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REPORT

on the Draft Action Plan for Albania and neighbouring regions
(7886/2000 - C5-0305/2000 - 2000/2158(COS))

Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

Rapporteur: Anna Karamanou

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PROCEDURAL PAGE

By letter of 16 May 2000, the Council, at the request of the Presidency, forwarded to the President of Parliament the Draft Action Plan for Albania and neighbouring regions (7886/2000 - 2000/2158(COS)).

At the sitting of 3 July 2000 the President of Parliament announced that she had referred the Draft Action Plan to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs as the committee responsible and to the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy for its opinion (C5-0305/2000),

The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs had appointed Anna Karamanou rapporteur at its meeting of 23 May 2000.

It considered the Draft Action Plan and the draft report at its meetings of 22 June, 13 July, 14 September and 11 October 2000.

At the last meeting it adopted the motion for a resolution by 25 votes to 0, with 2 abstentions.

The following were present for the vote: Robert J.E. Evans, vice-chairman; Bernd Posselt, vice-chairman; Anna Karamanou, rapporteur; Christian von Boetticher, Alima Boumediene-Thiery, Marco Cappato, Michael Cashman, Charlotte Cederschiöld, Carmen Cerdeira Morterero (for Martin Schulz), Ozan Ceyhun, Carlos Coelho, Giuseppe Di Lello Finuoli, Giorgos Dimitrakopoulos (for Thierry Cornillet), Francesco Fiori (for Marcello Dell'Utri, pursuant to Rule 153(2)), Pernille Frahm, Evelyne Gebhardt (for Joke Swiebel), Margot Keßler, Timothy Kirkhope, Ewa Klant, Hartmut Nassauer, William Francis Newton Dunn (for Jorge Salvador Hernández Mollar), Elena Ornella Paciotti, Hubert Pirker, Adriana Poli Bortone (for Roberta Angelilli, pursuant to Rule 153(2)), Anna Terrón i Cusí, Maurizio Turco (for Frank Vanhecke) and Gianni Vattimo.

The opinion of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy is attached.

The report was tabled on 12 October 2000.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

MOTION FOR A RESOLUTION

European Parliament resolution on the Draft Action Plan for Albania and neighbouring regions (7886/2000 - C5-0305/2000 - 2000/2158(COS))

The European Parliament,

- having regard to the Draft Action Plan for Albania and neighbouring regions adopted by the General Affairs Council of 13-14 June 2000 (7886/2000 - C5-0305/2000),
 - having regard to the Treaty establishing the European Community (in particular Articles 3(1)(d), 13, 14 and Title VI) and the Treaty on European Union (in particular Articles 2 and 6, and Title VI),
 - having regard to the mandate of the High Level Working Group on Asylum and Migration to draw up action plans in respect of the main countries of origin and transit of asylum-seekers and migrants,
 - having regard to the conclusions of the European Council meeting at Tampere on 15 and 16 October 1999 and, in particular, conclusions 2, 3, 4, 8 and 11-27,
 - having regard to its previous resolutions on migration and asylum and, in particular, the resolution of 30 March 2000 on asylum-seekers and migrants - action plans for countries of origin and transit – High Level Working Group¹,
 - having regard to Rule 47(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, and the opinion of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy (A5-0287/2000),
- A. whereas the Action Plan for Albania, in common with the previous plans for other countries, is based on a cross-pillar approach, which should, by definition, provide for sufficient balance between the measures envisaged,
- B. expressing its satisfaction at the quality and the comprehensive nature of the report on Albania drawn up by the High Level Working Group, particularly to the extent that it takes account of the situation of human rights, citizens and minorities in that country despite the fact that it contains repetitions and makes allusions to events and initiatives without providing detailed information,
- C. whereas migration should be considered a fundamental freedom and whereas an appropriate legal framework should be established for the EU to pursue a lawful and stable migration policy which addresses, in particular, those countries closest to the EU's external borders which already have historical and cultural links with the EU,

¹ Not yet published in the Official Journal.

- D. whereas Albania is both a country of origin and transit for migrants bound for the countries of western Europe, who are frequently attracted by the prospect of a different life and lured by false promises of employment which can end up in tragedy in the form of debt, illicit employment, prostitution, child exploitation and a ghetto life,
- E. whereas particularly restrictive visa policies are a contributory factor in compelling individuals who are fuelled by false hope to seek illegal means of crossing the Union's external borders,
- F. whereas actual controls at borders should not be inconsistent with promoting mobility and freedom of movement of individuals in Europe and whereas, therefore, the role and conduct of consulates and other representations of the Member States in Albania and the neighbouring region should conform to European policies and rules adopted on this subject,
- G. whereas countless illegal immigrants, having possibly failed to gain entry, make many more attempts to return, under extremely dangerous and inhuman conditions, which claim numerous victims, in particular a growing number of women and children,
- H. whereas illegal immigrants also have the right to protection of their fundamental human rights,
- I. whereas the vast majority of Albanian Kosovars who were forced to abandon Kosovo have already returned to their homes, without this implying a complete return to normality, given that dangerous and insecure circumstances persist, in particular for the Serbs of Kosovo and for other minorities.
- J. whereas, applications from Kosovo for asylum or temporary protection no longer appear to constitute a potentially significant source of influx into the EU Member States, but would represent more of an exception and whereas, moreover, the return of the refugees requires monitoring and the provision of assistance,
- K. whereas the role of south-east Europe has become more important for the European Union (Stability Pact) only since the events in Kosovo in 1998 and 1999, the European Council in Helsinki in December 1999, and since the prospect of enlargement; whereas this fact demonstrates that the Member States are following in the wake of events and have a lack of political vision, particularly compared with their approach to the applicant countries of Central Europe,
- L. whereas, in addition to the events in Kosovo, the question of Albania and relations between the countries of the neighbouring region remain a cause for concern which is of particular interest to the Member States of the EU, given that the military success of NATO has not translated into political success and that the ethnic communities remain poles apart,
- M. whereas any action to prevent conflict, to reconstruct and stabilise the region, should take account of the possibility of integrating Serbia and the Balkan region as a whole,
- N. observing with satisfaction that the European Council in Santa Maria da Feira approved

the report on EU priorities for external relations in the area of justice and home affairs, stressed that there should be effective support for the civil administration of the societies in transition during crisis management, and decided to strengthen the Euro-Mediterranean partnership and a joint EU strategy for the Mediterranean region, which provides for various plans in the field of democracy, human rights and the rule of law, migration and asylum (see in particular points 14, 22 and 23 of Annex V of the conclusions of the Presidency),

GENERAL

1. Welcomes the fact that the Action Plan for Albania and neighbouring regions considers both the economic and the social causes of the migration in its analysis;
2. In view of the powers and responsibilities which the Union has held since the conclusion of the Amsterdam Treaty, considers it strange that an action plan for Albania and the neighbouring region should have been drawn up by a Council working party and not by the Commission;
3. Endorses the specific measures in the areas of asylum and migration to which the Action Plan refers and the other topics in the spheres of justice and home affairs;
4. Expresses its regret at the general lack of equilibrium of the Action Plan which for the most part contains measures aimed at control and repression which fail to distinguish between asylum-seekers, immigrants for social and economic reasons and persons in transit; expresses its regret also at the fact that the publication of the plan was not preceded by any discussions involving the citizens of the country and of the surrounding region; stresses that readmission agreements with politically unstable countries, such as Albania, cannot be considered practicable and nor are they compliant with the spirit and letter of international conventions;
5. Is concerned at the precarious situation obtaining in Albania, and namely the political instability, the fragile character of the party system which is blighted by violent rivalry, the poor functioning of the constitution and the failure to respect the laws, the administrative chaos, the high crime rate, the corruption, the insecurity due to the lack of government control over certain areas of the country and arms trafficking, despite the considerable efforts of the Albanian Government;
6. Reminds Albania that, unless internal security in Albania improves, including the security and protection of ethnic minorities, fundamental social and economic improvements are unlikely;
7. Notes, however, with satisfaction and hope that positive forces which deserve to be supported are emerging, forces which are pursuing policies aimed at democratisation, the development of society, the reconstruction of the country and a rapprochement with the EU, and this also applies to the neighbouring region and is in part the fruit of events in Kosovo;

8. Calls for the establishment and strengthening of the dialogue between European officials and the central and local authorities of Albania, in cooperation with the Council of Europe and with Italy and Greece, the main EU countries to suffer the consequences of Albania's instability and to bear the brunt of illegal immigration and the activities of organised criminals, the latter being the only EU country which has a common border with Albania, principally in order to consolidate the process of a political rapprochement with Europe, to help the emergence of the new rulers of the country and to support the legislative democratic institutions (Parliament, local communities, organisation of civil society) and to contribute to the smooth functioning of the rule of law and of the judicial and administrative apparatus and to support the independent media;
9. Stresses that, while the Action Plan focuses on measures to curb immigration from Albania to the EU, these measures are not combined with measures on legal protection and basic economic and social security for immigrants and refugees in Albania;
10. Requests that local governments, non-governmental organisations and UN representatives be given the opportunity to participate actively in finalising the Action Plan;
11. Asks for special emphasis to be placed on combating prejudice and discrimination against women and for the rights of minorities in Albania to be recognised when the Action Plan is finalised;
12. Requests the Albanian Government to adapt the method used to analyse data so that it is compatible with that used by Eurostat;
13. Calls on the Commission and Council and all Member States to support Albania, in the context of these measures, in its efforts to combat illegal migration and in the fight against corruption and organised crime;
14. Regrets the fact that a large portion of the measures with financial implications is not covered by the budget;
15. Considers the success of these reforms to be, in addition, a key to improving the economic situation in the country since only such success will prompt the urgently needed foreign investment which can help to modernise the outdated economic structure;

IMMIGRATION

16. Calls for the adoption of legislative measures particularly regarding immigration from Albania and the neighbouring region which could be based on a study of the real causes of the phenomenon and thus be able to break the vicious circle of trafficking in human beings and organised crime and the trafficking in arms, drugs and stolen vehicles which are very closely connected to illegal immigration;

17. Stresses that, since immigration is a multi-faceted phenomenon linked to political, historical, social and economic factors and since many refugees and asylum-seekers often do not have any choice other than illegal entry into the EU, illegal immigration should not be considered a criminal act;
18. Reminds the Commission and Council that support for the reform of the administration and for the reforms of the legal system and thus of legal certainty will have an extremely favourable impact on the number of Albanians who prefer to remain in their own country and will thus have the direct effect of curbing immigration;
19. Expresses regret at the fact that the integration in the society of the 15 Member States of the European Union of Albanian citizens permanently resident in these countries and of citizens of third countries is not regarded as a priority, but is the subject of one measure only (124 n) at the end of the Action Plan list and stresses that European immigration and asylum policy should be based on full application of the Geneva Convention, in compliance with international texts on human rights, providing guarantees on individual protection of refugees and their families;
20. Calls for the full implementation of Articles 29, 30, 31 and 34 of the EU Treaty, using the experience and implementing the protocols by those countries most concerned, as regards:
 - the launching of coordinated actions with the maximum possible cooperation of Europol in order to put an end to trafficking and prostitution rings dealing in women and children and the actions of criminal gangs involved in the smuggling of immigrants which are frequently linked to organisations in the EU countries of destination and transit;
 - the adoption of the necessary legislative initiatives in respect of the crime of trafficking in human beings and the exploitation of such people through illegal employment and prostitution (see measure 124 f);
21. Urges the Commission and the Council to take specific, effective action involving cooperation with the Albanian, Italian and Greek authorities with a view to halting the constant flow of illegal migrants from Albania and third countries across sea and land borders and into neighbouring EU Member States;
22. Recommends the continuation and strengthening of training and information measures regarding the reality of illegal immigration which have been drawn up especially for the 'population at risk' in the countries concerned and the strengthening of self-help groups;
23. Calls for more objective and freer reporting of information and for the eradication of prejudices and stereotypes in the mass media of the European Union;
24. Is concerned at, and opposed to, the new negotiations and the indiscriminate implementation of bilateral or multilateral agreements for the re-admission of

immigrants, especially in cases involving non-Albanian minorities or stateless persons, and demands that any agreement concluded at European Union level must be structured accordingly; calls for account to be taken of the needs of the local communities which must be given aid so that they can successfully reintegrate persons who return;

ASYLUM

25. Calls on the political leaders of Albania and the neighbouring region, the EU institutions, the Office of the United Nations High Commissioner for Refugees and the NGOs to make a decisive contribution towards setting up an asylum system in Albania and the neighbouring region, insofar as these countries play or might play the role of host country, placing emphasis upon guaranteeing access to asylum-granting procedures, facilities for receiving refugees and social integration measures, in order to prevent immigrants and refugees being continually moved;
26. Calls on the Commission, therefore, to involve NGOs as closely as possible in the establishment and implementation of projects;
27. Recalls that, under the Geneva Convention, no state may expel or return refugees in any manner whatsoever to their country of origin or to a third country where there is a danger that they may be persecuted and that the return of refugees, displaced persons and those granted temporary protection may only take place on a voluntary basis owing to the non-application of the repatriation clause and provided the reintegration potential is satisfactory and constant and provided it has previously been established in general terms that conditions are sufficiently safe;
28. Calls for the reintegration of persons in Kosovo and the provision of aid for the most vulnerable categories, such as the elderly, unaccompanied minors, the handicapped, the wounded or ill and women, together with the guarantee of genuinely safe conditions;
29. Calls on the Member States not to proceed with the readmission to Albania of persons whose asylum applications have been rejected or not even examined until the administrative structures responsible for examining their applications have been substantially strengthened (see measure 124 a); agrees with the Office of the United Nations High Commissioner for Refugees that at present Albania cannot be considered a 'safe third country' where refugees may find effective protection;
30. Endorses the Commission's preparations for the negotiation of a stability and association agreement between the EU and Albania;
31. Instructs its President to forward this resolution to the Council, the Commission, the Office of the United Nations High Commissioner for Refugees and the government and parliament of Albania.

EXPLANATORY STATEMENT

I. HIGH LEVEL WORKING GROUP

The action plan for Albania forms part of a broader pilot programme covering five other countries: Afghanistan and neighbouring regions, Morocco, Somalia, Sri Lanka and Iraq. The plan was drawn up by the High Level Working Group on Asylum and Migration, which was set up on 7-8 December 1998 by order of the Council. The plan's main aim is to curb migration to European Union countries, and therefore the main criteria for selecting countries were statistics on migration flows and applications for asylum. Other criteria taken into account were the chances of successful implementation of an action plan and consensus among the Member States, together with geographical balance. The experience and knowledge that will be gained in implementing the programmes will be put to good use in drawing up a common integrated European policy on asylum and migration.

The action plans include analysis of the political, economic and human rights situations in the countries, and an attempt is made to analyse the underlying causes of migration. Medium-term and long-term measures are proposed, within the framework of reinforced political, economic and humanitarian cooperation by the European Union and cooperation relating to development and internal affairs in the countries concerned. Some of the measures suggested are without any practical value, some are useful, but certainly none of them is likely to upset the current undemocratic regimes. It is clear that the plans' authors, while recognising the critical political situations in the countries concerned and the continual violations of human rights, are nevertheless more interested in the possibilities of reducing the numbers of those leaving than in how they will offer protection to persecuted citizens. As for the readmission agreements, they are totally devoid of political reality, owing to the political instability and the absence of the rule of law in the chosen countries.

In the case of Albania and the neighbouring region, the action plan had already been submitted in the form of an interim report in the autumn of 1999 and was approved by the General Affairs Council on 13 and 14 June 2000, and, as can be seen, there are possibilities of multi-sectoral cooperation with the European Union. However, it must be emphasised that there is a need for coordination between the various negotiation and consultation teams: the EU-Albania dialogue at ministerial and senior official levels; the OECD mission; the international conferences on Albania; the Friends of Albania group; the European Union observers' mission, the Stability Pact for South-Eastern Europe and the process aimed at opening negotiations on the conclusion of an association and stabilisation agreement.

The action plan for Albania and the neighbouring region covers the following areas:

- foreign policy: 6 measures (no financial implications);
- development and economic cooperation: 9 measures (all with financial implications and a reference to the relevant budget heading);
- justice and home affairs, asylum and migration: 15 measures, one of which is divided into 3 sub-measures (12 of the measures have financial implications, but only 5 refer to a budget heading).

The measures' objectives include strengthening democratic institutions, non-governmental organisations and civil society, developing independent media, increasing awareness of respect for human rights, preventing and combating corruption, and measures for strengthening local administration and boosting capability to deal with asylum applications, in accordance with international rules.

II. HISTORICAL BACKGROUND TO THE POLITICAL SITUATION²

Albania, in common with the other Balkan states, was marked by five centuries of Ottoman domination and the legacy of the Communist regimes. In political terms Albania, Bulgaria, Yugoslavia and Romania are creations of the 19th and 20th centuries, as a result of the disintegration of the Ottoman empire and the intervention of the major powers. According to Robert Lee Wolf, the result of this historical experience has been the violent nationalism which all four of these countries have displayed in both internal and international politics. None of these countries has been very long without some kind of external intervention, and thus they have not been in a position to develop a strong tradition of democratic governing. The Albanians speak their own language and claim that they are descendants of the Illyrians. However, the major powers only became aware of their existence during the Balkan crisis of 1875-1878, and they backed the creation of an Albanian state mainly in order to contain the neighbouring states – Greece, Serbia and Montenegro.

The conclusion of the Treaties of San Stefano and Berlin in 1878 and the handing over of several regions with Albanian populations to Montenegro touched off Albanian nationalism, and this took on a special form in Kosovo with the creation of the 'Albanian Alliance' which laid claim to autonomy for Albanian territories under Ottoman rule. It was at this time, too, that the first references to the Albanian nation appeared, while the effort to achieve cultural and linguistic unity continued throughout the 1880s, at the same time as the other states in the region had become involved in their own campaigns to annex territories and were suffering from the intervention of the major powers.

On the political front, the Albanian leaders were very undecided, believing that the time was not ripe for independence. However, the Young Turk revolution in 1908 and attempted forcible Ottomanisation, together with the refusal to recognise the Albanian nation, provoked the uprising against the Turks of 1909-1911. Albania was recognised as an independent state in 1913, and in 1920 joined the League of Nations. Albania's elevation into a satellite state of Yugoslavia after the second world war had a pronounced nationalistic dimension, while Tito's plans for the annexation of Albania, with the goal of a greater Yugoslavia, did not succeed. Tito's break with Stalin in 1948 facilitated Albania's break with Yugoslavia, the establishment of a harsher and more isolated regime and its warm relations first with Stalin and then with China, under the leadership of Enver Hoxha, who governed the country from 1944 until his death in 1985.

The post-cold-war period in the 1990s was marked by vigorous student demonstrations, strikes by coal miners, the collapse of the political and economic system, unemployment, food shortages, country-wide administrative chaos, a massive movement of farmers to Tirana and

² The remarks made in this section are based on 'The Albanian Dimension in Southeastern Europe: Is it a Threat?' by D. Triantaphyllou and T. Veremis, February 2000.

at the same time the exodus of thousands of Albanians to European Union countries, chiefly Italy and Greece.

At this time events outside its borders began to influence Albania's political orientation. Attention was mainly focused on Kosovo and Tetovo. Within this context, Albanian and Kosovar intellectuals took the initiative in October 1991 to create a Council for National Reconciliation and Unity intended to rescue the country from deep crisis and restore its national self-respect. Thus Albania entered the post-Communist era with a devastated economy and also under pressure from Albanians living abroad and from nationalistic groups for the unification of all the territories inhabited by Albanians, confirming, once again, the close connection between economic recession and nationalism.

The current political situation is marked by instability, the absence of civil society in Albania and the neighbouring region, defined in terms of an independent political conception of the nation, and the rise of nationalism, which has arisen to fill the void left by the state's inactivity in developing institutions. The country has not yet recovered from the pyramid-finance collapse in 1997 which paralysed the economy, politics and society, and politics is extremely polarised.

Kosovo's future is a highly critical issue. Those who know the region well claim that any solution must take into consideration the situation of the area as a whole. The issues raised by the Albanians in Kosovo and in the former Yugoslav Republic of Macedonia (FYROM) constitute two different but related problems in the Balkans today. The connection between them consists in the fact that for Albania the Albanian minorities abroad comprise the national question and although for most Albanians Greater Albania is a myth, it should nevertheless not be underestimated.

One of the greatest dangers for peace and security in the region is the risk of Albania and the surrounding region being forgotten and left in a state of isolation by the countries of the European Union. Without a serious attempt to build democratic institutions, Albania cannot be a reliable regional partner. Changes can only come about if Europe accepts the fact that Southeastern Europe, which naturally includes Serbia, is an integral part of the continent. In the Balkans today the European Union's capacity to settle crises and to advance economic development and stability in regions which are undergoing conflicts is being put to the test.

III. ASYLUM AND TEMPORARY PROTECTION

The statistics compiled by the Office of the UN High Commissioner for Refugees show that from the summer of 1998, several hundred thousand people were forced to leave their homes owing to the crisis in Kosovo, approximately three-quarters of whom abandoned their homes there.

As the fighting continued, these people began to seek refuge in Albania, FYROM, Montenegro and elsewhere. From the end of March 1999, over one million Kosovo Albanians were forced to leave their homes, and almost half of these (approximately 450 000) were in Albania when the fighting ended. A further 250 000 fled to FYROM, 21 700 to Bosnia-Herzegovina and 70 000 to Montenegro.

A few hundred thousand displaced persons remained in the province of Kosovo, but had been moved out of their houses, and approximately 10 000 were transferred to EU Member States, where they were afforded protection under asylum application or temporary protection procedures, or protection procedures of another kind. On the basis of international agreements concluded in collaboration with the Office of the UN High Commissioner for Refugees, most Kosovo Albanians were, in fact, taken in and given protection within Kosovo.

The establishment of viable political and economic structures - in other words a secure environment - is an essential precondition for the return of the refugees and displaced persons. It has now been confirmed that the majority of displaced persons returned to Kosovo (although not necessarily to their homes) a few weeks after the signing of the peace agreement in June 1999. By mid-March 2000, more than 830 000 people had returned to Kosovo and since then Serbs and other minority groups, such as the Roma, have been at significant risk of persecution and discrimination.

Unfortunately, the plea by special representative Bernard Kouchner that Kosovo should not be overloaded with mass returns was not heeded and the refugee return rate continues to be high. Many reports by international organisations and non-governmental organisations underline the lack of security still prevailing in the region³ and the absence of law and order.

Particular emphasis is placed on the fact that, in spite of the fact that the conflict has ended, the states who provided protection to the Kosovars during the crisis period have a duty to continue to provide protection to individuals still in need of it. Stability in Kosovo depends to a great extent on the EU's will to agree on a phased and concerted return of the refugees to the region. In particular, the European Council on Refugees and Exiles (ECRE) and the Office of the UN High Commissioner for Refugees are requesting the Member States to maintain the protection which they are providing for humanitarian reasons, in accordance with the 1951 Convention, to people fearing persecution because of discrimination against them (minorities, people of mixed racial origin, people who had links with the Serbs after 1990, people who opposed the liberation force, the disabled, the sick, the very old, children without families, etc.). Repatriation should be carried out under conditions of dignity, security and with the consent of those concerned.

Suitable planning and coordination regarding the return of refugees is required from the international community and particularly the EU, as well as aid programmes for reconstruction and the restoration of peace in the region. The Stability Pact procedure is vital for the return of greater numbers of refugees and for finding viable solutions in the region. Governments, non-governmental organisations and international bodies should use their influence to ensure that the Pact does not remain merely fine words but becomes a reality.

Particular attention should be paid to the following considerations when the action plan for Albania and the neighbouring region is worked out in further detail, given that Albania does not have experience on asylum issues and cannot be considered a safe country:

- establishing an Albanian asylum system based on the Geneva Convention, which will

³ ECRE Position on returns to Kosovo, European Council on Refugees and Exiles, June 2000

guarantee the implementation of the Convention by specialised staff and which will have the appropriate resources and structures (in accordance with the new Albanian Constitution of November 1998 and the new law on the subject adopted in December 1998) and which will provide genuine protection to asylum-seekers and refugees in the area;

- cooperating with the Office of the UN High Commissioner for Refugees so that proper questioning and investigation procedures may be adopted;
- with regard to the return of asylum-seekers whose applications have been rejected and to implementation of the readmission agreements, provided that the safety of the place of return has been verified, following the example of a small group of EU Member States which have started taking a regional approach (protocols of understanding on the obligation to take back nationals on conditions that ensure their safety and dignity, cover of travel expenses and allowances on departure and on return, offer of vocational training to returnees on arrival). Measure 124 e), third indent should be used to achieve this aim.

IV. IMMIGRATION AND ILLEGAL IMMIGRATION

Albania is a country of both origin and transit of migrants seeking to enter western European countries. Between 1990 and 1997 approximately 15% of the Albanian population left the country, owing mainly to economic factors and social unrest, but also to the strong pull exerted by factors such as the presence of large Albanian communities in some EU Member States, the influence of television and radio or a knowledge of the country of destination's language. The information at our disposal shows that Albanians account for the highest proportion of third-country nationals in Italy and Greece. In Italy they also make up the highest proportion of legal immigrants.

Specific measures are, in fact, required in order to ensure the integration into society of foreigners legally resident in a Member State; in the case in point, the action plan for Albania, like those that preceded it, is **sorely inadequate**, perhaps owing to the absence of a common concerted EU policy on asylum and migration (measure 124 n) does not go into any specific details, but merely contains a reference to the EQUAL Community programme). A future EU policy in this area could be based on the 'joint management' of migratory flows between the EU Member States (including the applicant countries), the countries of origin and the countries of transit. In the past Parliament has repeatedly emphasised the need for the Union to create a legal channel for immigration which would include provisions creating a kind of statute for immigrants who had entered Europe lawfully and were lawfully resident there.

As far as illegal immigration is concerned, our attention should not be almost exclusively focused on readmission agreements, as is the case with the action plan (see, for example, measure 124 h) and j)). It is a fact that trafficking rings organise the journey of would-be migrants, and the reputation of these organisations, in combination with the lack of a legal immigration route, is encouraging an ever-larger number of people of various nationalities and ethnic groups to attempt to enter the EU Member States via Albania. Traffickers in illegal immigration are often also involved in drugs and arms trafficking and enjoy good relations with other criminal organisations, particularly in Italy, Greece and Turkey. It is worth noting

that when the Greek minister for public order, Mr Chrisochoidis, visited Tirana recently, agreement was reached on the creation of an international centre in southern Albania to combat criminal organisations and trafficking in illegal immigrants.

However, the rapporteur considers that the focusing of attention on dealing with trafficking in migrants does not assist in the comprehension and correct handling of the migration phenomenon. The traffickers, after all, make money out of the hostility and the refusal of the rich countries to take in refugees or immigrants. Anger at traffickers mainly helps to conceal xenophobic and racist views. The fact that traffickers often save human lives from the persecutions of totalitarian states, that they provide services to refugees who are protected by the Geneva Convention and to those without hope, for whom all other routes are closed, is passed over in complete silence. To deal with traffickers as if they were the underlying reason for migration or to create the impression that if they did not exist, then neither would illegal immigrants, does not contribute to the quest for an integrated and open European policy on asylum and migration.

Pending the creation of this policy, attention should be paid to the following points:

- adopting common measures to combat the exploitation of immigrants by trafficking rings;
- providing training and organising exchanges of experience on the legal issues connected with the crossing of borders and falsified documents;
- circulating information to the accredited inspection bodies of the countries concerned on the illegal immigration racket, trafficking in women for prostitution purposes, drugs and arms trafficking;
- examining the most effective ways of carrying out checks at maritime borders with the least possible risk;
- adopting a highly sensitive approach to dialogue with countries of origin in cases where it is found that migrants from those countries regularly pass through Albania or the neighbouring region;
- providing assistance to local communities (for example measures 123 j) and 124 k)) in connection with the reintegration of returnees and their participation in local development programmes.

V. RESPECT FOR HUMAN RIGHTS AND THE RULE OF LAW; SECURITY

The countries chosen by the European Union for cooperation of any kind must comply fully with their international obligations, they must condemn violence and crime, they must enact appropriate legislation and ensure that crimes such as summary executions, mutilation, cruel, inhuman or degrading treatment, and violence against women and children are prosecuted; the target countries must also combat discrimination based on gender or sexual orientation and promote tolerance and respect for the rights of minorities.

Despite the major efforts made by the government since the end of 1997, public order and security are still extremely shaky in much of Albania and crime and corruption are rife, while the police and the judiciary have extremely limited resources with which to tackle the situation.

With regard to the operation of the rule of law, the Community (in cooperation with the Council of Europe) has concentrated its efforts on reforming state institutions such as government ministries and on establishing an appropriate legal and institutional framework for public bodies (police, judiciary, customs service and agencies responsible for combating fraud and corruption).

The Community needs to continue to help Albania to strengthen the rule of law, enhance the concept of citizenship, and draw up new legislation.

To this end, the action plan provides for the following:

- measure 123 a): *inter alia*, achieving further progress in stabilisation and democratisation in Albania, assisting state institutions and supporting administrative reform (customs, police and judiciary);
- measure 123 d): supporting NGOs, the independent media and civil society;
- measure 123 f): measures to restore respect for human rights and minority rights; these measures need to be precisely defined;
- measure 123 g): measures aimed at preventing and combating corruption;
- measure 123 h): enhancing statistical cooperation with Albania;
- measure 124 a): strengthening local administration and infrastructure (institutional capacity building);
- measure 124 b): training and exchange of officials in matters relating to migration and asylum.

VI. BUDGETARY CONSIDERATIONS AND CALENDAR

A large proportion of the proposed measures (21 out of 30) have financial implications.

Approximately two-thirds of those with financial implications can be covered by the appropriations available under existing budget headings. As is apparent from the details given in section II above, less than half the justice and home affairs measures provided for can be funded during the current year.

In general, when all the headings covered by the action plan are taken into account, approximately two-thirds of the measures are – or should be - already being implemented, and one-third are to be implemented by the end of 2000.

Leaving to one side the fact that the action plan has been submitted to Parliament late, and thus merely for form's sake, it must be said that the above situation makes it difficult to assess the likelihood of the measures being implemented – in short, of the plan proving successful - this year.

It is particularly important, nonetheless, for the Council to give an undertaking to provide Parliament with a detailed report on implementation of the measures and on the choices made and, where appropriate, to justify the cancellation of measures.

One positive note is the fact that the Community preliminary draft budget for 2000 contains a

new heading B7-667, 'Cooperation with third countries on migration', against which EUR 5 million is currently entered. The rapporteur is pleased to note that Parliament was largely responsible for the inclusion of this new heading, which provides funding – which, although not immediate, will at least be guaranteed – for Community measures in extremely sensitive areas, to be implemented in the countries covered by the action plans. During the budgetary procedure Parliament must insist that the amount allocated to this heading are adjusted and that improvements are made to the remarks set out in the PDB⁴.

VII. CONCLUSIONS

Despite the reservations it has expressed as to its targets and effectiveness, the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs welcomes the Action Plan for Albania and the neighbouring region. At the same time, it calls on the EU and Albania to reinforce and extend their political dialogue to various issues, such as the stabilisation process, encouraging a European orientation and the conclusion of an association agreement between Albania and the European Union as soon as possible.

⁴ Those remarks currently read: 'This appropriation is intended to finance programmes and projects in the framework of a partnership with the countries and regions of origin and transit in relation to migration and asylum'.

10 October 2000

**OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS, HUMAN RIGHTS,
COMMON SECURITY AND DEFENCE POLICY**

for the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

on the Action Plan for Albania and the neighbouring region
(7886/2000 - C5-0305/2000 – 2000/2158(COS))

Draftsman: Doris Pack

PROCEDURE

At its meeting of 12 July 2000 the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy appointed Doris Pack draftsman.

It considered the draft opinion at its meetings of 19 September and 10 October 2000.

At the latter meeting it adopted the following conclusions unanimously.

The following were present for the vote: Elmar Brok, chairman; Baroness Nicholson of Winterbourne, William Francis Newton Dunn and Catherine Lalumière, vice-chairmen; Doris Pack, draftsman; Sir Robert Atkins (for Silvio Berlusconi), Alexandros Baltas, Bastiaan Belder, Andre Brie, Gunilla Carlsson, Maria Carrilho (for Rosa M. Díez González), Ozan Ceyhun (for Elisabeth Schroedter pursuant to Rule 153(2)), Andrew Nicholas Duff (for Francesco Rutelli), Pere Esteve, Pernille Frahm (for Efstratios Korakas), Michael Gahler, Jas Gawronski, Vitalino Gemelli (for Gerardo Galeote Quecedo), Alfred Gomolka, Bertel Haarder, Klaus Hänsch, Magdalene Hoff, Giorgos Katiforis (for Mário Soares), Alain Lamassoure, Cecilia Malmström (for Paavo Väyrynen), Pedro Marset Campos, Linda McAvan, Emilio Menéndez del Valle, Philippe Morillon, Raimon Obiols i Germa, Arie M. Oostlander, Reino Kalervo Paasilinna (for Sami Naïr), Hans-Gert Poettering, Jacques F. Poos, Mechtild Rothe (for Jan Marinus Wiersma), Luís Queiró, Lennart Sacrédeus (for Jacques Santer), Tokia Saïfi (for José Ignacio Salafranca Sánchez-Neyra), Jannis Sakellariou, Ioannis Souladakis, Hannes Swoboda, Francesco Enrico Speroni, Ursula Stenzel, Freddy Thielemans, Gary Titley, Johan Van Hecke, Geoffrey Van Orden, Matti Wuori and Christos Zacharakis.

SHORT JUSTIFICATION

Since the Iron Curtain opened, Albania has been one of the most significant countries of origin and transit for immigrants entering the EU. The high level of migration of Albanians can be largely ascribed to economic conditions, although social conditions caused by family ethics still attached to pre-modern structures and by a lack of legal certainty due to the activities of organised crime also play their part.

The Action Plan rightly concludes that a considerable number of Albanians have left their country because the authorities are incapable of maintaining public order and protecting human rights. This should prompt further thinking that results in the EU supporting, in particular, the restoration and maintenance of public order in Albania with projects.

Despite its somewhat confusing structure, the Action Plan for Albania and the neighbouring region which has been drawn up by the Council's High Level Working Group on Asylum and Migration analyses all the important issues related to the high level of migration from and through Albania. The Kosovo war and the added, serious instability it has brought for Albania and the whole region should be emphasised once again in this context.

On this subject, the rapporteur would like to draw particular attention to the ceaseless efforts of the 'Friends of Albania' group, whose work in connection with the aid provided by international organisations contributes significantly to improving people's living conditions in Albania.

Many of the actions referred to in the Action Plan are not new: they either already exist or are being planned. Some that are still in their infancy might, however, be improved through analysis.

CONCLUSIONS

The Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy calls on the Committee of Citizens' Rights and Freedoms, Justice and Home Affairs, the committee responsible, to incorporate the following points in its motion for a resolution:

1. Welcomes the fact that the Action Plan for Albania and neighbouring regions considers both the economic and the social causes of the migration in its analysis;
2. In view of the powers and responsibilities which the Union has held since the conclusion of the Amsterdam Treaty, considers it strange that an action plan for Albania and the neighbouring region should have been drawn up by a Council working party and not by the Commission;
3. Emphasises that, given the virtually pre-modern structures of Albanian society and families, any ideas for economic and political development must begin by addressing the social structure;
4. Calls on the Commission, therefore, to involve NGOs as closely as possible in the

establishment and implementation of projects;

5. Endorses the specific measures in the areas of asylum and migration to which the Action Plan refers and the other topics in the spheres of justice and home affairs;
6. Calls on the Commission and Council and all Member States to support Albania, in the context of these measures, in its efforts to combat illegal migration and in the fight against corruption and organised crime;
7. Reminds the Commission and Council that support for the reform of the administration and for the reforms of the legal system and thus of legal certainty will have an extremely favourable impact on the number of Albanians who prefer to remain in their own country and will thus have the direct effect of curbing immigration;
8. Considers the success of these reforms to be, in addition, a key to improving the economic situation in the country since only such success will prompt the urgently needed foreign investment which can help to modernise the outdated economic structure;
9. Urges the Commission and the Council to take specific, effective action involving cooperation with the Albanian, Italian and Greek authorities with a view to halting the constant flow of illegal migrants from Albania and third countries across sea and land borders and into neighbouring EU Member States;
10. Reminds Albania that, unless internal security in Albania improves, including the security and protection of ethnic minorities, fundamental social and economic improvements are unlikely;
11. Points out that the security forces need to be rewarded appropriately if their effectiveness is to be increased;
12. Endorses the Commission's preparations for the negotiation of a stability and association agreement between the EU and Albania.