>
<tr>
<td>Magnetic field strength (H) [A/m]</td>
<td>Water</td>
</tr>
<tr>
<td></td>
<td>Earth</td>
</tr>
<tr>
<td></td>
<td>Air</td>
</tr>
<tr>
<td>Energy Density (S) [W/m^2]</td>
<td>Water</td>
</tr>
<tr>
<td></td>
<td>Earth</td>
</tr>
<tr>
<td></td>
<td>Air</td>
</tr>
<tr>
<td>Electric field strength (E) [V/m]</td>
<td>Water</td>
</tr>
<tr>
<td></td>
<td>Earth</td>
</tr>
<tr>
<td></td>
<td>Air</td>
</tr>
</tbody>
</table>
Table No. 4  The level of electromagnetic pollution in the facilities of the Naval Port of Sarandes (water / earth / air). (Measurements are at 50 m large machining distance)

<table>
<thead>
<tr>
<th>The characteristics</th>
<th>Water</th>
<th>April-June</th>
<th>July-September</th>
<th>October-December</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density of magnetic flux ($B$) ($W/m^2$)</td>
<td>213</td>
<td>284</td>
<td>273</td>
<td>222</td>
</tr>
<tr>
<td>Earth</td>
<td>243</td>
<td>214</td>
<td>223</td>
<td>252</td>
</tr>
<tr>
<td>Air</td>
<td>343</td>
<td>234</td>
<td>263</td>
<td>352</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Magnetic field strength ($H$) ($A/m$)</th>
<th>Water</th>
<th>April-June</th>
<th>July-September</th>
<th>October-December</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water</td>
<td>3462</td>
<td>5667</td>
<td>6123</td>
<td>5133</td>
</tr>
<tr>
<td>Earth</td>
<td>6567</td>
<td>5442</td>
<td>7246</td>
<td>8183</td>
</tr>
<tr>
<td>Air</td>
<td>5845</td>
<td>4987</td>
<td>6456</td>
<td>7321</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Energy Density ($S$) ($W/m^2$)</th>
<th>Water</th>
<th>April-June</th>
<th>July-September</th>
<th>October-December</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water</td>
<td>134</td>
<td>235</td>
<td>352</td>
<td>313</td>
</tr>
<tr>
<td>Earth</td>
<td>145</td>
<td>271</td>
<td>198</td>
<td>650</td>
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<tr>
<td>Air</td>
<td>367</td>
<td>334</td>
<td>246</td>
<td>583</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Electric field strength ($E$) ($V/m$)</th>
<th>Water</th>
<th>April-June</th>
<th>July-September</th>
<th>October-December</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water</td>
<td>1361</td>
<td>1677</td>
<td>1975</td>
<td>1589</td>
</tr>
<tr>
<td>Earth</td>
<td>2666</td>
<td>2575</td>
<td>3865</td>
<td>2582</td>
</tr>
<tr>
<td>Air</td>
<td>2222</td>
<td>2345</td>
<td>3734</td>
<td>2543</td>
</tr>
</tbody>
</table>

Table No. 5.  The level of electromagnetic pollution in the facilities of the Naval Port of Shengjinit (water / earth / air). (Measurements are at 50 m large machining distance)

<table>
<thead>
<tr>
<th>The characteristics</th>
<th>Water</th>
<th>April-June</th>
<th>July-September</th>
<th>October-December</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density of magnetic flux ($B$) ($W/m^2$)</td>
<td>213</td>
<td>284</td>
<td>273</td>
<td>222</td>
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<td>Earth</td>
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<td>214</td>
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<td>252</td>
</tr>
<tr>
<td>Air</td>
<td>343</td>
<td>234</td>
<td>263</td>
<td>352</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Magnetic field strength ($H$) ($A/m$)</th>
<th>Water</th>
<th>April-June</th>
<th>July-September</th>
<th>October-December</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water</td>
<td>3462</td>
<td>5667</td>
<td>6123</td>
<td>5133</td>
</tr>
<tr>
<td>Earth</td>
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<td>5845</td>
<td>4987</td>
<td>6456</td>
<td>7321</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Energy Density ($S$) ($W/m^2$)</th>
<th>Water</th>
<th>April-June</th>
<th>July-September</th>
<th>October-December</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water</td>
<td>234</td>
<td>435</td>
<td>352</td>
<td>213</td>
</tr>
<tr>
<td>Earth</td>
<td>190</td>
<td>170</td>
<td>190</td>
<td>550</td>
</tr>
<tr>
<td>Air</td>
<td>467</td>
<td>387</td>
<td>446</td>
<td>483</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Electric field strength ($E$) ($V/m$)</th>
<th>Water</th>
<th>April-June</th>
<th>July-September</th>
<th>October-December</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water</td>
<td>2871</td>
<td>5677</td>
<td>7975</td>
<td>3589</td>
</tr>
<tr>
<td>Earth</td>
<td>9698</td>
<td>8675</td>
<td>8978</td>
<td>9582</td>
</tr>
<tr>
<td>Air</td>
<td>9698</td>
<td>9675</td>
<td>8978</td>
<td>9582</td>
</tr>
</tbody>
</table>
5. Interpretation and discussion of risks

Referring to the obtained and elaborated results, the level of pollution from the eddy current comes clearly from:
1. Electrical power of machinery installed in the port facilities, where for the largest values are marked at Marine Port of Durres.
2. The presence of electrical faults at different points as a result of the deterioration of the meteorological parameters of the September to March seasons, where the Marine Port of Durres and the Marine Port of Saranda are differentiate because of the geographical position.
3. Values of atmospheric factors (temperature, atmospheric pressure, tumults, humidity), salinity content, and others.
4. Magnetic and electrical environmental characteristics (materials).
   Thus, the changes in the values of the characteristics of the electromagnetic field are related to the changes in the humidity content of the air and soil abrasions which depend on the atmospheric pressure, temperature and characteristics of the sea and other waves.

6. Conclusions

The study object, the results obtained from the meteorological factors monitoring, the measurements made on the characteristics of the electromagnetic fields in the port facilities give a clear picture of the eddy current pollution in these environments.

According to this study, the level of pollution from the eddy currents depends not only on the installed electric power and the presence of possible technical defects but also depends on the content of the absolute humidity, temperature and atmospheric pressure in these environments. Factors that depend on the position of the shore, the protection system from the eras and the waves, the weather, etc.

The metrological factors play a decisive role in the environment’s impact on its conductivity, the environments directly reflect on the parameters of the magnetic and electron field surrounding these environments.
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