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ORGANISED CRIME IN ALBANIA: AN UNCONVENTIONAL SECURITY THREAT

The end of the Cold War brought about a period of insecurity throughout South East Europe. The quick and unexpected collapse of communist regimes brought to the surface a long list of new challenges that the societies of SE Europe were ill-equipped to deal with. Poverty, the absence of rule of law, weak judicial systems and, in some places, open warfare and the collapse of community ties opened up plenty of opportunities for the birth and consolidation of organised crime. This paper will look at organised crime in Albania, one of the main links in a chain of Balkan states that are having a difficult time coping with the problem. However, it is not directly concerned with evidence of or reasons for the existence of organised crime in Albania. Rather, it will investigate the organised crime phenomenon from a security perspective. Traditionally, security threats in Albania have been viewed in terms of hard security. Political actors in the Albanian political scene still define their security problematic in terms of ethnic, religious and cultural cleavages within the state, or security threats from neighboring states or ethnic groups.[12] While these threats continue to be present, it has become necessary to reevaluate the security problematic definition in order to include organised crime. The strengthening of organised crime groups in Albania has increased the possibility of a permanent distortion of the local political system. With regard to Albania, the present definition of the security dilemma is particularly problematic. A cursory look at post-Cold War developments in Albania shows that Albanian

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[12] Security Strategy of the Republic of Albania, Law number 8572, 27.01.2000. While organized crime is mentioned as a security threat, it is lumped together with terrorism, westward migration, public misinformation and the environment. The Security Strategy mentions the growing professionalism and strength of criminal groups in Albania, without differentiating between "crime groups" and "organized crime groups". Hence, the fight against crime is seen simply in terms of strengthening those state institutions that are directly concerned with the fight against crime such as police and the judiciary while there is no discussion of the threat of state capture.

security has not been undermined so much by hard security but rather by soft security threats. The weakness of state institutions and the ingraining of non-democratic norms within the democratic polity have opened the way to serious security threats to Albanian citizens in the long-term.[13] Moreover, the lack of awareness from local and international actors of the ability of organised crime groups to penetrate the Albanian state, the so-called *state capture* process, means that the basic tools to combat this dangerous phenomenon are not being put in place.

Growth of Organised Crime: The Social and Political Climate

In order to support our thesis that organised crime must be viewed as a security threat that cannot be dealt with simply by strengthening policing and judicial institutions, we must look at the environment in which organised crime has evolved in Albania. In a famous 1979 article, Jeanne Kirkpatrick analyzed the distinctions between authoritarian regimes of the Right and totalitarian regimes of the Left. While the former "leave in place existing allocations of wealth, power, status" and "worship traditional gods and observe traditional taboos," radical totalitarianisms of the Left seek to "claim jurisdiction over the whole of society" and violate "internalized values and habits."[14]

Albania entered the post Cold War era with the baggage of 45 years of the most repressive totalitarian regime in Europe. In order to understand the weaknesses inherent in Albanian society today, weaknesses that range from weak state institutions to the erosion of the basic norms and values that make up organised community life, we have to investigate the dynamics of social and political life in communist Albania as the longest period of continuity in the existence of independent Albania.

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[13] Blendi Kajsiu, Aldo Bumçi, Albert Rakipi, Albania - A Weak Democracy, A Weak State, AIIS Report 2002, in The Inflexibility Trap: Frustrated Societies, Weak States And Democracy, Centre for Liberal Strategies and Institute for Market Economics, Sofia, 2003.

[14] Jeanne Kirkpatrick, "Dictatorships and Double Standards," Commentary 68 (November 1979): 34-45.

While it is true that from an outsider's perspective the Albanian communist state did exhibit features of a strong state (strong, palpable state presence from the center to the periphery, state penetration in society, citizens' observation of state laws and some improvement in public goods delivery), it is also true that state-exercised violence was the primary reason for its "strength".[15] Direct or indirect, physical, moral or psychological, violence was sanctioned by constitutional law[16] and if the constitutionally permissible degree of repression and terror was not enough, the arbitrary use of power was used by the authorities to carry out their will.

The complete isolation of the country, the extreme economic backwardness, the absence of cultural and scientific opportunities that were inherited by post-Cold War Albania are well-documented and there is no need to look at them in detail. However, what is of importance here is the *social engineering* project in which the Albanian regime engaged and which, in turn, destroyed much of the age-old moral values and norms that provide the basis for community life. The regime tried to build a new type of citizen which official propaganda named "the New Man" and which is not very different from the *Homo Sovieticus* that many Cold War academics are familiar with. What was different about the Albanian New Man, was the degree of ferocity in which the regime engaged to bring about this new reality. Religion was outlawed in 1967 and the 1974 Constitution declared Albania the first atheist state in the world. The New Man was supposed to be free of religious superstitions, material or carnal desires and all other 'vices' of the capitalist world.[17] Through sheer terror, the regime slowly but surely undermined the moral principles built by tradition, national pride and self-respect. Communist propaganda extolled the creation of a Communist *gemeinschaft* which was supposed to be based on selflessness and a willingness to sacrifice one's interests for the greater good of the community. However, in reality the threads that bound individuals together were the result of terror and fear. Once the regime was swept away due to its economic

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[15] Albert Rakipi, Weak States and International Institutions, Ph.D. Thesis, NATO Defense College, Rome 2002.

[16] Hall., J., John, The Return of the State, at http://www.ssrc.orgsept11/essays/hall.

[17] Blendi Kajsiu, Aldo Bumçi, Albert Rakipi, Albania - A Weak Democracy, A Weak State, Albanian Institute for International Studies, 2002.

inefficiency and political inflexibility, the idea of a *community* was swept away with it. Ferdinand Toennies drew the distinction between local community, *gemeinschaft,* and larger society, *gesellschaft.* He saw as stronger the bonds of local community since they were based on kinship, locality, and a shared culture. *Gesellschaft*, on the other hand, was more impersonal and goal-oriented, prescribed by contractual relationships.[18] In the case of Albania, the pre-WWII *gemeinschaft* in the name of a new ideology, which failed to replace it with its own self-sustaining bonds. Today, modern Albania finds itself in the peculiar situation of having imported a democratic system based on the principles of political rights and freedoms and a market economy without however being able to create the necessary *gesellschaft* in which the new polity can function. Given its historical political and economic backwardness and its relatively recent communist past, Albanian society has been unable to create the necessary values conducive to a well-functioning democracy. On the other hand, the assumption that a "top-down" approach in the establishment of the rule of law would prove effective has not been vindicated. Consistent enforcement of the law remains hampered by serious deficiencies in the judicial system. [19] Since Albanian society lacks the values and the efficient institutional arrangements to combat organised crime, state capture has become a real threat that may result in a long-term distortion of the Albanian political system.

The Current Situation

Organised crime in Albania today has become closely interconnected with politics. A number of publications in the local and international press have documented that some of the smuggling channels have functioned as government-run businesses.[20] However, the real focus of

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[18] Community and Technology, Classic Ways of Looking at Community, http://www.sccs.swarthmore.edu/users/02/allan/community_technology/classic_comm.html.

[19] Commission of the European Communities, Albania: Stabilisation and Association Report 2003, Commission Staff Working Paper, Brussels, 26 March 2003, p. 2.

[20] Ivan Krastev, The Inflexibility Trap: Frustrated Societies, Weak States And Democracy, Centre fo Liberal Strategies and Institute for Market Economics, Sofia, Bulgaria, January 2003, p. 18.

this paper is not to interpret organised crime in cultural terms, in terms of weak institutional environments, communist legacies and so on. Neither is it to give evidence of the existence of organised crime and the economic wasteland which provides the fertile soil for its growth and consolidation. Our thesis states that organised crime is deforming permanently the political structure of the Albanian democratic polity. Given the dangers posed by this deformation to the future of Albania, and many other countries in the region, it has become imperative that regional and international actors enlarge the scope of their focus in the war against organised crime.

We will use Ivan Krastev's model in order to analyze the penetration of organised crime in Albanian politics.[21] While the organised crime epidemic is closely related to Albania's communist legacy, economic backwardness and the quality of its legal environment, the international community and local actors have been well-aware of these causes and steps are being taken to help reshape the structural tools needed to fight it. Although actual results have been almost impalpable, it is safe to state that the focus on these issues does exist. On the other hand, there has been little effort to explain the increasingly well-established links between organised crime revenues and the increasing cost of politics in Albania and the Balkans.[22] In the early years of transition, there was public resentment over the extreme levels of political confrontation. However, persistent accusations of corruption were absent. As the struggle against communism abated and politics lost its attractive dynamic as an idealistic exertion for the public good, there was a resultant deficit in interest in politics and an outflow of militants out of the political parties. The present 'reduction' of politics to a quarrel over minor differences in such a short period of time, has brought about a relative alienation of the electorate from local political parties and growing numbers of absentee voters from the electoral process. The absence of alternative institutions for citizen participation in decision-making and governance has made this problem even more serious for Albania.

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[21] Ibid., pp. 6-23.
[22] Ibid., p. 21.

This situation has opened the road for organised crime penetration into politics. The massive withdrawal of motivated citizens from political activities has suddenly made political communication much more expensive. In 1991 enthusiastic young people were actively involved in political demonstrations and other political activities. Now, youngsters have become alienated from the political process. In order to have their posters disseminated, and their political meetings well-attended for media purposes, political parties have to pay.[23] In 1991, with citizens on the streets eager to participate in the political process, it was easy and cheap for politicians to get their message across. Today they have to pay for expensive media commercials, and rock-concert type electoral meetings. The result is that parties are selling their influence over the decision-making process to the highest bidder. According to Krastev, the increased cost of politics and the effort to pay the price result in four major consequences. First, people become even more disgusted with politics, so the cost of politics goes up. Second, the new way of making politics leads to the promotion of new politicians, that Della Porta calls "business politicians." Third, the increased price of politics undermines the morality of individual politicians within political parties. Those who start taking money for the party through unofficial channels find it a great deal easier from a moral standpoint to start taking money for themselves. Fourth, political parties create a class of donors close to them. A mutually advantageous relationship is established whereupon a business gives funds to a political party in exchange for favorable policy or administrative decisions. One of the main tools with which political parties assure their revenues is the privatization process. Privatization is not any more about what to sell, but to whom to sell. Only recently, allegations sprung up quite openly that the Albanian government was buying the media through companies considered 'friendly' to the Socialist Party (SP) in power.[24]

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[23] Interview with Drini Skënderi and Anisa Tabaku. Many young Albanians are paid to become 'members' of a political parties and to attend their meetings or distribute their literature.

[24] Interview with Fatos Lubonja on KLAN TV, Opinion, 13 April 2003. He accused the owner of one of the main independent newspapers, Shekulli, for profiting through illegal auctions of public property. The government uses paid Job Advertisements and commercials to fund media close to it and bleed financially those media that do not support its point of view.

A New Approach to Organised Crime

Richard Rose has shown that the real danger to democracy does not come from the poor or ex-communist party members. Instead, it comes from those that are convinced that their party is wholly corrupt. [25] While this 'nightmare scenario' need not be the case in Albania, it is painfully obvious that the *modus vivendi* reached between politics and organised crime is causing a permanent deformation of the democratic system. It has become essential to grasp that a transformation in the process of governance, be it negative or positive, that persists over time solidifies and becomes the norm. While the political rhetoric pays lip-service to the fight against organised crime, results have been meager at best.

As a matter of fact, there have been a number of initiatives to combat organised crime, but their outcomes have shown few tangible results. An international anti-trafficking centre was set up in the southern city of Vlore jointly run with Italy, Greece and Germany.[26] However, the centre's work has been marred by allegations of idleness that reached a fever pitch when the German officer assigned to the centre resigned since the centre had been *de facto* by-passed by local police structures and had become redundant. Another well publicized action was Operation "Labour" that aimed to interrupt the flow of human and drug smuggling to Italy. Officially, the operation ended successfully with the Prime Minister symbolically burning a number of confiscated speedboats in front of the media. However, of the seventeen people arrested in the operation, today only one, a simple policeman, is still in prison. The others were allowed to go free by the courts.

Given the fact that at present the political dynamic in Albania is such that the lines between organised crime and the political class have become very blurry indeed, a new approach to the fight is needed. At present, the debate and measures that have been taken by the international community in cooperation with local actors, while

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[25] Richard Rose, A Diverging Europe, Journal of Democracy, Vol 12, No. 1, p. 93-106.
[26] International Crisis Group, Albania: State of the Nation 2003, 11 March 2003, http://www.intl-crisis-group.org.

commendable and necessary, must be improved upon. Some measures have been undertaken in regard to the institutionalization of the fight against organised crime. With international help, those state institutions that are designed to fight directly against organised crime are being strengthened and regional cooperation is being reinforced. Thus, there seems to be some awareness, at least on the level of political rhetoric, of the need to fight organised crime and increasing political will to project an image of fighting this phenomenon head-on. While results have been poor, work must continue to strengthen those state institutions that are confronting organised crime. Some of the practical areas where tangible progress must be made are:

1.   strengthening the institutional structures necessary for implementing the Law on Money Laundering;

2.   establishing a fully financed and well-publicized witness protection system

3.   making serious efforts to control border crossings;[27]

4.   begin prosecutions of corrupt judges and prosecutors; and

5.   strengthen cooperation between state police, the judicial police, and the prosecutor's office.[28]

Nevertheless, the debate on organised crime in Albania is found wanting on a very important dimension. While anecdotal evidence abounds, there exist no models or studies to measure the extent of state capture by organised crime syndicates. As a matter of fact, not only does organised crime distort the Albanian political system, it also imposes conditions on the systemic structure of the state, and therefore it makes the implementation of structural reforms very difficult. For example, interviews with Albanian political leaders by Albanian Institute of International Studies researchers on electoral system reform in local

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[27]   Ibid.
[28]   Commission Staff Working Paper, Albania: Stabilisation and Association Report 2003, Commission of the European Communities, Brussels, 26 March 2003.

government elections produced valuable insights on the way organised crime limits the available choices in electoral reform discussions. At present, municipal councilors in Albania are elected through a proportional system. Different analysts have raised concerns about the lack of representation in municipal councils and are advocating a majoritarian system. However, given the strong presence of organised crime in Albania, there exists a justifiable fear that it would be easier for criminal structures to get their representatives elected in municipal councils. Yet, this argument would be valid if we assume that organised crime has not captured Albanian political parties which is a very daring assumption indeed. While the present dimension of the war on organised crime may strengthen the state in the short-term, it also has the unfortunate side-effect of consolidating criminal structures within the hierarchy of power. In a country with a democratic system of governance where the relationship between citizens and their elected representatives is as weak as in Albania, the alienation of voters from the political process is facilitated considerably by the perceptions of corruption and state capture. In turn, this increases the cost of politics and, according to Krastev's model, it facilitates even further the penetration of organised crime in the body politic.

Hence, investing time, effort and money only in the institutions that are directly concerned with the fight against organised crime ought to be only part of the general effort to cleanse our political and social lives from this phenomenon. The time has come to enlarge the concept of security in order to include organised crime as one of the "security threats" faced by our society. While traditional security threats remain relevant, it has become obvious that the old definition of "security" is becoming obsolete. Transition societies, such as the societies of South East Europe, are in the midst of the state-building process. If that process becomes deformed due to the presence of organised crime, it will be very difficult to undo the damage. In Albania, little if anything is being done to create favourable socio-economic conditions that may help arrest the growth of organised crime. Policy formulation and implementation does not factor in the real and present danger of "state capture" as one of the greatest threats facing Balkan societies today. Often, local elites speak in terms of "us" (the law-makers and law-enforcers) against "them" (the law-breakers) while, in fact, the border-

lines between the two groups seems to be a great deal more blurry than that. In Albania, the lack of long-term development policies coupled with the lack of awareness about the deformation that organised crime will quite probably cause to the local political system make the victory of the fight against organised crime quite questionable in the long term. Given the present situation, it will be no surprise if the state may be captured by organised crime through free and fair elections. We run the danger of having the appearance of a democratic state while the inside structure is controlled by criminal organizations. The complete absence of transparency of electoral funds by Albanian political parties cannot but raise questions about their ability to clearly position themselves on the opposite side of the barricades in the war on crime.

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