

# Conference proceedings

## ICSNS IV-2018

**FOURTH INTERNATIONAL CONFERENCE ON:  
“SOCIAL AND NATURAL SCIENCES – GLOBAL CHALLENGE 2018”**

**3 November, 2018**

**VIENNA**

**International Institute for Private- Commercial- and Competition Law (Austria)**

**in Partnership with**

**Institute of History and Political Science of the University of Białystok (Poland)  
and School of American Law (Greece)**

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# Book of proceedings

**Fourth International Conference on:  
“SOCIAL AND NATURAL SCIENCES –  
GLOBAL CHALLENGE 2018”  
(ICSNS IV-2018)**

**Vienna, 3 November 2018**

Organized by

**International Institute for Private- Commercial- and Competition  
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(Poland), School of American Law (Greece)**

**Edited by: Dr. Lena Hoffman**

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# Meaning and conditions for the marriage contract validity

Redon Meksi

## Abstract

The marriage contract is a legal action through which the parties (spouses) define their property regime mainly for the entire duration of the marriage. Parties to this contract establish the marital property regime or, as the case may be, alter or expire this regime that has existed since the marriage bond.

The marriage contract is included in the category of formal contracts because based on the Family Code it is mandatory to be drafted by a notary act. Subjects are two spouses who are natural persons of opposite sex who have reached the age of 18 and do not have any legal obstacles to signing the contract.

The contract is a statute for the family because it sets out the rules on asset management and also determines the fate of most of the legal acts that the spouses will perform with the third parties during their common life.

**Keywords:** marriage, contract of validity, Albania.

## Introduction

The marriage contract is considered as an aid instrument that allows the parties to choose between models of property regimes or to change them in accordance with the criteria laid down in the law and the family interests.<sup>1</sup>

Typical contracts are those which are expressly provided in the law, while atypical are those contracts which although not expressly provided in the law, as they do not contradict the legal framework, the law entities are not prevented from entering into these contracts. – Thus, the spouses in the contract concluded between them may choose one of the property regimes regulated by the Family Code or they may modify models of property regimes in power - contracts of this type will be considered as typical or parties may choose another model of property regime that is not regulated by the Family Law and these contracts will be considered as atypical.

The marriage contract is included in the category of formal contracts because based on the Family Law it is mandatory to be drafted by a notary act. Subjects are two spouses who are natural persons of opposite sex who have reached the age of 18 and do not have any legal obstacles to signing the contract.

The marriage contract is a solemn, complex act and a statute for the future family<sup>2</sup>. First of all, its content is complex because the purpose of the contract is to determine the property regime to which the property of spouses will be subject in themselves and whatever property regime the parties will choose, the definition of each aspect and the regulation of each element of property relations between spouses could not in any way make a non-complex content.

It is a solemn act because for the conclusion of a marriage contract a variety of conditions are required that the parties must fulfill to be considered valid so it can

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<sup>1</sup> ArtaMandro-Balili, TeftaZaka, andArjanaFullani – Family Law pg 321.

<sup>2</sup> ArtaMandro-Balili, TeftaZaka, andArjanaFullani – Family Law pg 321.



produce its effects normally.

The contract is a statute for the family because it sets out the rules on property management and also determines the fate of most of the legal acts that the spouses will perform with the thirds during their common life.

## **1.2. Necessary terms for entering into a marriage contract**

Article 663 of the Civil Code has provided the necessary conditions for the conclusion and validity of the contract, the conditions which are applicable to the marriage contracts, too. They are: the satisfaction of the parties, the reason for the contract, the object forming the subject of the contract and the form required by the law. We have to deal with four cumulative conditions that present their specific characteristics that must be strictly met between spouses when they decide to conclude a marriage contract.

In order for a contract to exist there should be a contractual agreement of the parties. According to the theory of will's autonomy, the contractor's will is a fundamental condition of the existence of a contract and this theory addresses this point of view in three main directions:<sup>3</sup>The philosophical direction - is based on Rousseau's view according to which man is a free being in nature and as such should be free to bind any legal agreement. Moral direction - implies that the contract must be in the interest of both parties.

Economic direction - according to which the autonomy of the will must comply with the realization of the economic interests of the contracting parties.

The party's agreement will be considered free when all three of these directions are realized at the same time and if the parties have not been free at showing their will to enter into a contract then it is invalid.

Violent agreement in terms of deception, frustration or threat does not bring any legal consequence.<sup>4</sup> Pursuant to Article 69 of the Family Law, marriage contract is concluded in the presence and with the simultaneous consent of both future spouses and their representatives.

If there is no simultaneous consent of spouses to enter into a contract then legal action cannot be realized. In addition, this article does not condition the termination of the contract solely with the presence of the spouses personally, but recognizes the right of their representation. Although the law does not expressly provide for it, it would be very effective if the proxy would be special because only then the representative will be fully convinced of the arrangements that the parties want to foresee by contract, so there is more chance to understand the will of the spouse he/she represents and this enables the realization of his interests in the best possible way.

A spouse cannot act as a representative of another spouse in entering into a contract as this situation would give a conflict of interest. Referring also to Article 67 of the Civil Code, the Representative may not perform legal actions on behalf of the person he is representing either by himself or by any other person represented by him unless the represented has explicitly permitted such consent or where the contents of the legal action does not interfere with his interests. In the situation above, the representation

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<sup>3</sup> Mariana TutulaniSemini – Right of Obligation and Contract pg 40.

<sup>4</sup> Mariana TutulaniSemini – Right of Obligation and Contract pg 41.

of one spouse from another spouse would result in violating the interests of the spouse being represented as the representative spouse will be considered to be the holder of the opposite interests.

The object of a contract is the one over which the rights and obligations of the parties are intertwined and which ultimately form the cause and purpose of concluding a contract. This is the general definition that is made for the subject of contracts in general, but in the case of a marriage contract, the object will be the establishment of a property regime and acceptance by spouses of the fact that items that will be acquired during the marriage will follow that regimen determined in the contract.<sup>5</sup>

The purpose of the marriage contract shall be considered the purpose upon which the wills of the parties are directed and complied.<sup>6</sup>

In order for a contract to be valid it must rely on a legitimate cause, this means that the content of the contract must be in accordance with the law, the state's political principles, ethical rules and the interests of the parties.<sup>7</sup>

This definition of cause is the rule followed for contracts governed by the Civil Code but also finds due cause as a necessary element of the marriage contract.

The cause in the marriage contract is to establish a different regime than the one that the law sets out and represents that element that responds to the purpose to which this contract relates. It represents legal will as a result of which the property relations between spouses are created, changed or eliminated. In the absence of cause or when the cause is unlawful the marriage contract is absolutely void.

Our civil legislation is based on the principle of freedom of the forms but in the marriage contract this principle does not count. This is because the Family Law, which in its Article 69 has determined that the marriage contract is drafted in written form and with a notarial act - two conditions that are determined in terms of the validity of marriage contract.

The marriage contract signed in the presence of a notary, as a mandatory rule to be followed in order for the contract to be valid, is a rightful provision made by the lawmaker because due to the complexity of the problems that arise in the choice of a marital property regime it is necessary the notary's intervention, ie an entity having in-depth legal knowledge and at the same time verifying the will of the parties and the legality of the act.

The Family Law, in its Article 70, has listed another condition for the conclusion of a marriage contract, which refers specifically to the ability to conclude the contract.

Thus, according to this article, the ability to enter into a marriage contract is only for those spouses who have reached the age of 18, while for those spouses who do not meet this condition, the property relations that arise between them during the marriage will be subjected to a enforceable legal regime.

Upon reaching the age of 18, spouses have the opportunity to change the property regime and to sign the marriage contract.

Even for spouses who by a court decision has been restricted their ability to act, they cannot personally sign a marriage contract, but the Family Law does not explicitly prohibit the spouse who is in the situation to enter into this contract through his custodian.

<sup>5</sup> Sonila Omari – Family Law, Morava Publications; Tiranë 2012- pg 90.

<sup>6</sup> EnianaQarri - Dissertation for the Protection of Scientific Grades "Marriage Contract", Tiranë 2014, pg 95.

<sup>7</sup> Mariana TutulaniSemini –The right to obligations and contracts (general part) pg 42.

Since the lack or the limitation of the ability to act equates the natural person who has come to this situation as a result of a court decision with a minor under 14 and with a minor from 14 to 18 years of age and for whom the Family Law has expressly forbidden to conclude this contract, this rule should also apply to natural persons who has been restricted the ability to act by a court decision. The right to choose a marital property regime through a contract should be a strictly personal right of each spouse since only they can know exactly which property regime is most appropriate and the custodian may not be able to foreseeing or choosing that wealth regime that best suits the interests of the spouse placed in custody.

But this is a situation that is assessed case by case and as long as the Family Law has not expressly prohibited the marriage contract from the custodian of a spouse who has limited or no capacity, we are inclined to admit that it can also happen in practice.

Marriage contract registration is a very important procedural step, which is why the family law has also paid special attention.

When signing the contract, the notary leaves a notarial act to the parties and the same notary is obliged to file a copy of the contract at the civil status office prior to marriage.

Publication of the contract is made at the civil registry and this formality is important because it makes the contract of marriage contradictory by a third party, since if this procedural step is not followed, the spouses are considered to be married under the rule of law regime to third parties, except the case when they have stated in the legal action that they have concluded having a marriage contract.<sup>8</sup> If one of the spouses or both of them have commercial activity, the changes to the marriage contract related to the commercial activity must be deposited in any case in the commercial register.<sup>9</sup> If the contract also involves changing the legal status of an immovable property that exists at the time of drafting the contract, this should be registered in the ZRPP. The marriage contract can be concluded before and after marriage. When the contract is concluded before marriage, its effects begin to move from the moment of the marriage and following. Whereas, when the contract is concluded after marriage, the Family Law, in its Article 72, provides that the contract must be concluded only if two years have passed from the application of the previous property regime.

The marital, legal or contractual arrangement may be amended by agreement of spouses, whether in whole or in part, once all the conditions set forth in the Family Law have been met. The marital regimen may only be changed after two years have passed from its implementation and this deadline should be respected as often as the marital property regime may change. This term has been foreseen by the legislator so that spouses can reflect during the implementation of the property regime and the decision to change it is not taken immediately and automatically, as this would also lead to the volatility of family relations. The implementation of the marital property regime for the first time starts on the day of wedding celebration while if the change of regime does not occur for the first time, the deadline begins on the day of signing the agreement in front of the notary. The change of the property regime happens only if there is a common will of the spouses in this direction. If one of the spouses passes away before the day of notarization of the agreement, even if it is done, the

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<sup>8</sup> ArtaMandro-Balili, TeftaZaka, and Arjana Fullani – Family Law, pg 324.

<sup>9</sup> Neni 71 – Family Law.

regime change cannot take effect because its approval is impossible on this day.<sup>10</sup> Family interest is another condition that needs to be met in order to realize the change of the property regime. The change of the marriage regime should be made in the same form as for the initial marriage contract. The agreement for marriage modification must be made by a notary act and the court should approve this change. This procedure allows third parties to intervene in the process if they notice that the changing of the marital regime is affecting their interests. The change in the marital property regime has an effect on the third parties, 3 months after the change has been filed in the register where the act of marriage is reflected. The change is not countered by the third parties, if in the acts between them; the spouses have declared that they have changed the marital property regime.

### **1.3. Characteristics of the marriage contract<sup>11</sup>**

The marriage contract is a twofold juridical act, where the expression of the will of the two parties, spouses, is very important. The marriage contract is of a wealth character, since it can regulate the spouse's property relations, but that does not mean that the marriage contract does not regulate the personal non-property relations of the spouses. It is an "accessory" contract in relation to marriage, as the marriage relationship is the one that directly affects the coming of the consequences of the contract. For entering into a marriage contract, it is necessary to have a future marriage or an existing marriage. Lack of this makes the contract not to produce legal consequences. Accessory character is one of the distinguishing features of the marriage contract in relation to civil law contracts. The marriage contract has a "statutory", "regulatory" character<sup>12</sup> in the sense that it represents a statute for spousal property relations. This contract does not imply immediate rights and obligations to the parties; otherwise it occurs with other contracts stipulated in the civil code.

By marriage contract, the spouses have the right to regulate the marital property regime to which their property will be subject to marriage as well as other relationships between them as they may be: donations between them or third-party donations to the community or spouses, material contribution to the needs of the family, consequences of divorce. The duration of the marriage contract's execution depends on "the length of the marriage". Spouses may decide to terminate the contract even during marriage and choose another marriage property regime. The marriage contract is a "formal contract" for validity effects. It must be in the form of a notary act as a condition for its validity. It is registered in public records for provisional effect by third parties. The Family Law predicts that the marriage contract must be registered in the marriage act, commercial records and the real estate register. This is done to protect spouses or third-party creditors who can enter into contractual relationships with spouses. It's a typical contract because it is governed by law, but its content may be atypical in cases where spouses choose a property regime other than those provided by law.

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<sup>10</sup> Arta Mandro-Balili, Tefta Zaka, and Arjana Fullani – Family Law, pg 328.

<sup>11</sup> Eniana Qarri - Dissertation for Protection of Scientific Grades "Marriage Contract", Tiranë 2014, pg 67-68.

<sup>12</sup> Tefta Zaka, "New family law – A step in the development of family relationships", pg 13.

#### **1.4. Atypical marriage contract**

The autonomy of spouses' willingness to have atypical marriage contracts is governed by the provisions of the civil code and the family code. This autonomy is not unlimited. The family Law does not have a provision expressing explicitly "atypical property regime". With the atypical contract the spouses can choose as a legal remedy for their property relationship a regime that is not foreseen in the law. Marriage contract always remains a typical contract, despite the wealth regime that spouses can choose, as it finds adjustment in family code rates. While the wealth regime that spouses can choose may be typical or atypical. Spouses enjoy broad autonomy in choosing contractual regimes even they can modify family code rates that regulate property regimes except of the inevitable rates.<sup>13</sup>

#### **1.5. Change of the Marriage Contract**

Except the right of the regulation of marital property regime, the law has recognized to the spouses the right to change this regime during the duration of marriage<sup>14</sup> Modification of the marriage contract occurs in two moments: a) prior to marriage, b) after marriage is concluded. Spouses are free to change or modify the marriage contract at any time, until the moment of marriage conclusion and are not subject to the condition of a two-year term provided for in Article 72/1 of the Family Law. We claim that we have a change or modification of the marriage contract in cases where the spouses choose a new property regime by abolishing the previous regime; When spouses pass from the legal regime of the community to a chosen property regime of their choice; When spouses change only part of the marriage contract with a new contract;<sup>15</sup>

So the spouses can choose to change the marriage contract partially or completely. In both cases, the contract should be signed with the consent of both spouses, and their representatives (representatives with special powers of attorney), in the form of a notary act. The new contract must be registered in the register where the marriage act was registered. Pursuant to Article 72 of the Family Law, the amendments to the marriage contract partially or completely must be made in the same form as it is required for the initial contract. The legislature has also provided a deadline for amending or modifying the marriage contract which is 2 years after the implementation of a property, legal or contractual regime. This two-year term is set in function of the sustainability of the spouses' property relations and in the function of third parties protection, spousal creditors.

#### **1.6. Invalidity of marriage contract**

The marriage contract is included in the category of legal actions which can be ascertained or declared void. The Family Law does not foresee cases of relative or

<sup>13</sup> EnianaQarri - Dissertation for the Protection of Scientific Grades "Marriage Contract", Tiranë 2014, pg 70.

<sup>14</sup> Unlike the 1929 civil code which did not foresee the possibility of changing or modifying the marital property regime during marriage, the actual family code is based on the principle of the possibility of signing and changing at any time the marriage contract. Spouses are free to regulate at all times their property relationships, both before and after marriage. According to Article 1328 of Zog's civil code, which stipulated that "Marriage conventions of any kind can not be changed in any way after the celebration of marriage". Also according to article 1376/2 "the convention of co-operation should be made in the marriage contract and its beginning at different times can not be stipulated from the marriage celebration".

Sonila Omari – Family Law, Tiranë 2012- pg 122.

<sup>15</sup> Eniana Qarri - Dissertation for the Protection of Scientific Grades "Marriage Contract", Tiranë 2014, pg 119.

absolute invalidity in a single provision, but we read them included in the articles devoted to the regulation of marital property regimes in their entirety. The marriage contract may be absolutely or relatively invalid when it comes into conflict with provisions of the law.

Such cases will be when the contract is concluded without the simultaneous consent of both spouses or their representatives; when the marriage contract is missing the cause or the cause is unlawful: the object of the contract is unlawful, improbable, undefined or unenforceable: or when the form required by law on drafting the contract is not respected.

## **Conclusions**

The marriage contract will be considered absolutely invalid because it contradicts a provision of the law, even when spouses deviate from the provisions of Article 67 of the Family Law and enter into an agreement which is interpreted as a deviation of the rights and obligations that come to them from marriage: or when spouses change the marital property regime no later than two years from its enforcement - When the contract is concluded in deception of the law. - It is done by agreement of the parties without the intention to bring legal consequences; so the marriage contract will be fictitious or simulated. - The contract is signed by spouses who have not reached the age of 18.

These reasons will result in the invalidity of the entire marriage contract or only of a special clause that is in contravention of the law.

The marriage contract can be declared null and void also in the cases of the invalidity of the legal action referred to in the Civil Code, namely Article 94.

Thus, the marriage contract will be declared invalid when:- It is signed by persons who due to mental illness or mental disability do not have the ability to act and the contract has been concluded without the consent of the custodian; -Persons who at the time of the contract were not aware of the importance of their action, although at this time they had the ability to act; - The person has signed the contract by being deceived, threatened, or because of the great need.

In the light of all the provisions governing the institute of the invalidity of legal transactions, the absolute illegal judicial action can be defined as a legal action which, because of the violation of the law or otherwise provided for in the law, has no legal force or is unable to bring about the legal consequences intended by the parties.<sup>16</sup>

Provisions for the relative invalidity aim to protect the private interests of an individual or a narrowest group while the causes of absolute invalidity are set to protect the general interest of the society therefore the claim for invalidity can only be raised by the person benefiting protection from the legal provisions in question; this means that no one other than the injured, including the other party in the contract, are legitimated for filing this claim. In contrast, absolute invalidity can be raised by any person who proves to have a legitimate interest, whether it is part of the contract or subject affected by its consequences.

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<sup>16</sup> Unified Court Decision: no.5 date 30.10.2012.

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# **The factor that most influences the HRM model in hospitals and universities in Kosovo**

**Marta Muqaj**

## **Abstract**

Human resources management is a process that needs constantly to be modified and reviewed; it includes all areas of an organization's function to achieve organizational objectives in serving the strategy and meeting the strategic planning and management of the organization. Based on the abovementioned points, in this paper have been analyzed hospitals and universities in Kosovo, both public and private institutions, and it attempts to shed light on the human resources management model applied to these institutions. Through data analysis has also been answered a number of questions about the model applied to hospitals and universities in Kosovo: whether HRM features are similar to one of the models, or have features of all major models; whether the degree of similarity with a model is large or small; and whether the HRM model is same or different when comparing hospitals with universities and public and private entities.

The regressive data analysis has showed that differences between the HRM model and the factors affecting the applied model between hospitals and universities exist. In the case of hospitals, the HRM model is more influenced and determined by factors of an organizational nature. In the case of public hospitals, private hospitals and public universities, the HRM model is also significantly affected by HRM practices. Analysis of influencing factors has also showed the existence of a correlation between the HRM Model and the Political Factor in both hospitals and universities. Thus, both institutions, regardless of the nature of the service, or the public or private character, have showed that HRMs are exposed to them and are also influenced by factors of a political nature. Finally, the analysis also showed that the role of internal factors has a greater impact than the role of external factors.

**Keywords:** HRM model, regressive analysis, Kosovo hospitals, Kosovo universities.

## **Introduction**

The adequate management, acceptance and development of human resources capacity, planning and job description are the key characteristics which differentiates organizations, businesses, or any entities by ensuring achievement or failure. Research findings have clarified the features of good performance management practices that relate to high performance, and how these can be used to add value.

Systems and strategic perspectives contribute to understanding how HRM practices and their impact on employees, attributes, and behaviors can lead to desired performance scores within the organizational level. However, the research so far has only partially verified these effects (Pfeffer, 1994, 1998; Khandekar and Sharma, 2005). Some researchers (e.g. Boxall and Purcell, 2003; Beardwell et al., 2004; Paauwe and Boselie, 2005; Wright et al., 2005; Gerhart, 2005; Paauwe, 2009; Guest, 2011) demonstrate some discrepancies by commenting that the nature of connection of HRM with Organizational Performance is unclear.<sup>1</sup>

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<sup>1</sup> ("Measuring HRM and organisational performance: concepts, issues, and framework" Satwinder Singh, T. Darwish, A. Costa and N. Anderson p.4).



Human Resource Management (HRM) represents an important aspect of the functioning, performance and progress of an enterprise, business, institution, or state agency. This importance, despite the direct or indirect impact of the HRM model and the public or private character of the entity, is consistently emphasized by a large number of researchers such as *Lawler (1986), Pfeffer (1994), Arthur (1994), Barney (1995), Delaney dhe Huselid (1996), Wood and Menezes (1998), Becker and Huselid (1998), Schuler and Jackson (1999), Guthrie (2001), Way (2002), Wright and Gardner (2003), Wall and Wood (2005), Katou and Budhwar (2006), Chand and Katou (2007)*,<sup>2</sup>

An observation shows different conceptions and practices in HRM. Hendry and Pettigrew (1986, 1990), Boxall (1992), point out differences about the definition of HRM while Mahoney and Deckop (1986), Beaumont (1991), Storey (1992), Guest (1987, 1990) discuss about what practices of HRM can be considered as good and acceptable. The second observation discusses the HRM's effectiveness. Some entities are characterized by a more effective and resourceful management of resources than some other entities. *Fombrun, Tichy, dhe Devanna (1984), Ackermann (1986), Staffelbach (1986), Purcell 1987, Marginson et al. (1988), or Miller (1989) observe differences in organizational forms. Cohen dhe Pfeffer (1986) observe these differences even when it comes to whether an organization is public or private; Gaugler (1988), Guest (1990), Pieper (1990), Brewster (1999) when observing different places, whereas, Albert (1989), Bournois (1991), Brewster (1995), Brewster, Mayne, and Tregaskis (1996, 1997), Brewster et al. (1996), or Standing (1997) when comparing different cultures.*<sup>3</sup>

According to Koch and McGrath (1996), investments in human resources development lead to productivity growth. Besides that, an increase in skills and knowledge of employees give the firm or organization an incomparable power, in such a way that competitors can not easily reach it. Similarly, Wright et al. (1994) claim that a firm with a highly skilled and motivated workforce has greater probability to achieve consistency and sustainability in competitive advantage.<sup>4</sup>

Some scholars have been focused on vertical alignment between different HRM practices and the organization's competitive strategy (see, for example, Miles & Snow, 1994). Such an approach would suggest that organizations should harmonize or integrate HRM practices and policies with their strategies, and that these practices and policies should develop the skills, knowledge of employees, such motivation for employees to support a particular strategy (Dyer & Reeves, 1995; Delery & Doty, 1996). As in the previous approach, Human Resource Managers can play an important role in aligning human resources with business and corporate strategies, depending on their involvement or devolvement.<sup>5</sup>

HR and organizational performance draw attention to the complex interaction of internal and external factors that affects the OP, and to further provide an integrated framework for testing this correlation. In order to provide relevant information on HRM process, Design / Methodology / Access and relevant literature have been critically reviewed and evaluated. A theoretical framework is given with the objec-

<sup>2</sup> ("High performance work systems and firms performance: A synthesis of research and managerial implications" Brian E . Becker, Mark A . Huselid p.13).

<sup>3</sup> (Articles, "Human Resource Management: an Agenda for the 1990S" Chris Hendry & Andrew Pettigrew p.17-43).

<sup>4</sup> ("High Performance Management Practices and Sustainability of SMEs. Evidence from Manufacturing and Services-based Industries in Pakistan" Abdul Raziq, R. Wiesner p.5).

<sup>5</sup> ("Does Strategic HR Involvement and Devolvement Enhance Organisational Performance?" Jordan Tamer K. Darwish S. Singh p.7).

tive to measure the correlation between the HRM and Organizational Performance. Based on the findings, while the most of existing HRM scientific literature is mainly focused on internal factors, the authors suggest that the domain of internal factors considered so far needs to be expanded and external factors should be explicitly accepted. In this regard, they provide a schematic model that portrays the complex nature of internal and external factors.<sup>6</sup>

Strategic Management of Human Resource (SMHR) has attracted research attention due to its impact on the functioning of organizations. It has been argued that the involvement of Human Resource Directors in strategic plans of an organization and empowerment of line managers with the greatest responsibility for daily work of human resources can reduce employee turnover and improve organizational performance (see, for example, Budhwar & Sparrow, 1997; Budhwar, 2000; Sullivan, 2003; Andersen et al., 2007; Karami et al., 2008; Singh et al., 2012a).<sup>7</sup>

This study focuses on analyzing HRM from the viewpoint of the conceptual model on which it is implemented. The case being analyzed is Kosovo. The study aims to clarify two issues:

- 1) what is the HRM model that is observed to be preferable in Kosovo, i.e., if Kosovo institutions apply a similar or different HRM model; and
- 2) which factors are most influential in determining the type of HRM model that is applied to public and private institutions in Kosovo.

## 2. The Study Value of HRM

Human Resources Management (HRM) is becoming more and more interesting and intriguing over time to meet the needs, objectives, mission, vision and above all to respond to the organization's strategy. The responsibilities of a human resources manager are numerous, confusing, and interesting enough to be studied and analyzed, at the same time, such responsibilities cover several management areas as a process.

The HRM is a wide range of management strategies of humans that are applied to suit the needs of a business, in achieving its corporate objectives. The HRM addresses HR management as a top-level strategic issue and not just as an operational issue, but at the same time recognizes (and indeed points out) that in order to be successful, the responsibility for HRM extends not only on the human resources specialist but on all managers, supervisors and team leaders.<sup>8</sup>

In the context of influential factors on HRM, different scholars emphasize the role of various factors. For example, Beer et. al. (1984), Fombrun et. al. (1984), Guest (1997), Analoui (1999), or Hendry and Pettigrew (1990) emphasize the influence of organizational-managerial, socio-cultural and technological factors; Mills and Walton (1984) emphasize economic factors, while Ferris and Judge (1991) point out the factors of a political-juridical nature. In the context of the HRM's impact, although scholars continue to argue about empirical confirmation, Darwish (2013, p. 1) says that HRM policies directly affect the functioning of an organization and indirectly

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<sup>6</sup> (<https://scholar.google.com/citations?>).

<sup>7</sup> ("Does Strategic HR Involvement and Devolvement Enhance Organisational Performance?" Tamer K. Darwish, S. Singh p.3).

<sup>8</sup> <https://www.stonebridge.uk.com/course/human-resource-management-hrm>.

the well-being of an individual, group or society in general.<sup>9</sup>

In this regard, conclusions can be drawn by looking at HRM model correlation with influencing factors. As within each comparison, either by seeing hospitals, universities, institutions, entities, the HRM model shows stronger and more prominent correlation with internal and external factors.

### **2.1. The Data and Sample of the Study**

In this study has been analyzed the HRM Model in Kosovo hospitals and universities. This sample has been chosen for four reasons:

1. The first reason is about the importance and role of hospitals and universities in the daily life of Kosovo society. Hospitals serve to guarantee a satisfactory health condition of the Kosovan population, and universities serve to spread knowledge, and both entities serve to the local communities, society, governance, economy and development of Kosovo.
2. The second reason is the fact that hospitals and universities function as both public and private entities. What makes this dichotomy interesting is the differences that exist between public and private forms in their functioning, specifically, from the standpoint of effectiveness, policies, practices, rules, and mentality. Private entities tend to appear more efficient than public ones as they are guided by the interest and the need for survival, while the criteria, attitudes, and decision-making processes are more about rationality than doing favors.
3. The third reason is their operation through an expanded structure and with a relatively large number of staff. Both hospitals and universities have developed their internal managerial and implementation structures and, they also include institutional, professional, and bureaucratic structures. Respectively, the number of staff employed by them is over fifty.

Usually, researchers use a formula that takes into account the real number of the population, the desired margin of error, and the desired level of confidence. This study also uses such a formula for calculating the size of the sample. Based on the fact that the real sample of population of 8 hospitals and 6 universities is 2577 people, the sample chosen in this survey has these features:

- 1) champion with at least 335 people,
- 2) error margin 5%, and
- 3) confidence level 95%.

### **3. Same or Different Importance of HRM Model Factors**

Conclusions on the most influential factor on HRM showed that the most influential factors were those of "Organizational," "Practices," and "Political" aspects. These were followed by a lesser degree of influence by Socio-Cultural factors and Premises. But the correlation between HRM and influencing factors was analyzed in four contexts: Hospitals, Universities, Entities, and Institutions. Therefore, another issue of interest to be clarified is, whether the importance of factors for the HRM Model in these contexts is similar or different.

By comparing the four contexts with each other, it is clear that, the influencing

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<sup>9</sup> ("Strategic Human Resource Management and Resource-Based Approach: The Evidence from the British Manufacturing Industry" Azhdar Karami, F. Analoui, John C. p.5).

factors on the HRM Model manifest different significance. For example, in comparison of "public-private hospitals", the most important factor for both public and private hospitals results in one, "Practices". In the context of "public vs. private universities" the most important factors for both public and private appear to be two "organizational" and "socio-cultural" factors. In the context of universities, the "Political" factor is also important, but only in public universities (Beta Sig 0.0011) not in private universities (Beta Sig 0.445). In the context of "hospitals institution vs. universities" the most important factors for both hospitals and universities result in three, "Politics," "Organizational," and "Socio-Cultural" (Beta Sig 0,000). The "Practices" factor also appears important, but its importance is different from hospitals (23.7%), in universities (26.1%).

Moreover, the first three factors appear to be of differing importance in relation to hospitals and universities. All three factors are more important in universities than in hospitals: the "Political" factor shows a 46.1% degree in universities versus 39.2% in hospitals; "Organizational" shows a degree of importance at about 38.7% in universities versus 30.0% in hospitals; and "Socio-Cultural" shows a 33.9% degree in universities versus 15.5% in hospitals. Finally, in the context of "public vs. private entities" the most important factors are two, "Organizational" and "Practices". But the importance of these factors still differs in relation to the entities themselves. The Organizational factor shows greater importance to private entities (37.3%) than public ones (28.0%), while the "Practice" factor appears to be more important in private entities (37.0%) than public ones (25.5%). Thus, the analysis showed that at one time all of the factors were important for the HRM Model, each of them indicated a different weight of importance. This difference in importance results not only when two contexts are compared, but also within a specific comparison context.

#### **4. Factor Impact Mode on HRM Model**

In addition to analyzing the differences between the factors from the viewpoint of the importance and the weight of their impact, some conclusions can be drawn on how influencing factors affect the HRM Model. Usually, an influencing factor exerts its influence alone, but much more often in combination with other factors. The difference between the two forms of impact exercise consists in the influence that the factor exerts: The influence power of a specific factor is greater when it is combined with other factors than when exerting influence individually. Hence, how analytical model factors of the study exert its influence on the HRM Model helps to create a better idea of the relation between the HRM Model and influencing factors.

When the implication of factors is seen by individual influence, whether internal or external, they show differences in their influential power. In general, the individual impact of internal factors such as "organizational" and "practices" in universities is about 2.5 times higher than in hospitals by 8.3%. Likewise, the individual influence of external factors as "socio-cultural" and "political" in universities is 2.5 times higher than in hospitals.

When individual influence is seen in each factor separately, the most important factor is the internal "organizational" one. There are three features of individual influence of this factor. Firstly, this factor shows the "most important" individual impact on public universities (44.6%), at private universities(33.5%), also at public entities and

private entities. Secondly, the individual impact of this same factor results to be "significant" in public hospitals (6.0%) and private hospitals (54.2%). And thirdly, the individual impact of the "organizational" factor varies in weight: in public universities the share of impact is around 11% larger than in private universities; in private entities, the impact weight is about 2 times greater than that of public entities; in institutions, the share of impact on universities is about 3 times higher than in hospitals; and in private hospitals the weight of impact is about 9 times greater than in public hospitals.

The second important factor from the viewpoint of individual impact is the external "Political" factor. The factor in question shows the "most important" individual impact on hospitals (7.8%), public hospitals (11.2%) and universities (17.3%). As the "Organizational" factor, the weight of the influence of the "Political" factor varies in institutions. For example, in universities, its impact is approximately 2 times higher than in hospitals. Finally, the "Political" factor shows a different weight of individual influence from other factors. In hospitals, the weight of the impact of the "Political" factor is 2 times greater than the "Practices" factor and 4 times the weight of the individual impact of the socio-cultural factor. In universities, the weight of impact of "Political" factor results 2 times higher than that of the socio-cultural factor, and 4 times more than the individual impact of the "Practices" factor.

The third factor with a considerable influence from the individual viewpoint results that of "Socio-Cultural." This factor has significant impact on public universities (13.0%), and also private universities (28.7%). But, the influence of its impact varies: in public universities the share of its impact is about 2 times greater than in private universities; in universities, the weight of impact is about 3.5 times greater than in hospitals. Finally, the socio-cultural factor appears to have a different impact on other factors. In hospitals, the weight of impact is four times lower than that of the Political factor; in universities, the weight of influence is 2 times lower than that of the "Political" factor.

The last factor with significant individual impact is "Practices". This factor shows the most significant individual impact on private hospitals (64.2%). Also, its impact weight varies: in universities, the weight of impact is about 1.5 times higher than in hospitals.

Moreover, when the influence of factors is seen based on the impact of factor combinations, the combinations that result most influencing include both internal and external factors. The most influential combinations between the two internal factors (Organizational and Practice) and the two external factors (Socio-Cultural and Political) appear in public and private hospitals, or in hospitals and universities as institutions. In public and private universities, the most influential combinations appear between two internal factors (Practice and Quality of Staff) and an external factor (Political). While the most influential combinations between public and private entities appear between an internal factor (Staff Quality) and two external factors (Socio-Cultural and Political).

A look at the combinations provides an opportunity to see that each comparative context has its most important specific component factors of the combinations. For example, in comparing "public hospitals with private hospitals" the "organizational" and "socio-cultural" factors appear to be the most frequent factors in the most influential combinations on the HRM Model, both in public and private hospitals.

In comparing "public and private universities", the "Practice" and "Political" factors result as the most present factors in the most influential combinations. Comparing the "hospital with university institutions", the most present factor in the most influential combinations in both hospitals and universities results in the "Practices" factor. Comparing "private - public entities" the most present factors in the most influential combinations of public entities and private entities are "Practices" and "Politics". While factorial combinations are seen together, without distinguishing whether they belong to hospitals, universities, institutions, or entities, the most important constituent factors of the most influential factor combinations result in two: "Practices" and "Politics".

The above variance as the type of combinations and the constituent factors of the factor combinations is reflected in the three features of the weight of the factorial combinations themselves. The first feature relates to the differences in the weighting of the factor combination in relation to different contexts. The weight of the factor combination "Practices + Socio-Cultural" ranges from 76.1% at public hospitals, 69.3% at universities, and 63.0% at hospitals. Even the influential weight of the "Practices + Political" combination varies from 92.6% at public universities up to 74.7% at private universities. The "Political + Organizational" combination shows a 31.2% impact on private hospitals, the "Political + Socio-Cultural" combination shows a weight of 71.9% in private hospitals, while the factorial "Organizational + Socio-Cultural" combination shows a 63.9% weight in public hospitals.

The second feature relates to differences in the weight of the factor combination within the same specific comparative context. Comparing "hospitals with universities", the factorial combination "Practice + Socio-Cultural" has a greater impact on universities (69.3%) than in hospitals (63.0%). Comparing "public and private universities" the factorial combination "Politics + Practices" has a greater impact on public universities about (92.6%) than private ones (74.7%). The third feature relates to the differences in the power of influence between factorial combinations. Some factorial combinations exhibit a greater influence on weight than some other combinations. In comparing "public to private entities", the "Political + Socio-Cultural" factorial combination appears to have a greater influence than all other combinations of factors, whether in public or private entities.

Finally, what can be said at the conclusion section on the impact mode that influencing factors show on the HRM Model, have been emphasized on the three following points:

institutions, or entities, is influenced and determined more by internal or external factors. In assessing whether the influencing power of internal and external factors on the HRM model results in the same or different way, respectively, these are the conclusions that can be drawn:

- 1) which factorial group exercises greater influence and in which context, and
- 2) how greater results the power of the influence of a factorial group in relation to the other group. The information that facilitates clarification for each element is summarized in Table 6.47, which summarizes the values of impact of the internal and external factors for each type of comparison.

In the case that which group exercises the greatest influence and in which context, the two groups are "winners". As Table 6.47 shows in some contexts, the internal factors (Organizational, Practices, and Staff Quality) are the factorial group that has

the greatest impact on the HRM model type, while in some other contexts there are external factors (Socio-Cultural and Political) as the factorial group that shows the greatest impact on the type of HRM model being applied. Therefore, there are two situations: In private hospitals, private universities, public entities, and private entities, the HRM model is more influenced and determined by internal organizational factors, practices, and staff quality;

1) that influencing factors exert their influence both individually and in combination with one another;

2) that influential factors seen from the individual influence, show differences between each other, either from the aspect of the importance of their impact on the HRM model, or from the aspect of the weight of their individual influence and in relation to the other influential factors; and,

3) that factorial combinations, regardless of their content, include both internal and external factors, revolving around two specific factors, "Practices" and "Politics", and varying in their weight of impact.

### 5. Internal or External Factors Determine the Type of HRM Model?

The difference in the origin of the influential factors in the two "internal" and "external" groups in the context of the Correlation Analysis of HRM Model with influencing factors raises the question of, whether the HRM Model type applied at hospitals, universities, while in public hospitals, public universities, hospitals as institutions, and universities as institutions, HRM model is more influenced by external factors such as "Socio-Cultural" and "Political" factors.

**Table 6.47 – HRM Model Relations with Internal and External Factors**

		Are mostly influenced by:	
Comprising Group	Type of Institutions	Internal Factors	External Factors
HOSPITALS	Public	-	2.3% Socio-cultural 11.2% Political
	Private	64.2% Organisational 54.2% Practices	-
UNIVERSITIES	Public	-	28.7% Socio-cultural 7.2% Political
	Private	33.5% Organisational 11.9% Practices 16.5% Staff Quality	-
INSTITUTIONS	Hospitals	-	2.3% Socio-cultural 7.8% Political
	Universities	-	8.5% Socio-cultural 17.3% Political

ENTITIES	Public	4.2 % Organisational 3.8% Practices 3.0% Staff Quality	-
	Private	8.4% Organisational 8.0% Practices 4.0% Staff Quality	-

In the case of the correlation between the two factorial groups in terms of impacting power, the conclusion that can be drawn is that, in general, the influencing power of internal factors is higher than the influential power of external factors. In the case of private hospitals, private universities, public entities, and private entities, the influence of internal factors is greater than that of external factors at about 5 times in private hospitals, about 3 times in private universities, about 2.2 times in public entities, and about 2.5 times in private entities. While in the case of public hospitals, public universities, hospitals and universities as institutions, the impact of external factors is greater than that of internal factors only by about 1.3 times in public hospitals, about 1.9 times in public universities, 1.2 times in hospitals as an institution, and about 1.3 times in universities as an institution. Based on the above results, it can be summarized that although external factors as "Socio-Cultural" and "Politics" exhibit and exert their influence on the HRM model in certain contexts and institutions, in general, the HRM model applied in institutions is influenced and determined more by internal factors such as "Organizational", "Practices", and "Staff Quality".

## 6. The HRM model generated by Influencing Factors

The discussion above of the role of internal and external factors helps to draw some conclusions about the type of HRM model as the last element of the correlation analysis between the HRM Model and the influencing factors.

In the case of institutions in general, particularly in the case of public hospitals and universities, where the group of external factors (Socio-Cultural and Political) results to exert greater influence than the internal factor group, it seems that the HRM Model type applied to them may be more similar to Harvard's features. In the case of public and private entities, particularly in private hospitals and universities, where the group of internal factors (Organizational, Practices and Staff Quality) results to exert a greater influence than the group of external factors, it appears that, the type of HRM model that is applied to them may be more similar to Michigan, Guest or Storey model.

The interesting thing that can be included in the conclusions about the HRM model type, is concerning the consistency between the perception of the respondents and the theoretical expectation. Based on the perception of people, the resulting HRM type reflects the features people have identified as the most observable in their responses. Whereas, based on the theoretical expectations, the resulting HRM model type shows the fact that, which group of factors exhibits the greatest impact on HRM and thus holds the greatest weight in determining the HRM model type.

In the case of public hospitals and universities, the perception of the respondents



and theoretical expectations seem to go in different directions. Based on the perception of the people, 39.8% of the respondents asked for the HRM Model in Public Hospitals and 29.0% of the respondents asked for the HRM Model in Public Universities expressed that, the HRM model applied to such institutions has features of Guest Model. While relying on the theoretical premises that see the HRM Model type closely related to the nature of the most influential factors, the fact that data analysis revealed, in hospitals and public universities, external factors appear to have a greater impact on the model compared to the internal factors, contributing to the conclusion that, the HRM model in hospitals and public universities is more similar to the Harvard Model.

In the case of private hospitals and universities, the perception of the respondents and theoretical expectations result in harmony. 32.5% of people surveyed for HRM Modeling in Private Hospitals and 44.8% of people surveyed for HRM Model in private universities have estimated that the HRM model applied to these institutions has similar features with Guest Model. Factorial data analysis also showed that, in the case of private hospitals and universities, internal factors has a greater impact than external factors, in this way contributing to the generation of a HRM Model at hospitals and private universities similar to the Guest Model, exactly as was expected by the theoretical part.

The fact that in the case of hospitals and public universities the perpetuation of people does not result in harmony with theoretical expectations, as it happens in the case of private hospitals and universities, it may be related to specifics of local Kosovo culture. But how true it can be such an explanation, this requires a further research of the role of local culture on HRM, which in the case of this study comes out of its boundaries.

## **Conclusions**

In the conclusion, all the analysis and discussion of the topic, findings and statements on the influencing and determining factors of the HRM model type, in the context of hospitals, universities, institutions, and entities, could be better summarized through the "commonalities vs. differences" dichotomy.

Initially, in this study has been hypothesized that, HRM model in hospitals and universities showed differences in relation to influencing factors from the viewpoint of the main influencing factor, the importance of factors, the way of influencing, the most influential factor group, and the type of model. The analyzes showed that hospitals and universities reflected common things and also differences.

Despite the nuances, hospitals and universities are generally similar regarding the main factors that influence the HRM Model. Additionally, "Organizational", "Practices", and "Political" factors seem to have more impact on the HRM model.

The analysis showed that hospitals and universities are distinguished by the importance that influencing factors show in relation to the HRM model. The "Organizational" factor is the most important for the HRM Model in public and private hospitals. The "Practices" factor is the most important for the HRM Model in public hospitals, private hospitals, and public universities as well. Whereas, the "Political" factor is the most important for the HRM model in hospital and university institutions. These three factors (organizational, practices and political) are equally

important in the case of universities.

The hospitals and universities showed similarities and differences in the case of how influential factors exert their influence on the HRM Model. The similarity lies in the fact that influencing factors exert their influence on the HRM model both individually and in combination with each other. The differences lie in the fact that when acting individually, and when affecting factor combinations, there are differences in weight, importance, and composition between factors and factorial combinations. Some individual factors, or some factorial combinations, are more important for the HRM model in a specific type of institution, such as public hospitals, than in another type, such as private hospitals.

The hospitals and universities also differ in relation to the role of internal and external factors. In most cases, the HRM model results to be more affected by internal factors than external factors. Likewise, the influence itself of internal factors results several times greater than the influence of external factors.

Finally, the hospitals and universities showed similarities to the HRM model type. Although model features revolve around those of Harvard, Michigan, and Guest models, and despite the differences between Harvard and Michigan models, the analysis showed that hospitals and universities, especially private ones, struck similarities in the HRM model that they apply. In both cases, the HRM model applied by them results to be similar to the Guest Model. Considering the fact that the Guest Model itself represents a combination synthesis of Harvard and Michigan model features, then between hospitals and universities the similarities existing in the HRM Model are much greater than the differences that can be observed here and there, and this is even more logical and evident.

What is the value of these findings in the concrete reality of Kosovo hospitals and universities? It is acknowledged that the HRM Model type and the quality of FCHRM reflect a set of principles and features that characterize HRM policies and practices, and the potential usefulness of the findings of this study applies to the key actors that run hospitals and universities in Kosovo. More specifically, it applies to directors and managers of hospitals and universities as actors with decision-making powers.

The fact that which managerial principles, hospital and university managers and directors, decide to respect and apply in the overall management of human resources, and in particular in human resources management in the area of human resources capacity and turnover; The fact that which socio-cultural principles and customs shape the behavior of directors, managers and employees of Kosovan hospitals and universities; As well as the fact to what extent human resources policies and practices are influenced and shaped by purely internal organizational factors or external socio-cultural or political factors, it will certainly be reflected either on the type of HRM model, the quality of HRM in capacity and turnover, or on the own performance of the institution.

# Divorce based in Albanian Legislation

Redon Meksi

## Abstract

Divorce represents the legal instrument through which the marriage relationship is terminated. The purpose of marriage is consortium omni vitae. When this spiritual and interests communion ends, common living returns to a difficult state to deal with: in such cases it is raised the issue of Divorce. Although marriage is realized as a result of a mutual will between the two spouses, it is not subject to the classical principles of private law: because of its special importance, its connection is arranged as a legal action, where the elements of private law are intertwined with that of public law. This sui generis legal nature of marriage is based on the importance that this presents not only to the private interest of the subjects that conclude the marriage or their children but also to the public who is interested in the family's security and stability that stems from marriage. Based on a historical and comparative view of the attitude that holds the positive right regarding the choice of marriage, we conclude that it has undergone constant changes, changes that are based on all cases, both in the collective and traditional opinion on the concept of marriage and the ideology of time when the provisions governing this institute were adopted.

**Keywords:** divorce, Albania, legislation.

## Introduction

Divorce is accepted by law since its beginning. The issue of marriage termination is naturally born, since marriage was first concluded.<sup>1</sup> In this context, we understand that the quote of the remarkable philosopher Volter remained proverbial, saying that "the issue of divorce was born several weeks after the first marriage was concluded". Regarding the divorce, legislators of all time have been placed before a difficult core and existential solution at the same time. To argue and resolve this issue are being challenged not only moral and legal considerations, but in particular religious and political ones. Depending on their change in space time, the issue of divorce has received different answers. Based on the concept of canon law, for many time the countries under the influence of the Catholic church have refused to accept divorce. The only way to end it is considered the death of one spouse. The attitude that the legislation has had is closely related to the concept that the concerned society has had over marriage. Marriage more than a private institution is seen as a social-based institute. Inspired by the usefulness and social function of marriage, some of the legislations have forbidden its resolution for a long time since they considered this contrary to the public interest and the protection of the child's interests. But at the same time there have been many authors who have opposed the concept of eternity of marriage at all times by arguing its resolution as a necessary legal remedy for all the cases when it is established that common living can not continue for the future. As a consequence of the French revolution principles which promoted the separation of marriage institute from the religious institution, marriage was considered a common civil contract and hence accepted as any other contract, marriage could not

<sup>1</sup> Sonila Smari, Family Rights 2012 pg.188.

only be concluded with the will of the spouses but could also be solved as a result of the same will.

## **1.2 The legitimacy of divorce**

Family unity can not be protected against the development of the personality of its own family components. In the absence of effective linkage and common interests to that of this consortium, which is indispensable to any family, marriage would become a formal living together. Divorce is legitimated by respect for the individual's freedom. It would be unimaginable for a person to be forced to live with someone else, against his will. Each spouse is recognized as having the right to claim the termination of marriage, in cases when it has lost its purpose and the common living becomes impossible. Divorce should be considered as a guarantee for strengthening the family that comes from marriage. The alternative of divorce will force spouses to make constant efforts to optimally fulfill their marital obligations in order for the dissatisfied spouse not to seek a divorce. Otherwise if divorce would not be accepted, spouses would feel safe for marriage sustainability and would not make any efforts to meet its obligations. In terms of a marriage that has stopped functioning, the argument of child education in the framework of a family where parents live together turns against the theory of marriage's eternity. Just as it is rightly considered in legal literature, "nothing can be more harmful to a child than a show of constant fights between his parents".<sup>2</sup> In these circumstances, based on a deeper analysis it results that the principle of family sustainability is not inconsistent with the concept of divorce. Under certain conditions when marriage can not fulfill the mission for which it is created, divorce becomes inevitable.

## **1.3 The nature and legal regime of divorce**

Just like the issue of divorce, which has undergone a constant change, the same dynamics has also been followed by the determination of its legal nature. Based on the role recognized in the legal instrument of divorce in the history of law, we encounter three systems: Divorce as a legal sanction. According to this system, divorce is accepted by the court as a sanction for the guilt of one or both spouses. Under these conditions, divorce can not be imposed against the spouse who is not guilty of it.

Divorce as a healing tool. According to this concept, divorce is presented as the best option for spouses, in cases where continuity would seriously harm their interests. Under these conditions, divorce is decided for motives that are not conditioned by the spouse's fault, but by the shock of the conjugal relationship, which makes it impossible to continue the living together, at least towards one of the spouses. Divorce has a legal nature, which combines elements of legal sanction and remedy. According to a combination between the sanction concept of the remedy, divorce is decided by the court in those cases where, as a result of the guilty act of one or both spouses, living together is impossible. Contemporary right generally conceives divorce as a healing tool. It has gradually avoided the traditional concept of sanction on the role of divorce of previous legislation which conceived it as a sanction for

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<sup>2</sup> G. Plastara, pg 321; Ambroise Colin, first volume, pg 199.

the guilty conduct of one of the spouses. Divorce should be seen as an indispensable healing tool, when living together becomes impossible.<sup>3</sup> This should also be accepted in cases when the spouse seeking divorce is entirely guilty of the shock of marital relationship. The determination of the legal nature of marriage is not only of a theoretical importance, but it is of particular practical importance as it determines the legal regime for divorce.

## **2.1 Cases of divorce**

The family code depending on the cause of the divorce provides three different cases when the court can decide that a valid marriage, concluded according to the form provided in the family code, can end, which are: - Divorce with mutual consent of spouses;<sup>4</sup> - Divorce for interruption of common living;<sup>5</sup> 3- Divorce with the request of one spouse.<sup>6</sup> Divorce represents the legal mean that ends a valid marriage for reasons determined by law that are established in a court proceeding.<sup>7</sup> Marriage to be solved should be valid. In the absence of a valid marriage, there is no question of divorce but of its invalidity. Also in the case of common living which is based on a factual relationship between the two subjects, the issue of divorce is not discussed. Divorce can happen as long as both spouses are alive. The death of one of them even if it occurs during the marriage trial, the marriage ends as a result of death. Divorce can happen in the cases and for reasons provided by the family law. It is realized through a court decision rendered in a civil judgment. Our legislation does not foresee the so-called administrative divorce, which consists in a statement in front of the Civil Registrar.

## **2.2 Divorce with mutual consent of spouses**

Divorce by spousal agreement for the first time in Albanian legislation was foreseen following the political changes of the 1990s<sup>8</sup>. As a result of the changes made in the Civil Procedure Code, articles 125-368 of this code provided in the framework of special judgments relating to marriage and a new way of choosing a marriage, which is carried out through the joint lawsuit of the spouses. This case of divorce is also regulated by the current family law.

Although the naming of this case, evokes the idea of divorce as a result of the common will of spouses, it should be noted that even in this case divorce is decided by the court. The common will of the spouses is not considered sufficient, in order to achieve this, it is necessary for a public authority to verify the fulfillment of certain conditions necessary for the divorce. Unlike other divorce cases, the spousal agreement for divorce, which constitutes the premise for initiating this procedure and at the same time one of the fundamental conditions, results in a less active court engagement, and consequently a more restrictive opportunity in terms of rejecting the request for

<sup>3</sup> Sonila Omari, Family rights, 2012, pg. 193.

<sup>4</sup> Family Law, article 125-127.

<sup>5</sup> Family Law, article 129-131.

<sup>6</sup> Family Law, article 132.

<sup>7</sup> G.Oruci, pg 88.

<sup>8</sup> The Civil Procedure Code was approved by Law No. 8116 dated 29.03.1996, while the amendments envisaging divorce by agreement of the spouses were followed by the Law No. 8181 dated 23.12.1996, "On some amendments to the Civil Procedure Code".

divorce. As the spouses have the right to divorce with mutual consent, they no longer have a legal obligation to prove the cause of their divorce in front of the court for not exposing elements of intimate and private life. Based at this point of view, it should be considered the most natural and civilized way to divorce. We find appropriate the opinion expressed by an author according to which "the mutual consent divorce, as a result of the lack of conflicts, the mutual limitations, the exposure of the intimate relations to the public, enables the spouses a dignified divorce."

### **2.2.1 Legal Conditions for the Mutual Consent Divorce**

Mutual consent divorce, has two legal conditions to be met, the agreement of the spouses on the fact of solving the marriage on one hand, and a second agreement, which deals with the regulation of some of the marriage consequences from the other side.

When the spouses agree to terminate a marriage, a request for divorce is filed to the court.<sup>9</sup> The common request is nothing more than a written form of spousal agreement, which they have decided to terminate the marriage relationship.

The divorce agreement can only be concluded by the spouse who has full capacity to act. Also, being a strictly personal action, it is excluded the option that the agreement may be concluded by the custodian of the spouse.

As the divorce procedure begins with a request addressed to the court, this agreement will be formally reflected in the common application without the need to attach the initial agreement if it is drafted in writing. In the joint application addressed to the court it is necessary that from this request it is clearly understood that the spouses have come to an agreement for the divorce. Conversely, in case of a lack of mutual will, the spouse seeking divorce should address to the court with a claim and not a common request.

As a rule, an element that confirms mutual consent for the termination of marriage will be considered the signature of each spouse in the referral addressed to the court, which in these circumstances represents a formal condition for the continuation of the judicial investigation.

Unlike the other two cases of divorce, it is necessary that the two spouses should be personally present.<sup>10</sup> On the day scheduled for trial, the court will verify not only if the request is made with the consent of the spouses but even if they are in constant agreement to divorce in this way. After examining the petition, firstly, the court listens each spouse, and then listens them together. The consent given in person in front of the court must be clear and express an unconditional will to divorce.<sup>11</sup> Otherwise, in the case of hesitation or an unclear will, the court will override the request for the mutual consent divorce. Since in this case divorce comes as a result of the court decision and not only with the consent of the spouses, each of them, until the end of the trial can withdraw the consent given.

For the mutual consent divorce, apart from the divorce agreement, the spouses must also agree on the consequences of the marriage termination. This agreement is a necessary condition only in cases where spouses have under aged children.<sup>12</sup> In the absence of under aged children, the only condition for marriage termination remains

<sup>9</sup> Family Law, article 125.

<sup>10</sup> Family Law, article 126.

<sup>11</sup> G. Bonilini, pg 211 .

<sup>12</sup> Family Law, articles 125-126 .

the confirmation of free consent for divorce. If there are children, the spouses are obliged to attach to the common request for marriage termination, the agreement that deals with the regulation of consequences for children. If this lacks the request for the divorce is unacceptable. In such a hypothesis, the court will suspend the trial, orienting the parties on the need for such an agreement and its content. If the parties fail to comply with this request, within the deadline set by the court, the common request for divorce with mutual consent will be dismissed as ungrounded.

In the legal literature there is no unified opinion in terms of the content of the agreement that regulates the consequences of divorce. According to some authors, in this case, the spouses have to thoroughly regulate the consequences of this divorce.<sup>13</sup>Spouses are given the opportunity to arrange with agreement the entirety of divorce consequences, but the legal obligation to regulate all of these consequences is not imposed. Only a few of these consequences are mandatory to be regulated by the parties, while the rest are optional. Spouses seeking mutual consent divorce and having under aged children must present a report to the court, which contains:

The draft agreement should regulate personal and property relations with each of the spouses and their under aged children.

Spouses should decide with which of the parents should live the child after divorce, they should also decide the parental responsibility after divorce if it will be a responsibility of both parents or otherwise, it must be trusted only to the parent who will live with the child. Spouses should also decide on the rights and obligations that a parent who will not have parental responsibility must fulfill. They should regulate the manner and timing of the visits and meetings of this parent with the child. If the child has a fortune of himself, the draft agreement must also include provisions on the administration of this property and the right to use it.

The draft agreement should determine the necessary amount for raising the child well, which represents the so-called obligation of the parent to his child. Based on the rule that the parent must keep the child, voluntarily respecting this obligation, the parties can only determine in the agreement the material contribution that the parent who will not live with the child is expected to meet. In any case, the court has the legal obligation to verify the fulfillment of this obligation also by the parent who will live with the child, which will be accomplished through the confirmation of the parent's income.

In the agreement that regulates the consequences of divorce, spouses can predict some wealth consequences through them.<sup>14</sup>The property consequences through spouses will be adjusted if these two characteristics are met:

These consequences will be adjusted "if it is the case" which refers to the conditions to be met for their regulation. For example, the parties did not have a common property, which would be subject to division, it is understandable that "it is not the case" that their agreement contains these elements.

The property consequences will be regulated "if possible", which obviously refers to the will of the parties. The draft agreement may have as its object property consequences such as:

The obligation to feed in favor of the spouse in need may be an integral part of the agreement. As a rule, divorce ends the obligation between spouses for material help.

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<sup>13</sup> J. Hauser, D. Huet-Eieller pg123:V.Canaj, pg 39, Apud G. Bonilini pg 210-234.

<sup>14</sup> Family Law, article 127/2.

However, if one of the spouses is incapable of working and does not have sufficient means for living, the other spouse may undertake to allocate an amount of money for a certain period or until the end of the life of the spouse in need. In such a case, the agreement must also contain the manner of fulfilling that obligation by ex-debtor spouse.

If one of the spouses finds difficulty in securing a residential area after divorce, the spouses may provide by agreement, the right to use the family home or another apartment owned by the ex spouse.

The compensatory contribution represents a material contribution that one ex-spouse is obliged to give to the other, in cases when it is proved that the latter has been harmed as a result of the division of the property gained during the marriage.<sup>15</sup>

With the agreement accompanying the request for mutual consent divorce spouses may voluntarily share the communion of things. This voluntary split of commodities will occur in those cases when the spouses during marriage have been subjected to the marital regime of the legal community or the contractual community regime. The division agreement may contain the items and rights to be subdivided; ideal part; as well as the items or rights that will be left to each of them after divorce.

The provisions of the family law do not foresee a particular form for declaring the will of the spouses towards an agreement regulating the consequences of divorce. In court practice, there is a tendency of the court to seek not only a written form for such an agreement, moreover those of the notarial act.<sup>16</sup> This solution is not accepted because it is in contradiction with Article 80 of the Civil Code which provides for the form of will declaration to carry out legal actions. In pursuance of this general principle, the agreement that regulates the consequences of marriage termination may be accomplished by a simple requisition, even verbally in front of the court. Exceptionally, if through such an arrangement are allocated immovable items, pursuant to Article 207 or 83 of the Civil Code, the agreement shall be made in the form of a notarial act.

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<sup>15</sup> Family Law article 147; Sonila Omari, Family Rights 2012 pg 199.

<sup>16</sup> Apud V.Canaj, pg 39; G.Bonilini.



# The Essential Equivocation of Democracy: The Concept of Equality

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## Abstract

It is said that equality is the passion of democratic times, and this passion is termed "incandescent, voracious, eternal, and invincible". We can say more; it can be said that equality is the "reality" of democracy, as no social category, that does not have this vital condition as essential to social life, can be called democratic. But if equality is a reality around which the institutions and principles, moral and social, and economic, political and legal principles that are called democratic, are rotated and formed, it becomes unclear and, consequently, dangerous of the idea that individuals and peoples create. If equality is an indisputable reality, the general idea of equality that peoples form in times of democracy is also an indisputable equivocation. It is a dangerous equivocation, because none of the general ideas that peoples so easily form as they gain independence are not as active and productive in reality as the idea of equality. On the other hand, no social situation appears so influential and determinant in the field of ideas than the equality of conditions that Tocqueville regards as the soul and the moving principle of any democracy. "Equality of Condition ... creates opinions, creates feelings, suggests habits and modifies everything that it does not produce itself", and as such it should always be referred to when we want to understand or appreciate any aspect of the life of the so-called democratic people.

**Keywords:** Equality, Equality of Condition, Misunderstanding of Equality, Equal Effects, Equality Feeling, Individualism.

## Introduction

Equality is a reality; this is felt by everyone. But it is not easy to understand the equivocation that is hidden in the relative concept. People look and love "equality of conditions" and you see the fruits that it offers to man. "Equality offers everyone every day a host of small pleasures, the benefits of equality feel in every moment, and they are offered to everyone." The noblest hearts are not insensitive to it, and the harshest souls taste it. The passion that equality produces is both energetic and general. Pleasures that equality brings are offered by itself. Every kind of coincidence that happens in private life seems to be reborn and to enjoy they have to do nothing than to live ". (Chapter III page 160) People see all this, that is the essential element of equality and immediately connect that to the other fact that is completely negative that has to do with the exemption of the every type of privilege. If we want to be just about the same, there should no longer exist preferences, to cease to exist privileged classes. "If we do a war survey that takes place in the process of history, we always find the origin in the eternal equality problem. Whoever sees being denied access to the privilege seeks to destroy the privilege", says Laski (Democracy in Crisis page 41).

It is true that in any sense every barrier between individuals, among others, between classes has now become impossible, but that alone is not enough to solve its problem from the social point of view reality and still does not solve the problem conceptually. And yet people cannot form a general idea of this variety of features. They enjoy,

create empathy, and no longer look for. Tocqueville effectively describes its origins in the soul of the people. "The peoples lead to delusions of the passion for equality when the old social hierarchy, for a long time threatened to capitulate, cease to exist, and when the barriers that separated the citizens from each other finally fell. People then rush to equality as if it were a big win and stick to it as if it were some invaluable good that someone wants to snatch. The passion for equality penetrates everywhere human heart, spreads and includes it all. Do not tell people at all that by giving these passions blindly they can harm their most expensive interests, they are deaf. Do not show the freedom of being out of hand while they see something else, they are blind ". (Chapter III page 160) Equality is taken as an absolute thing, as a universal leveling principle, as something that should be realized or reached indiscriminately across all sectors and from all people, in time and space.

As a consequence of this misconception, the consequences will not be delayed to appear even in the concrete aspect, contradicting even the very material interests of individuals.

Equality of conditions for example raises man into the regime of measures, the feeling of independence. He is "equal" for as long as there is no obligation that binds him into a relationship of submission to his likeness; and aware of this achievement or victory, he begins to become indifferent, not to say that he is haughty enough to isolate him from his neighbor. But this behavior does not last long, as soon after he gains the awareness of his weakness; "Is free but exposed to many events and the experience does not delay to learn him that although he usually does not need the help of another, the moment will always come without being able to do without him." (Chapter III page 283)

But if one's help is necessary, the other person who helps when he is asked for help, has something more than the other, and as a result he is no longer equal but in a sense is a privileged being. And just when the aid recipient gets that help, in his heart, the poison of envy is produced.

Envy is a bad habit that immediately sticks to the human heart as soon as the democratic equality of conditions is reached, which turns the hatred into gratefulness by destroying the meaning of goodness. Envy distorts in front of his eyes the act of aid given, which is judged as a gesture of interest through which another has wanted to show us his difference and superiority to us.

And then as a consequence, we have a change in the judgment of a democratic man: is the benefactor who has to be grateful to the one who benefits, since accepting his help has enabled him to satisfy his pride through his proof of superiority. He who benefits from the charity or the goodness of the other is not only obliged to be grateful, but should also be very tolerant of forgetting the gesture the benefactor has made through which he remembers the fact of being inferior, because of his need. And for this reason, often in the regime of democracy, "the one who benefits" slanders and discredits that who does well; wants somehow to avenge. And he does not realize that by doing so, he is dishonored and degraded to such an extent that he falls below the animal level.

But this is not enough. It is obvious that ,Tocqueville states, "a nation, no matter how to strive, will never achieve to make the conditions of all its members equal; even if it would be possible to achieve the absolute leveling of human conditions, there would still be the inequality of intelligence, which, as it originates from the God, would disregard the laws. " (Chapter III page 223)

So in the regime of democracy, the natural inequality of intelligence is translated

through the crooked judgment of envy which hates intelligence. In the regime of the masses, the individual, humiliated because it is impossible to reach the intellectual level of his companion hates his intelligence and talent. It hates even when this intelligence and this talent serves and exploits, as it enters the technique of democratic gratitude. I will say more: as long as the distinction between social classes lasts, as "people are more affected by the inequalities that exist within the same class than the inequalities that are observed among different classes", the value of talent is considered as a privilege or a typical expression of another class, and classic antagonism absorbs envy and hate for intelligence. "Proletarians" are in principle against "intellectuals" because they have a "dough" they do not have. The reaction is instinctive and unconscious. When a revolution immediately overturns the barriers that divide classes and the intellectual is in the proximity of the proletariat, equality of conditions cannot do the miracle to suddenly open the spirit of the proletariat through divine light to reveal to it the spiritual significance of equality and the social function of genius. Therefore, even though they are made "equal" from a social point of view, the spirits are divided and different; and what was formerly a typical expression of a different mentality and class hatred, is translated into a "democratic hatred" for talent and the fate of the near companion. "When conditions become equal, as a result of a long struggle between the various social classes from which the old society was formed, envy, hatred and contempt for the neighbor, pride and exaggerated belief in oneself invoke the heart of the human heart in quotes and dominate it for a long time". (Chapter III page 12)

In this way, "democracy makes people not to join their likes one; democratic revolutions make them avoid each other, and in equality perpetuate the hatreds that inequality was born". (Chapter III page 421) Thus, it is shaped in the bosom of every new democracy that emerges from a revolution, the condition that Tocqueville calls "intellectual anarchy," but calls it wholly transitory, as long as it is the result of the lack of experience and the political inaccessibility of the masses ".The intellectual anarchy, of which we are witnesses, is not a natural situation of democratic peoples. We need to consider an explosion that is characteristic of their youth that manifests in that transitional period in which people have broken up the antique chains that connect them to each other and, surprisingly, even though they have removed the barriers between them continue to stand apart from their origins, traditions and customs". (Chapter III page 421)

The democratic concept of equality, leads to another mistake designed only in the field of material goods, when we consider, for example, the ineradicable report in any form of state organization between the rich and the poor. It is rich who has many properties in the face of him who does not possess any; is a rich owner in the face of a non-owner. (fragment taken from an unpublished manifesto in October 1847 "The French Revolution, which abolished all the privileges, and has destroyed all the exclusive rights, has allowed to exist one that is that of ownership ... Today the Right of Ownership as sacred as it is, no longer looks like the remnants of a devastated world, as a privileged isolation in the middle of a leveled society ... it has lost for a certain period that position that made it invincible. Consequently, the struggle between the political parties will be between those who own property and those who do not own it. The great field of the battle will be property, the main policy issues will be directed to the profound modifications that will lead to property rights. This will bring about the revival of public clashes and major political parties ... " (Chapter IX page 517).

In this relationship that is evaluated only in the material and economic aspect that is limited only to highlight contradictions and contrast without seeing the reasons, but only focuses on a social injustice that only violence can wipe out, it is the first impulse of that revolution that shakes modern democracies. "Almost all the revolutions have been made either to sanctify or to destroy equality ... They are the poor who want to grab the goods of the riches, or are the riches who try to guard their possessions by preventing the poor." (Chapter III page 411) The poor in other words, hate the rich because of the privilege of wealth; a privilege that offends and supports them at the same time. Yet poor people need the help of the rich to live, just as the rich need the poor to produce wealth and preserve it. Among the rich and the poor, in the regime of democracy, a compromise relationship, an unstable equilibrium, is set in which the rich seeks to preserve the sympathy of the poor by paying and the poor want to use this support of the rich by blackmailing constantly. At the time of danger, as it always happens in the stages of rebellion that accompanies and follows the outbreak of the first revolution, this blackmailing activity takes on a scary, brazen and collective sight and reaches its most culminating point.

Tocqueville by considering the problem in its simpler and more normal aspect that appears in a democratic society suggests the rich to better sacrifice pride by humbling the poor than sacrificing their possessions, using with simplicity, familiarity although at certain times it is bound to act vulgarly at least in habits it must be equal to it. "Rich in democracy are always in need of the poor, and in democratic times the poor becomes more self-reliant on the way of behaving rather than charity. The greatness of charity itself, which reveals the difference of conditions, causes a secretive irritation to those who benefit from it; but the simplicity of manners of behavior has unbearable strength: their familiarity seduces them, and their rudeness does not always grieve. "But this truth, the rich, says Tocqueville, do not want to understand it. "They agree to do good to the people, but they want to keep the distances rigorously. Believe it suffices; but they are deceiving themselves. They will thus be destroyed economically without reaching to warm the hearts of the people around them. They are not only required to sacrifice their money, but rather want to sacrifice their pride". (Chapter III page 172) But this can never be the solution to the problem: it will serve to keep the situation in an unstable balance a little too long, but it will suffice a little excitement for the situation to break and the revolution to begin, with the only result that it transfers the property to other hands. In this way the young poor rise against the young rich who are yesterday's poor, and the antagonistic relationship returns immediately. They only changed the sides, but the scene is the same and the show goes on.

What can we then say about the meticulous application of the concept of equality in the relationship between the two sexes? There are people in Europe who say that people who confuse the different qualities of sex claim to deal with man and woman not just equal but similar. It assigns to one and the other the same functions, imposes them the same duties and accords them the same rights; mix them in everything, in work, in pleasure, in every one. We can easily understand that by being forced to equalize sex with each other, they both degrade; and that out of this unmixed mixture will come only weak men and dishonest women. " True democratic progress therefore has nothing to do with equalizing the two sexes by claiming the same sexes as the same capacities and assigning the same functions to each other, but it has to do with what American democracy allows everyone to fulfill in the the best way its

skills, and exercise its own "different" specific function . "Americans have applied to both sexes the great principle of the political economy that dominates the industry today. They have clearly separated the functions of man and woman in such a way that the great social work is done better. " (Chapter III page 343) But beyond that and what is more, they have based equality on a healthy concept of freedom inspired by a lively religious feeling. And this is the only that can ruin the equivocation and reveal equality between social inequality.

To this idea, Tocqueville insists very much. "To Americans freedom is antique; equality is something later. The opposite happens in Europe, where equality, introduced from absolute power and under the king's observation, had already penetrated the customs of peoples long before freedom came into their ideas. " (Chapter III, page 487) From here, the fundamental equivocation that makes myopic the concept of equality here in Europe so that it allows us to look only the last branch is deeply embedded in the field of freedom, it is very fertile as the Christian religious feeling continues to put nitrogen that is vital nutrition. Therefore, our democracy dividing freedom and religion from equality and linking equality only with material goods and with ordinary pleasures has divided what was united and united what was clearly divided. The concept of political life itself has been born corrupted and deformed, and made European peoples, even those who have gained their independence by chance as a result of organic predisposition, to go toward slavery.

In fact, "the equality that makes people independent of one another makes them taste and habit to follow in every single act only their will ... This full independence makes them see each authority with concern and gives them the idea and love for political freedom ... " (Chapter III page 472) But on the other hand, to the extent that social conditions are leveled, there will always be a greater number of people who, having no wealth or wealth enough, and not even enough power to exert a political power, will seek nothing but to suffice to themselves. Then they will lose interest in community and state life and will no longer want the political freedom they have longed for. Religious self-consciousness, where the first social expression of which is the connection to tradition, the continuity of the family, the idea of the homeland, weakens and disappears, and at the same time strengthens the selfish self-sufficiency idea. "They always stay isolated, and stick to the belief that the fate is all in their hands. In this way democracy not only does everyone to forget his ancestors, but hides from his offspring and separates them from his contemporaries. It constantly attracts a man to his individuality and threatens to close it in the loneliness of his heart. "(Chapter III page 165)

This is the most dangerous disease that undermines democracy in our century, and is defined by the term "individualism". Tocqueville makes the diagnosis in this way: "Individualism is a recent expression that shows us the harm that the concept of equality has given birth. Our fathers knew only selfishness. Egoism is a passionate and exaggerated love for yourself that exhorts man to have no comparative object other than himself, and prefer more than anything himself. Individualism, on the contrary, is a selfish and peaceful feeling that drives every citizen to be isolated from the measure of their likes and to withdraw with his family and his friends in an isolated place; in such a way that after he has created a small society in his own way, he abandons the great society." (Chapter III p. 162) From this, "general apathy" inevitably explodes tyranny.

What the mistake has to do has been highlighted. It has to do with the fact that we have divided the equality of freedom and religion and that we have put equality in

the first line of the trinity as the only criterion of appreciation and classification of numerous expressions of social life. This error can not be corrected by necessarily eliminating equality as one can propose, seeing that in the times of equality manifests a greater moral corruption and a greater dissemination of unfaithfulness. "It is not the equality of conditions that immoral and irrelevant people make," says Tocqueville, "but when people are immoral and undemocratic at the same time, the effects of immorality and unfaithfulness are manifested very easily because people have little to do with each other and there is no class that can take over the moralization of society. Equality of conditions has never created corruption in customs, but it allows their manifestation." (Chapter III p. 553) There is only an effective medication to combat the evils and mistakes that a false interpretation of the concept of equality, an equivocal concept, can produce and it is "political freedom". (Chapter III page 174)

In the regime of true freedom, the concept of equality does not allow for equivocal, and in the first instance respects the property institution and preserves it. (In the matriarchal production system it was limited to hunting and fishing, ownership had a common character. Private property was born at the time when the productive force became individual, but in origin it never exceeded the bounds of individual necessity. "The property right has been the subject of first raw materials, weapons, decorations, then women, slaves, pets. Flats and land are the last objects that have entered the sphere of private property." But we must note that this property belonged to the family rather than to the individual. The principle of equality of conditions, introduced to the family, has produced, according to Kovalevski, a revolution in the institution of ownership, and has given rise to the modern concept of private property).

And as for those who protest the incompatibility of this private property institution with democratic equality, Tocqueville responds by pointing to their mistake. "There is nothing more advantageous in the kingdom of democracy than dividing land into small properties ... The small owner moves in a narrow sphere, but moves at liberty. His soul is as quiet as his destiny, and his tastes are regular and simple as are his affairs ... It is certain that this calm, widespread among a large number of citizens, is that this behavior and this taste for independence favors in particular the establishment and preservation of democratic institutions." (Chapter VIII page 30).

If it is actually examined who are the conditions of the one who is protesting, it is seen that he is not an owner but hopes a lot to be so. The mistake of political theorists who want to abolish the private property institution has to do with the fact that they believe that by extinction of such an institution fulfills the will of the mass man, while he seeks nothing else in reality except to win for himself (so for all) a similar privilege. If it is to be extended to the masses of people, with the abolition of the great property, this privilege, there will be no more to mass revolutionary, but conservative people. Look at America. "Why in the United States, a democratic country undoubtedly, we do not hear those complaints about private property as reflected in Europe? Because in America there is no proletarian. Everyone having a special good to protect, knows the principle of the right to property "and is determined to preserve and protect this right by any cost. There is no revolutionary spirit in their soul. "To the civilized nations only those who have nothing to lose want revolutions." (Chapter II page 125) The small owner, living in a democratic state, stubbornly and persistently defends what he considers to be his "self". Not only does he not love revolutions, but frightens them, as "there is no revolution that does not threaten the gained property". (Chapter III page 412)

On the other hand "people who live in well-being that stand equally far from abundance and misery give an endless value to their goods ... The idea that they may lose a small part of their wealth for them is unbearable, and its full loss is seen as the greatest disaster ... Therefore, in the truly democratic societies, most of the citizens do not see the benefits that one can derive from a revolution, while feeling at every moment and in different ways what can be lost." (Chapter III page 413)

Only the proletarians want the revolutions "all the people who have little to lose in the civil wars." (Chapter III page 436) This class has great influence in Europe: while in America there is nothing at all. Therefore, "theories that are revolutionary by their nature, that can only become concrete through a total change and at the same time surprisingly in the state of ownership and persons, are less widely accepted in the United States than in the major European monarchies. Though some people express it openly, the masses of people reject it, with some kind of instinctive indecency ... "(Chapter III page 418). (Tocqueville puts in the same plan both the owners and traders (they also have to defend their unstable goods). "Nothing else is more opposed to the revolutionary soul than commercial habits. Trade is the natural enemy of all violent passions. Love the middle streets, fits into compromises, flies away from the anger. It is patient, resilient, and does not it is directed to extreme means only when it is really necessary. Trade makes people independent of one another, produces a high concept of individual value ... so it approaches freedom and takes them away from revolutions "(Chapter III, page 414). Therefore, "violent political passions occupy little place in the soul of these people who are dedicated to pursuing their material interest. The fiery passions that they decide on small matters, keeps them quiet in the long run ") (Chapter III page 415)

True democracy does not hinder neither both the owners and the non-owners, the rich and the poor, the owners and the servants of the existing, even coexist, "but changes their spirit and modifies their relationships." (Chapter III page 286)

Tocqueville refers to the habits of American society. In America, for example, "servants do not constitute a separate class, have no prejudices or habits to be their own; it is not noticed in them a special spiritual behavior nor even a special manner of feeling.

They do not know the vices or special virtues belonging to their class state, but share the views, ideas, feelings, virtues and vices of their contemporaries." (Chapter III p. 291)

More we can say that those who serve are not just equal among them; they are in some sense equal to their masters, because the servant is not a different person from the master, "and on the other hand from the social point of view" at any moment the servant can become a master and aspires to be done. " (Chapter III page 292) And it is the merit of religion if "in the depths of the soul the master and the servant no longer see a fundamental difference between them ... And it is for this reason that they do not see each other with contempt and anger and show no humility and arrogance. The master judges that the only reason for his command is derived from the contract of employment, because in this contract the servant distinguishes the only reason for his obedience." (Chapter III page 292) It is precisely this spirit of freedom, and this sense of human dignity that has the ability to illuminate the path of democracy, which is the road to solidarity and to human brotherhood.

An institution is democratically defined when we find the spirit that is the denial of individualism and the embodiment of social solidarity. (Social solidarity, non-socialism) In a discussion before the Constitutional Assembly of 12 September 1848,

Tocqueville has in fact criticized socialism. "The first characteristic of all systems called socialist is that they address it energetically, persistent, excessive material passions of man ... The second one, their ideology is a direct, sometimes indirect, but always inconsistent attack on the principles of individual property" (Chapter IX page 539) "The third one, their political system is a shortage of deeply trusting in freedom, in human reason, is a profound disregard for the individual as he justifies his idea of considering the State not only the leader of the society, but the teacher, the helper, the pedagogue of every man; The state should always be placed beside him, above him, around him, to run, to keep, to limit, in one word, is a great confiscation of human freedom, "and all this makes us define socialism as a" new formula of slavery. "According to this, socialism reiterates the attitude of monarchical absolutism. "Absolutism expressed this opinion: that knowledge lies only in the state, that citizens are weak and powerless creatures that need to be held by the hand, because of fear of falling down and being harmed ... so in this regard he thought exactly what the socialists think today ". (page 543) "All this great revolutionary movement would not explode except in this kind of society, as the socialists described, regulated, disciplined, and formalized; where the state takes over everything; where the individual is nothing; where united collectivity absorbs during all life ... where in the end to the individual is assigned only the well-being ... but this is more a society made up of wise animals than free and civilized people ... To create one society of its kind, the revolution was pointless; it would have been enough to perfect the old regime "(p. 544) "Louis XVI had publicly announced in his decree this theory that all lands of the kingdom were provided by the state, and therefore he was the only one owner, while everyone else was nothing but a user. This doctrine originates in feudal legislation, but it was applied in France only after the end of the feudalism, and was never accepted by justice. This is the main idea of modern socialism. Consequently, "democracy and socialism are two things not only different but also opposite." Democracy has to do with the creation of a more dominant government, more interested in the particulars, more limited than all the others, but with the only difference, that it would be elected by the people and acting on the name of people? But in such a case, it would only give tyranny a legitimate view that did not exist before, and thus assure the strength and the omnipotence that was lacking in the past. Democracy extends the sphere of individual independence; socialism restricts. Democracy and socialism merge only in one word: equality; but here too we have a difference: democracy wants equality in freedom, and socialism loves equality in submission and slavery "(Chapter IX p. 546) Many socialists echo the revolution of 89 but such echo has to do with a mistake in outlook. "The Revolution of 1789 accomplished his desire to bring benevolence into politics; it brought the worldview of the obligations that the state has towards the poor, to the suffering citizens, a wider, more general idea, higher... what can be defined as the Christian mercy applied to politics; and this is not socialism." But it is a form of solidarity. (Gaston Isambert, *Les idées socialistes en France de 1815*)

In a government made up of truly "democratic" institutions, all citizens cannot fail to give their contribution as long as they feel the state's life as if it were their own life and they will see that they will be projected on a wider horizon, but illuminated by the same light, that soul, those traditions and the habits they have learned to love, respect and protect in the closed circle of their family life. "Democratic institutions that force every citizen to deal practically with the government will moderate that extreme taste of theories of general policy that is suggested by equality, "and will



firmly unite its solidarity with the collective work. (Chapter III page 31) About equality VJ Bryce Chapter V page 48-59, where it states that "the concept of equality was the first element that created the theory of democracy" and that "half of the errors caused by the wrong interpretation have come to light from the practice of democracy" p. 48. Bryce distinguishes four different types of equality: 1.Civil equality 2.Political equality 3.Social equality 4.Natural equality and analyzes in particular relative concepts.

This is, besides all, another effective guarantee against the dictatorship and tyranny risk, since to the extent that people resemble, equality and fraternize more and more in the common work becomes more difficult, for an innovator, whoever it is to win or exert a great power over the soul of a people "and if ever the equality thus illuminated by political freedom would be decided universally and lastingly in the world, then we can really hope that we have created the conditions for a lasting peace to the peoples, as "the great intellectual and political revolutions would become more difficult and rarer." (Chapter III page 428)

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# **Recognition of Albanian business with intellectual property**

**PhD (C.) Elisabeta Katiaj**

## **Abstract**

The role of intellectual property in economies where there is considerable informality is very important. The business does not have enough knowledge in this regard. The impact of intellectual property is not important just on the national or international market, but increasingly it becomes a part of the contribution to civil society in general.

The investment concept has not yet matured to the extent of START-UP in the country. In general, Albanian businesses continue to engage in commercial activity without carrying out any study in advance. Without investing in market research or consulting, in terms of its rights and obligations, whether fiscal or commercial law you become part of the risk from the beginning.

The continued legal changes on the functioning of intellectual property, and the adaptation of the system with that of the European Union, have a positive impact on the functioning of the respective administration, but not in the minds of entrepreneurs, who are not confronted with unfair competition in dubious use of their own name or brand, etc., do not trigger the interest in guaranteeing the safety of its activity, which is so closely related to the brand, the invention or other features of its identification and unification.

The main challenge in the country remains the blocking of the informal market regarding piracy and counterfeit goods. Although there are established homologous institutions with clear competencies in the EU line, the market is still facing a poor reality, with regard to the implications and consequences of improper use of intellectual property rights.

For this purpose, a survey was conducted for the Albanian and foreign business present in the country, to provide a framework for their information on intellectual property, for their information on the real and practical importance during the development of their activity and beyond.

**Keywords:** IP, Brands, Patents, Geographic Indicators, Survey.

## **Introduction**

Although frequent meetings are held in service promotion and the rights, obligations and advantages of intellectual property, it seems that the Albanian community is not responding significantly to its self-correction in relation to intellectual property.

But in their view the registration, procedures and costs are reasonable, even though they choose to direct to such institutions only in their critical cases. If you get a closure look, behind the street you are walking, in every city, you will see the advertisement names, familiar names for Bars, Hotels, Shops, Markets and more, even to small ones.

If from the National Business Center, download the list of businesses registered for a certain area, and you search on the market register on the website of the General Directorate of Trademarks and Patents, will be noticed, that neither 10 % of them have registered their logo.

This study is aimed at identifying the level of informed business about the intellectual property rights, in order to produce rules in service of further study with statistical methods for forecasting of future periods and in order to search for areas that require

greater intervention in the promotion of this service for a better administration plan. Companions included in this study are mainly in the hotel sector, distributed to almost the entire country.

## Objectives

The objectives of this study are:

- Overview of market needs for information
- Reflecting the added value for the businesses, in cases of their legal identification by being represented in a dignified manner vis-à-vis all affiliated operators, or interest
- Reflecting the functioning of trademark and patents agents or other professions licensed by the General Directorate of Patents and Trademarks in Albania with a view to formalizing the specific market of agents under their supervision, and taking legal responsibility as accurately as possible through the parties.

## Customer and Brand

If we look at the type of consumer that is related to the brand, as in the figure below, we see that the investment in the brand aims at targeting a broader consumer. The cynical consumer is the one who always wants to buy the opposite of what he knows.

Loyal customer is affiliated with the brand and is loyal to it. It is an immediate buyer of new same branded products. This type of customer relates to the brand as soon as it has confirmed the relation between price and quality.

The Brand-Oriented Customer is the only buyer of the same brand regardless of whether or not it needs it. It differs from that loyal, because it has more visual and performance relation than the performance of quality and price.

The professional customer is the one who is familiar with all the competition products and analyzes the product in all the parameters whether visual or even in other data compositions or quality certificates and so on. This type of customer supplies everything in the product or even on the service offered from the logos elements to the seriousness and investment made to the product for the registration of the mark, the geographical origin, the quality certificates and others.

The lazy consumer is the one who buys the first product that he finds for his reputation.

Price-oriented customer is the one who is always in the bidding baskets.



**Figure 1 Consumer linked with the mark dynamics**

According to this graph it is clear that the brand's contribution is a good guide to the

gain of the consumer in general. It can be even specify that a part of the competition belongs to the visual mark competition.

Investing in an activity, with unregistered brand, a high risk it is present for the business activity. We often say in everyday life that the logo is what the public pulls the eye of the customer or the supplier. In such a strong relationship where so many marketing elements are included in such a small format, it encapsulates a special value, which is called a Good Will.

Good Will middle and small entrepreneurs is not present in their accounting, but it is of particular importance even in the presentation of reliable parameters of business activity.

It is precisely the good name of the product in particular, in the cases of domestic production, which offers an added value to the business, and not only, but also added value to the national wealth for itself the fact of "MADE IN", which it is subject.

#### Survey and Results

##### Objective I

In this set of questions are asked to identify the type of respondents as a natural person, legal entity, individual or association, and other.

##### Question 1. Type of respondents?

In response to this question, 210 companies are private profit companies, about 66% of respondents.

All types of operators are involved, since the possessor of intellectual property may also be an individual without being obliged to own a registered business.

Individuals	25
Fiscal Entity	72
Juridical Entity	138
Other	85

**Table 1 Response of Q1**

##### Question 2. Level of business by turnover?

In this survey, almost 60% of the small business with VAT from the surveyed companies participated and about 15% of them are big companies measured by the turn over level. Thus, the survey has found 92% of total respondents are private companies

Small business without VAT	69
Small business with VAT	178
Medium Business	45
VIP	3

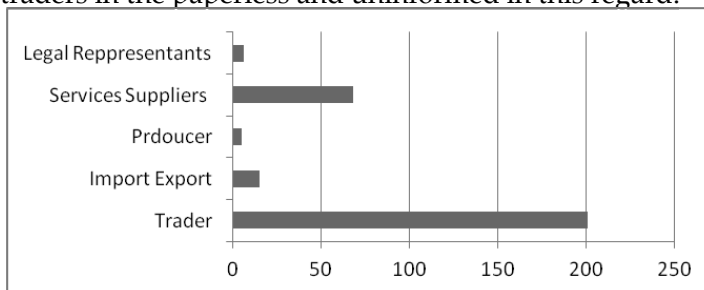
**Table 2 Response of Q2**

##### Question 3. Representative Sector?

About 70% of respondents in the business sector belong to the trading sector. Which means they are more related with a brand with more than a product or product category. In practice, during inspections by market inspectors, who have the competence and duty to control products, directly in site, are probably the small trader faced to the inspection and not the distributor or the producer. The lack of information and documentation on the origin or other certificates for the products, the trader sells, is a major factor in the functioning of this market.

Also the lack of management of large distributors of the application of supply contracts where all the licenses or certificates of each product are to be accompanied,

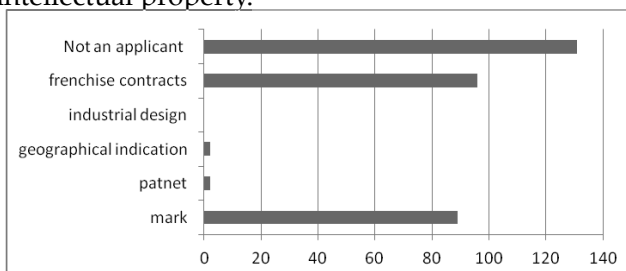
let the small traders in the paperless and uninformed in this regard.



**Figure 2 Response of Q 3**

Question 4. Do you have information on intellectual property right legislation?

The information is mainly about trademarks and copyrights. Moreover copyright as information is closely related to the business tariff for the use of Radio and Television in the premises of Bar and Restaurants. Meanwhile, 185 respondents do not have any information on intellectual property.



**Figure 3 Response of Q 4**

Question 5. Do you know the institution and function of the General Directorate of Patents and Trademarks?

Institution recognition is present at 28% of respondents. Meanwhile, the rest appears uninformed.

yes	90
no	230

**Table 3 Response of Q 5**

Question 6. Have you ever encountered realities that you have previously conceived but have not realized?

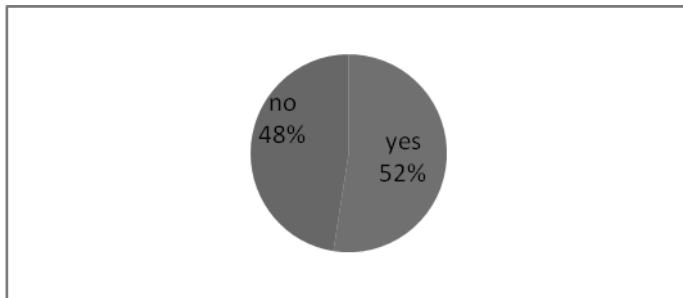
About 39% of the respondents answered positively this question. They have been encountered at least once with the reflection of their previous ideas.

yes	124
no	196

**Table 4 Response of Q 6**

Question 7. Do you know about the Patent and Trademark Agents / Geographical Indicator / Patents?

Mainly as far as respondents possessing information about brands and patents, it turns out that the source of information comes mainly from agents who trigger business interest in intellectual property based on their interest in seeking work for them. They know about 63% of the respondents.

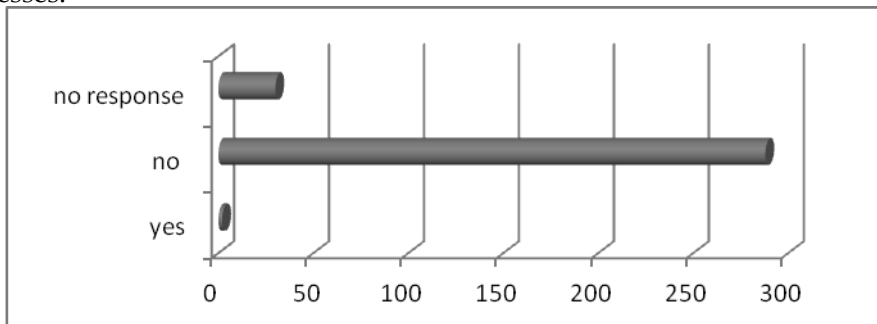


**Figure 4 Response of Q 7**

Question 8. Do you know the licensing criteria and procedures of these agents?  
About 8% said it was familiar with the licensing procedures of agents. 70% of them are not familiar with this procedure and 22% of them have not responded to this question.

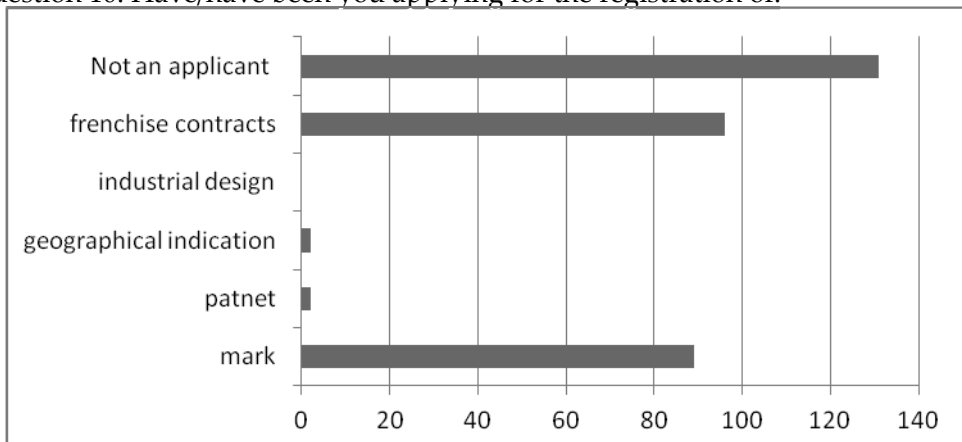
yes	29
no	262

Question 9. Have you been competitive to be equipped with this license?  
In the group of respondents there are also 2 brand agents who have been identified and have declared that they have been competitive to be equipped with this license. Meanwhile, they have also been a driver of completing this survey from other businesses.



**Figure 5 Response of Q 9**

Question 10. Have/have been you applying for the registration of:



### Figure 6 Response of Q 10

It is noted that trademark representation or exclusivity contracts are more often encountered in the field. This also explains the acquaintance with the agents, who carry out every action to get to the relevant institutions.

Question 11. Have you applied yourself or through an authorized agent representative?

Applicants for registration have mostly used the Agent. 10 applicants are non-agent applicants.

Alone	10
Through Agent	185

### Table 5 Response of Q 11

Question 12. Have you received a copy of the agent license, or identification of license data on the offer? Have you verified if the agent is licensed in the DDIP website?

Mostly the business has no information for this point. They are not informed in advance of the agent presented to them, but tie their agreement in the form of trust.

yes	17
no	3
I do not know	179

### Table 6 Response of Q 12

Question 13. If you have applied through a licensed Authorized Agent, have you received an invoice for the payment of the service provided?

Issuing invoices is clearly seen to be lacking in service delivery. So this means an informality regarding the service of agents, who are subject to the legal obligation to register with the tax authorities.

yes	44
no	155

### Table 7 Response of Q 13

Question 14. What was the deadline for following the procedure from the date of application to GDIP?

From business replies, it reiterates that the deadline for examining their requests has exceeded the deadlines set by the law. 81 respondents, who stated that the deadline for examination of their requests lasted 3 months, are mainly the same respondents who reported their application for registration of the contract of franchise.

1 month	0
3 month	81
6 month	19
more than 6 month	99

### Table 8 Response of Q 14

Question 15. What is the reason for mark registration, geographical indications etc? Fear and ownership of the contract of franchises are the primary reasons for which the business is directed at the offices of intellectual property.

fear that your brand is used by other subjects, products are imported from others etc.	51
creating good name and long-term image of society	5
you are advised to take these measures for various reasons	7

you are a representative of international products and acted according to the requirements of the international partner	11
you have a franchise contract	32
you have been required as a legal obligation	2
Other reason	91

**Table 9 Response of Q 15**

Question 16. Are you aware of the risks that can relate to Intellectual Property? Negligence and lack of information are the two reasons for inaction in terms of intellectual property registration.

I do not know the dangers	<b>94</b>
I do not have enough information on this regard	<b>87</b>
I know but I have neglected	92
Lack of funds	12
I have experience of competition abuse	32
I have experience of abuse by the institution by rejecting my application and favoring others	3

**Table 10 Response of Q 16**

Question 17. Have you reflected in the financial statements for goodwill? It is quite small the numbers of businesses that have carried out goodwill valuation and have reflected it in the accounting records. The 180 respondents did not reflect goodwill value in the balance sheet and 110 did not answer this question.

yes	5
no	180

**Table 11 Response of Q 17**

Question 18. Have you participated in any consular meeting or training on intellectual property?

317 of the respondents did not participate in meetings on the subject of intellectual property. Meanwhile, 3 of them have been part of these consultative meetings or trainings.

yes	3
no	317

**Table 12 Response of Q 18**

Question 19. Have you received funds for developing an innovative product?

Two of the respondents have been fundraisers for the development of innovative products made available by the Foreign Investment Development Agency in Albania (AIDA).

yes	2
no	318

**Table 13 Response of Q 19**

Question 20. Did the registration of intellectual property improve the activity?

49 of them stated that they have a positive impact on the development of the activity since the registration mainly related to the brand has provided improvement on their imaging of their product and are now ready to be represented by leaflets and other identifying material in the market. They also say they feel safe.

Yes	49
No	40
May be	116

**Table 14 Response of Q 20**



## Recommendations

Small business needs training and advice in terms of intellectual property.

It is primarily required to qualify the business for knowledge and gains on the registration of trademarks, patents, copyrights, geographic indicators, or other in order to transfer the initiative for registration from fear to investment for the further development of their activity.

It is necessary to create practical examples of success from the assessment of goodwill.

It is also necessary to create a special type of license for the assessment of the goodwill value for its own specific specifications subject to its elements being very diverse for evaluation, and most of them untouchable.

In the administration of intellectual property, it is required to promote a task force group, which monitors the informality of the related licensed operators for services in this field.

Although in Albania special attention has been paid to the approximation of the legislation with that of the European line and in this respect it has been done a lot in the last years, it is necessary to increase the presence of the business in order to formalize the small business with regard to the use of brands and patents.

A scaling model for zoning non-registrants and users of duplicate or multiple business names and products would create a management orientation for GDIP administration.

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# Actuarial model for credit risk

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## Abstract

The internal rating based (IRB) approach to regulatory capital is one of the main innovations of Basel framework. The IRB approach is based on a bank's own quantitative and qualitative assessment of its credit risk. In order to estimate credit risk, certain risk parameters must be estimated. There are three main variables that affect the credit risk: - The exposure at default (EAD), - the probability of default or expected default frequency (PD/EDF) and the loss given default (LGD). While significant attention has been devoted by the credit risk literature on the estimation of the first two components (PD and EAD), much less attention has been dedicated to the estimation of LGD<sup>1</sup>.

Given the situation, this research paper aims to provide a model for the estimation of LGD for retail portfolio (credit cards revolving<sup>2</sup>) based on chain – ladder method.

**Keywords:** actuarial model, credit risk, Basel framework.

## Introduction

As mentioned above, the Basel framework allows a bank to calculate credit risk capital requirements according to either of two approaches: a standardized approach which uses agency ratings for risk-weighting assets and internal ratings based (IRB) approach which allows a bank to use internal estimates of components of credit risk to calculate credit risk capital. Institutions using IRB need to develop methods to estimate these key components of credit risk calculating credit risk capital. The IRB approach is based on: - Probability of default (PD), defined as the likelihood that an obligor will default before making all contractual payments within a stated timeframe. – EAD, defined as the expected value of the bank's exposure at the time of the borrower's default. EAD is the gross amount due at default, which is the amount by which regulatory capital would be reduced if the exposure were to be fully written off and – LGD, defined as the economic loss on a credit instrument after the borrower has defaulted. It is a percentage of the EAD which the bank expects to lose and it must include discount effects and direct and indirect cost of collection.

According to the Basel definition<sup>3</sup>, a default is considered to have occurred with regard to a particular obligor when either or both the following two events have taken place: the bank considers that the obligor is unlikely to pay its credit obligations to

<sup>1</sup> For a given maturity(M) these components are used to estimate the Expected loss(EL), that represent the loss that can be incurred as a result of lending to a borrower that may default. ( $EL = PD \times EAD \times LGD$ ).

<sup>2</sup> With revolving credit, a bank allows you to continuously borrow money up to a certain credit limit. Every time you buy something on credit, that amount is subtracted from your total credit limit. And every time you pay off your balance, your credit limit goes back up. Revolving credit is called open-end credit because the length of the loan isn't fixed - it's ongoing.

<sup>3</sup> <http://www.bis.org/publ/bcbsca05.pdf>.

the banking group in full without resource by the bank to actions such as realizing security; the obligor is past due more than 90 days on any material credit obligation to the banking group.

The purpose of this paper is to study chain-ladder model (a quantitative model) for the estimation of LGD and empirically evaluate how this model work in practice for credit cards revolving portfolio.

### **LGD<sup>4</sup> estimation**

There are different definitions and consequent calculation methods, adaptable to different types of portfolio. The main distinctions can be made between the following two approaches:

- Workout LGD
- Market LGD

Workout LGD: here the LGD is estimated based on observations ex post, on historical datasets containing a sufficient number of default for which it is possible to identify all the components of LGD. Estimates derived from here will be applicable to portfolios with similar characteristics to the sample<sup>5</sup>. An approach of this kind makes sense for retail portfolios.

Market LGD: for defaulted bonds and loans which trade in the market, one may observe prices directly as long as a trade has actually occurred. The rating agency recovery studies are based on this approach and it is more applicable to segments such as Large Corporates, Banks and Sovereigns.

The objective of an LGD model is to estimate recovery rates to be applied to the whole portfolio in order to predict losses, where model inputs are cash flows observed for defaulted contracts together with any relevant driver that is significant for LGD prediction and model outputs are estimated LGD values to be assigned to the whole portfolio.

Whichever method is adopted, the steps of estimation can be summarized as follow:

- Sample construction: time horizon, data availability, discount rates etc. The sample should fit the default definition required by the framework as well as business collection process.
- Preliminary analysis: workout approach, data quality, univariate analysis. Once built the target variable (LGD or RR(Recovery rate) we should see the correlation of target variable with the other potential variables.
- LGD estimation: choosing the most estimate methodology to portfolio, performance evaluation in the development sample.
- Validation: choosing the best model, simulations
- Application: measure model performance on current portfolio

### **Chain-ladder model**

The chain ladder<sup>6</sup> approach is an algorithm used in the literature especially in the

<sup>4</sup> LGD can be defined as the complement to 1 of the recovery rate, where broadly the element that determines the recovery rate are: the market value and the characteristics of the guarantees, the estimated time of recovery(that depends from the seniority of the debt, the procedures activated) and the level of interest rates.

<sup>5</sup> Attention needs to be paid to the timing of the cash flows from the distressed asset.

<sup>6</sup> In insurance sector the chain-ladder methods assumes that the time-pattern of claims is stable in time, apart from possible fluctuations. In particular, the following assumption is accepted:

insurance sector, but that can be easily extended for the purpose of estimating LGD. This model is suitable for large portfolios (with very many data) and in which are also monthly installment payments after the default on the repayment of debt. Not appropriate for portfolios such as mortgages, where payments are characterized by a few substantial repayments.

The purpose of this model is to predict future recovery curves starting from the trend observed in recent recoveries. For this reason, this model can be used also for cases not closed and utilize it for the LGD of default still outstanding.

The aim of the model is to build a triangular matrix of all the defaults observed to predict future repayments.

Regarding the estimation process as suggested in (Anolli et al., 2013)<sup>7</sup>, the starting point is the vintage recovery matrix in which recovery data are stored for each month after the default date. At that point is possible to calculate the cumulative recoveries and after that the development factors<sup>8</sup> that represent the monthly recovery growth rate expected for a specific month after default based on the available recovery history. The aim of the development factor is to determine how the recoveries increase for each month after the default, so as to complete the matrix in the recoveries not observed.

$$df_j = \frac{\sum_{i=K-(j-1)-(p-1)}^{K-j+1} recc_{i,j}}{\sum_{i=K-(j-1)-(p-1)}^{K-j+1} recc_{i,j-1}}$$

In this way is possible to calculate the expected recoveries on the basis of development factor and once the matrix of recoveries is completed we go back to the monthly recoveries to apply the discounted values based on the rate chosen and the month of recovery. At this point we have the element to calculate the LGD, given by the complement to 1 of the sum of all recoveries discounted to the total EAD.

The model estimated in this manner allows the application of a single value of LGD at portfolio level. Moreover, the computational simplicity of this model makes it easy even for the inclusion in the model of some aspects related to credit policies. This model is based on proportionality factors, when applying the development factor it is important to guarantee the factor's robustness and to avoid volatility.

### **Fitting the model for a credit card revolving portfolio**

It is taken into consideration the credit card revolving portfolio of a commercial bank, with the assumption that the data are taken hypothetically. The month range is 25 months in total, between December 2012 and December 2014, with defaults deliberated and 20% interest rate. Months from defaults are also equal to default month (25). Data processing is prepared in February 2015, which depends from the last available default month for at least one-month recuperation (months from

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$S_{i,j+1}^{(p)} = S_{i,j}^{(p)} df_j$ , where  $df_j$  is the development factor of the cumulative aggregate claim amount from year  $j$  to year  $j+1$  since claim occurrence. They do not depend on the year of origin  $i$ , but just on the time to settlement  $j$ .

<sup>7</sup> Slides made available by the master CRERIM(2013). Università Cattolica del Sacro Cuore, Milano.

<sup>8</sup> Where  $recc$  is cumulative recoveries,  $K$  represent maximum number of vintages,  $j$  indicates the month for which the development factor is calculated and  $p$  indicates the number of vintages to be fixed to consider the trend of recoveries.

default). Thus, we have built the triangular matrix of all the defaults observed to predict future repayments as it is shown in table 1.

Vintage default		Month from default			
Data	EAD	1	2	...	25
Dec12(vintage 1)	753.452	3.000	1.900	...	75
Jan13(vintage 2)	988.382	4.500	1.898	...	Unobserved recoveries
...	...	...	...	...	
Nov14(vintage 24)	3.924.550	10.500	...		
Dec14(vintage 25)	4.239.555	25.000			

**Table 1.** The triangular matrix of observed recoveries (Values in ALL)

Second step is the calculation of the cumulative recoveries which is followed by the development factors which represent the monthly recovery growth rate expected for a specific month after default based on the available recovery history as shown in table 2. In this table we depict also the expected recoveries calculated based on the development factors.

Vintage default		Month from default			
Data	EAD	1	2	...	25
Dec12(vintage 1)	753.452	3.000	4.900	...	27.263
Jan13(vintage 2)	988.382	4.500	6.398	...	26.649
...	...	...	...	...	...
Nov 14(vintage24)	3.924.550	10.500	28.750	...	135.805
Dec14(vintage 25)	4.239.555	25.000	38.362	...	181.211
Development factor			1,53	..	1.002

**Table 2.** Observed and forecasted cumulative recoveries

Once the matrix of recoveries is completed, the next step is going back to the monthly recoveries and apply the discounted values based on the rate selected (20%) and the month of recoveries.

At this point we have the element to calculate the LGD, given by the complement to one of the sum of all recoveries discounted to the total EAD.

In table 3, we have illustrated the LGD calculated for every vintage, and the totaled LGD (averaged and weighed).

Default date	EAD	Total recoveries for each vintage	Recovery rate	LGD(1-RR)
Dec(12)	753.452	24.303	3,23%	96,77%
Jan(13)	988.382	23.215	2,35%	97,65%
...	...	...	...	...
Nov(14)	3.924.550	118.291	3,01%	96,99%

Dec(14)	4.239.555	158.005	3,73%	96,27%
				averaged 96,66%
				weighted 97%

**Table 3.** LGD at portfolio level.

## Conclusions

In this article we presented a method for estimating ultimate loss given default for a credit card revolving.

As in insurance sector, we have shown that chain ladder algorithm used in literature is appropriate for large portfolios of unsecured loans in which are also monthly installment payments after the default on the repayment of debt. The methodology is based on proportionality factors, therefor it should be used with caution, and in fact if the data are not strong enough factors are too sensitive to give stability to the estimations.

We have seen that the model can also be very useful in determining the policies of the bank with regard to credit conditions, for instance, according to the expected length of the recovery process, the vintage matrix can be cut any fixed month that allows the matrix to simulate a stock sale of default and embed expected recoveries coming from debt sale.

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# Strategic leadership and the uniformed intellectual in the Albanian Army

Arjan Hilaj

## Abstract

The changing nature of warfare where the enemies operate below the threshold of western militaries wrapping themselves in ethical, political, and legal ambiguity has put a lot of pressure and demands to military leaders. Two last decades have proven that for a leader to be successful is not enough to be an expert in conventional warfare and the technical competence alone to lead in the future. They will also need deep expertise across the other fields of expert knowledge of the profession, as they deal increasingly with more complex, nonlinear and nonhierarchical issues where solving the problem involves actors other than military.

Out of a numerous of competencies required to be successful at the strategic level, establishing a vision, leading and sustaining organizational change as well as effective communication are the most important traits that a strategic leader should possess in order to align the organization he or she leads with an ever changing environment.

Unlike western armies where the phenomenon of anti-intellectualism and literature documenting it among uniformed services is embarrassingly rich, copious and conclusive the Albanian Army does not experience it, at least in writing. However, the lack of written materials on the issue does not automatically translate into the absence of the above mentioned phenomenon. There are several factors contributing to it, most of all from history, organizational culture, education system and personnel management.

**Keywords:** Army, civil-military relations, strategic communication, military professionalism, culture, organizational change, anti-intellectualism.

## Introduction

“Too often, it seems, we put non-leaders into leadership positions and we call them leaders. Non-leaders filling leadership roles is disruptive enough to any organization; it confuses and demoralizes the workers and contributors. This non-leader is ultimately removed and we assign – another non-leader. And the cycle repeats again, and again, and again. Serial non-leaders being called leaders when all they really are is the “boss.””<sup>1</sup>

– Tom Reid

“A successful leader should register a few victories in his career”.<sup>2</sup>

– James McNerney, the Boeing Company CEO

When asked to describe a set of competencies and attributes that a military strategic leader should possess in order to be successful a long list comes at front. What is important to note here is the fact that some of these traits are timeless no matter in what level you are and some others are subject of change and prioritization.

We want military leaders to have all the virtues of the Boy Scout: be trustworthy,

<sup>1</sup> Reid, Tom., (2018), [Online], available: <http://www.sustainedleadershipwbs.com/2018/06/01/why-cant-leaders-just-be-leaders/> (June 1, 2018)

<sup>2</sup> McNerney Jr, James., (2012). Strategic leadership in the Corporate World, briefing, Carlisle Barracks, PA, US Army War College

loyal, helpful, and the rest. We also want them to be compassionate in some situations and dealers of death and destruction in others. We want them to be doers, but also thinkers. Such ambiguities and paradoxes are rarely resolved in trait lists.<sup>3</sup>

Whereas we agree with the existence of different levels of war or decision making in the current literature the terms usage has become somewhat confounding. In today's joint operations environment it is not a rarity to hear the "*strategic corporal*". The use of "strategic" broadens the definition to such degree that all soldiers could conceivably take on action of strategic importance. On the other hand "strategic" is narrowed in the sense that it resides only to general officers. For the purpose of this paper, to make the distinction with tactical level, the "strategic" involves that level that has increased responsibilities in the new volatile, uncertain, complex and ambiguity (VUCA) environment as well as "new" ways of thinking and leading— not just the level of war above tactical and operational.<sup>4</sup>

We will argue that out of a numerous of competencies<sup>5</sup> required to be successful at the strategic level, establishing a vision, leading and sustaining organizational change as well as effective communication are the most important traits that a strategic leader should possess in order to align the organization he or she leads with an ever changing environment.

The changing nature of warfare where the enemies operate below the threshold of western militaries wrapping themselves in ethical, political, and legal ambiguity,<sup>6</sup> has put a lot of pressure and demands to military leaders. The last decades have proven that for a leader to be successful is not enough to be an expert only in tactics or conventional warfare. At the strategic level leaders will not rely only in the technical competence alone to lead in the future.<sup>7</sup> They will also need deep expertise across the other fields of expert knowledge of the profession, as they deal increasingly with more complex, non linear and non hierarchical issues where solving the problem involves actors other than military.

Johansen argues that the VUCA world is not new. There has been plenty of volatility, uncertainty, complexity and ambiguity for leaders to deal with (or not) in the past. Life has always had its VUCA elements, and leaders have always lived VUCA lives. What will be new in the years ahead is the scale and the intensity of the VUCA world,<sup>8</sup> for very few experiences will be predictable or slow moving. Leaders must get used to an amplified VUCA world and learn to like it.<sup>9</sup>

From a cognitive perspective the strategic leader must learn how to scan— which involves a constant search for information that affects existing assumptions—the environment, understand the world from systems perspective and eventually

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<sup>3</sup> Reed, George et al, (2005). Leadership Development: Beyond Traits and Competencies, In Dom M. Snider and Lloyd J. Mathews, (2nd ed), The Future of the Army Profession, (p.590). Boston: McGraw Hill.

<sup>4</sup> Wong, Leonard and Snider, M. Don, (2005). Strategic Leadership of the Army Profession, In Dom M. Snider and Lloyd J. Mathews, (2nd ed), The Future of the Army Profession, (p.602) Boston: McGraw Hill.

<sup>5</sup> U.S Department of the Army, Field Manual 6-22 (2006). Army Leadership (pp.2-4), Washington DC: U.S Department of the Army

<sup>6</sup> Smith, Rupert., (2006). The Utility Of Force, (p.278). UK: Penguin Books

<sup>7</sup> Wong and Snider, p.605.

<sup>8</sup> Johansen, Bob., (2012) Leaders Make the Future: Ten New Leadership Skills For An Uncertain World, (p.6), San Francisco, Ca: Berret-Koehler Publisher, Inc,

<sup>9</sup> Ibid, 8.



envision different future and direction for organizations which is going to lead.<sup>10</sup> Leader's establishment of the vision for the organization is essential for success. Kotter argues that vision comes from within and should not be mistaken with establishing goals or objectives for they are not visions. Vision is a specific place, a picture of the desired future.<sup>11</sup> Developing a good vision is an exercise of both the head and the heart, it takes time, and it always involves a group of people and collaborative effort with the leader performing the critical role of integrating and guiding the process. An effective vision also requires an implementing strategy or plan to enable its attainment – how to get there.<sup>12</sup>

Furthermore, a vision is important for spanning organizational boundaries as well as establishing the priority for influence and the allocation of resources.<sup>13</sup> A statement of vision by the leader is useful in influencing and garnering support from external stakeholders by building consensus and providing access to otherwise unavailable resources as well.<sup>14</sup>

In addition, vision plays a key role in producing useful change by helping to direct, align, and inspire actions on the part of large numbers of people. Without an appropriate vision, a transformation effort can easily be dissolved into a list of confusing, incompatible and time consuming projects that go in wrong directions or nowhere at all.<sup>15</sup>

In order to be successful strategic leaders besides establishing the vision need to align their organization to a constantly changing and complex VUCA, environment. The leader defines what the future should look like, aligns people with that vision, and inspires them to make it happen despite the obstacles. Successful transformation is 70 to 90 percent leadership and only 10 to 30 percent management.<sup>16</sup>

However, managing change is important. Without competent management, the transformation process can get out of control. But for most organizations, the much bigger challenge is leading change. Only leadership can blast through the many sources of corporate inertia. Only leadership can motivate the actions needed to alter behavior in any significant way. Only leadership can get change to stick by anchoring it in the very culture of an organization.<sup>17</sup>

Whenever human communities are forced to adjust to shifting conditions, pain is ever present.<sup>18</sup> Individual alone, no matter how competent or charismatic, never have all the assets needed to overcome tradition and inertia except in very small organizations.<sup>19</sup> Rather than pushing harder to overcome resistance to change, artful leaders discern the source of resistance. They focus directly on the implicit norms and power relationships within which the norms are embedded.<sup>20</sup> The combination

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<sup>10</sup> Ibid, 613.

<sup>11</sup> Kotter, P. John., (1996). *Leading Change*, (p.79). Boston, Massachusetts: Harvard Business Review Press

<sup>12</sup> Allen , D. Charles., and Hill, Andrew, (2012), *Selected Readings in Strategic Leadership*, ( p.23), Carlisle Barracks, PA: U.S. Army War College.

<sup>13</sup> Ibid, p.27.

<sup>14</sup> Ibid, p.22.

<sup>15</sup> Kotter, pp.7-8.

<sup>16</sup> Ibid, pp.25-26.

<sup>17</sup> Ibid, p.30.

<sup>18</sup> Ibid, p.4.

<sup>19</sup> Ibid, p.6.

<sup>20</sup> Senge, M. Peter., *The Fifth Discipline: The Art of the Learning Organizations*, (New York: Doubleday, 1990), 88.

of cultures that resist change and leaders who have not been taught to create change is lethal. Change requires sacrifice, dedication, and creativity, none of which usually comes with coercion.<sup>21</sup>

A key element contributing to the success of the organization change in particular is when people see how what they do day-to-day relates to and supports the organization's mission and strategy.<sup>22</sup> Major change is usually impossible unless employees are willing to help, often to the point of making short-term sacrifices. They think the potential benefits of change are attractive and unless they really believe that a transformation is possible.<sup>23</sup>

Change sticks only when it becomes "the way we do things around here", when it seeps into the very bloodstream of the work unit. Until new behaviors are rooted in social norms and shared values, they are always subject to degradation as soon as the pressure associated with a change effort is removed.<sup>24</sup>

A leader cannot lead a successful change from faraway headquarters. It takes more than giving a couple of speeches or writing a new credo for the organization before declaring that the change and the new culture have taken hold.<sup>25</sup> The issue at hand here is that the leader can't mandate or engineer it. What a leader can do is to create conditions for transformation and provide incentives. He or she can provide the world realities and goals and then build trust. The work force itself changes the organization.

In his book, "*Great Communication Secrets of Great Leaders*", John Baldoni states that a leader can use words to accomplish much. Words backed by the leader's character, conviction and personal example have the power to communicate: *to inform, to exhort, to cheer, to heal or to inspire*.<sup>26</sup> The purpose of leadership communication is to build trust between leader and follower. This trust is essential to a leader's credibility.<sup>27</sup> Trust is not something that one can get it for granted. It is expected to be earned by demonstrating leadership in thought, word and deed. Nothing undermines the trust of subordinates than behavior by leaders that is "inconsistent with the verbal communication".<sup>28</sup>

To get the message across and affect people, the leader has to be persuasive. To be an effective persuader one understands somehow that little things can make big differences. Small non verbal cues (head nod, eye contact, slight smile) are often more important than verbal ones.<sup>29</sup>

In addition, a clear priority of strategic leaders is to serve as communication agents for their organization. Not only do these leaders need to engage internal audiences to ensure alignment between vision and execution of organizational strategies, they also need to manage external stakeholders to facilitate access to resources, encourage

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<sup>21</sup> Kotter, p.30.

<sup>22</sup> Burke, W. Warner., (2002), *Organization Change: Theory and Practice*, (p.39), In DCLM, Selected Readings in Strategic Leadership, Carlisle Barracks, PA: U.S. Army War College.

<sup>23</sup> Kotter, p.9.

<sup>24</sup> Ibid, p.14.

<sup>25</sup> Gerstner, V. Louis., (2002) *Who Says Elephants can't Dance?: Leading a Great Change Enterprise through Dramatic Change*, (p.187), New York: Harper Collins

<sup>26</sup> Baldoni, John., (2003), *Great Communication Secrets of Great Leaders*, (p.xiv), U.S: McGraw-Hill

<sup>27</sup> Ibid, p.27.

<sup>28</sup> Kotter, p.10.

<sup>29</sup> Burke, p.33.

support, and to monitor changes in the external environment.<sup>30</sup>

At the strategic level, senior leader communication with external audiences is arguably a more important competency than internal communication. In most instances, communicating a theme or message to an internal audience is not enough.<sup>31</sup> The effective leader at the JIM (joint interagency, intergovernmental and multinational) environment writes and speaks well. He or she will be bilingual, able to function in military as well as civilian language. Bureaucratic jargon is the enemy on JIM communication.<sup>32</sup>

In conclusion, being a leader is much harder than studying leadership. Personal and career experiences play a formative role in igniting any or all of leadership attributes and competencies. Experience allows leaders to deepen and broaden skills, create “frames of reference”<sup>33</sup> as well as apply and transmit the skills.<sup>34</sup>

Whereas at the tactical level for a leader things are simpler and more direct in nature at the strategic level where complexity is the norm a leader must know which factors really matter in the big picture.<sup>35</sup> Decisions at this level need to be made by leaders who have a clear vision and understand the key drivers of success in the enterprise and then apply the knowledge acquired through experience to a given situation with practical wisdom, skill, and a sense of relevancy to the current environment.<sup>36</sup>

It takes leadership other than managerial skills to lead change in an organization. Only the leader can impose on the organization what Schein calls, *embedding* and *reinforcing* mechanisms<sup>37</sup> for change is very difficult especially in conservative and large organization such as military. By virtue of position and actions a leader can persuade and convince people in the organization that change is and can be useful to the organization and people themselves.

### **The uniformed intellectual in Albania**

Unlike western armies where the phenomenon of anti-intellectualism and literature documenting it among uniformed services is embarrassingly rich, copious and conclusive<sup>38</sup> the Albanian Army does not experience it, at least in writing. However, the lack of written materials on the issue does not automatically translate into the absence of the above mentioned phenomenon. There are several factors contributing to it, most of all from history, organizational culture, education system and personnel management.

In his revered article *‘The Uniformed Intellectual And His Place In American Arms’* on

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<sup>30</sup> Gerras, J. Stephen., Communication with External Audiences – A Stakeholder Management Approach, (p. 94), In DCLM, Selected Readings in Strategic Leadership, Carlisle Barracks, PA: U.S. Army War College

<sup>31</sup> Ibid, 9.

<sup>32</sup> Marcella, Gabriel, (2012), Affairs of State: The Interagency and National Security (p.247 In DCLM, Selected Readings in Strategic Leadership, Carlisle Barracks, PA: U.S. Army War College.

<sup>33</sup> Allen and Hill, p.25.

<sup>34</sup> Johansen, p.21.

<sup>35</sup> Wong and Snider, p.613.

<sup>36</sup> Gerstner, p.200.

<sup>37</sup> Gerras, J. Stephen., Wong, Leonard, and Allen, D. Charles., (2012), Organizational Culture: Applying A Hybrid Model to the U.S. Army (p.217), In DCLM, Selected Readings in Strategic Leadership, Carlisle Barracks, PA: U.S. Army War College.

<sup>38</sup> Lloyd J. Mathews., (2002), The uniformed intellectual and his place in American arms: Part I & II, (p.52), Army, 7

the Army magazine, Colonel Mathews regretfully accepts that even in today's US as well as western militaries there are signs of anti-intellectualism. He gets examples from the past and nowadays which tend to explain those biases that exist against thoughtful intellectual activity. Whereas this phenomenon is well documented in the US and other western countries, in Albania it lacks almost totally.

There are reasons for this absence. First of all, Albania became as an independent state in the beginning of 20<sup>th</sup> century followed by several invasions from neighboring countries as well as fascist armies. Following 2<sup>nd</sup> World War, Albania became an isolated country under the communists until the 90'. The armed forces build on those times reflected and emulated those of the countries that either invaded or cooperated with Albania. Thus, there was no need for rigorous theoretical thought of what was needed and what was good for Albania as long as '*the others*' offered recipes '*ready for use*'. Secondly, unlike Colonel's Mathews' observation that, "... professional disagreement with one's superiors is not disrespect"<sup>39</sup> in today's and past Albanian Army organizational culture means literally that. Disagreeing with one's superior is a sign of disrespect. Officers are systematically discouraged starting from the school to give openly their opinion and above all never ever give second thoughts about superior's say and action. In the Albanian case General Kisley's expression is well suited in that the "acceptance of criticism is often the first step to learning; a characteristic of a learning organization is its ability to accommodate criticism, both internal and external. Many militaries face a difficulty here; not only are armed forces rigid hierarchies – hierarchies being notoriously susceptible to feeling threatened by internal criticism...<sup>40</sup> History in Albania has shown that mavericks that dared to express openly their thoughts harvested the wrath of their superiors' civilians and military alike.<sup>41</sup>

In his Strategic Research Project at the US Army War College, LTC Bazo on the new profile of the Albanian officer stresses the need for reform in the military education system in order to create a particular product, that of the new senior military leader with specific attributes, skills, and competencies that ensures achievement of the nation's security objectives.<sup>42</sup> Leaving behind its legacy, Albania since early 90s has undergone major reforms in military and especially in the education system to make it comparable, suitable for the army it possessed, with NATO countries. Despite some success, however, military education system still lacks that component which will make the future military leaders 'thinkers' with an apt vision of the role of military in a democratic society.

Officers still think that entering into 'intellectualism domain' is a career killer and thus the majority of good officers opt for command positions. Thus, the education of future leaders more often than not falls on the hands of the "*military intellectual*," that Morris Janowitz describes as the sniffy, pedantic, professorial officer who can't lead, can't manage, can't make decisions, and relates poorly to people.<sup>43</sup> From this

<sup>39</sup> Ibid, 40

<sup>40</sup> Kiszely, John, (2008) Learning about Counter-Insurgency, (p.18), RUSI Journal [online]: available <https://www.tandfonline.com/doi/abs/10.1080/03071840608522852> (11 Jun 2008)

<sup>41</sup> Gazeta Shqip, "Teoria e rrëshqitjes" ( the theory of sliding), [online]: available <http://www.gazeta-shqip.com/ndryshe/0a4f5968d9327210dc9631b63072f750.html>, (March 17, 2007)

<sup>42</sup> Bazo, Jeronim, (2006), Shaping the future – a new profile of the Albanian military officer, Strategy Research Paper, (p.7), Carlisle Barracks, PA: U.S. Army War College

<sup>43</sup> Janowitz, Morris, (1964). The Professional Soldier: A Social and Political Portrait, quoted in Mathews, J.Lloyd, The uniformed intellectual and his place in American arms: Part II: The effect of

type of officer comes that aberration amongst most of the Albanian officers for the self-proclaimed intellectuals who except collecting degrees can be described, despite their impressive scholarly credentials, at best administrators and paper-shufflers.

This state of affairs in the education system comes with a tremendous cost for the military. We simply lack the 'thinkers' at the top level who can protect and advance military interest in front of better educated civilians who run the armed forces. Thus far major decisions, resulting in major shortening of numbers of personnel and capabilities, are made thoroughly by civilians who lack formal military education and at best interest. No open voice from the ranks has been heard. In addition, in contrast to the US where military affairs are widely debated from the retired high ranking officers, professional journalist, academics as well think tank organizations, in Albania is almost inexistence. Still the Army suffers from the communist legacy and its affairs are considered often as alien to the public.

Similar to the US the personnel management system, thanks to the advice of the US 'contractors' embedded<sup>44</sup> for years at the Albanian Ministry of Defense, the Albanian system for promotion has a tendency to boost those officers who have in their records command positions. In the regulation for the promotion there is a specified column which gives extra points to those officers who have held command positions at battalion level and above. However, this process has not prevented the 'intellectual' type to advance. Not long ago, two top generals have been working for years in the education institutions and served at least a tour as defense attaches in Western Europe respectively. At least in the appearance Albania lacks formally that tendency against the intellectual officer but amongst officers this is hotly debated. There is clearly a tendency to support and admire those officers who come from the 'boots'. In conclusion, the Albanian case has contrasts and similarities on the 'anti-intellectualism' among its ranks with that of the US and other western countries. Many factors related to the history, organizational culture, education system and personnel management contribute in stressing that. Formally speaking there is not, at least openly, any sign that the officers with an intellectual background will not advance in career.

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Anti-intellectualism in the Army profession Today', (p.20) Army, 52, 8,

<sup>44</sup> For background on the Albanian defense reform by the U.S. defense contracting companies see <http://www.saic.com>, and <http://www.cubic.com/>.

# The definition and content of Stalinist ideology (1928-1953)

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## Abstract

In this paper entitled "The definition and content of the Stalinist Ideology (1928-1953)", I will include reflections on Stalin's strategy to implement his ideology. It is argued in the paper that the membership in the Politburo during the time Lenin was in power has helped Stalin greatly to benefit and gain experience in order to impose his theory later. On the other hand, the post of Secretary General in the Soviet Communist Party would be one of the most important elements that enabled Stalin to place his trusted people in the key positions of state and party bodies. Also this work is conceived in such a way as to address the constituent elements of this ideology.

**Keywords:** the Stalinist ideology, Soviet Communist Party, the administrative-command economy, the great purge, the individual cult.

## Introduction

The Stalinist ideology concept is naturally associated with the name of the Soviet Union communist leader: Stalin (Josif Visarionovic Xhugashvili 1879-1953). Stalinism can be defined as a set of tenets, policies, and practices instituted by the Soviet government during the years in which Stalin was in power, 1928–53<sup>1</sup>. The policy pursued by Stalin during 1928-1953 was accompanied by extreme constraints in function to the economic and social transformation of the country, including the centralization of the economy, division of classes, and establishment of the individual's cult. Ronald Grigor Suny, in his research paper "Stalin and his Stalinism: Power and Authority in the Soviet Union, 1930–1953" argues that *Stalin's power was maintained through the exercise of terror and monopolistic control of the means of communication throughout society*<sup>2</sup>. On the other hand, Stalin made it possible to transform the philosophy of the Soviet Communist Party (SCP), which up to those times had been dominated by the old Bolshevik elements, in an organization that would best serve him to implement his Stalinism.

In fact, the Soviet Communist Party did not contain in its organizational chart the position of the leader after proclaiming that all were equal and all positions had their significance. It had only a Central Committee (CM), elected by its periodic national congresses of delegates from local party organizations, and three standing bureaus of the Central Committee elected in the same way: the Politburo, a group of seven to twelve members in charge of political and policy matters, and the Orgburo and Secretariat, both of which dealt with organizational and personnel questions<sup>3</sup>. But Stalin would undoubtedly be over all and over anyone despite the fact that he

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David L. Hoffmann (Edited), *Stalinism, The Essential Reading*, USA, Blackwell Publishing, 2003, Pg. 2.

<sup>2</sup> Ronald Grigor Suny, *Stalin and his Stalinism: Power and Authority in the Soviet Union, 1930–1953*, at David L. Hoffmann (Edited), *Stalinism, The Essential Reading*, USA, Blackwell Publishing, 2003, Pg. 16.

<sup>3</sup> Sheila Fitzpatrick, *Everyday Stalinism: Ordinary Life in Extraordinary Times: Soviet Russia in the 1930s*, New York, Oxford University Press Paperback, 2000, Pg. 24.

held the post of Secretary General of the Soviet Communist Party. As evidenced by Soviet documents and by various scholars, it would be precisely this position that would enable the supply of all state and party bodies with people obedient to its directives.

Membership in the Politburo from Lenin's time would create Stalin the comfort to participate in building the political order, to gain the necessary experience to govern, cope with the difficulties that arose during the time of Civil War as well as to gain the proper political prudence on how to cope with the crises and challenges that would threaten his political power. Therefore, in other words, this experience built in those years would help Stalin to create his own leadership strategy. Initially, the post of Secretary General of the CC where he was elected during the April 1922 plenum, would serve Stalin to establish the bases of his power. Stalin's appointment as party General Secretary in 1922 was crucial to his success in the succession struggle after Lenin's death; he controlled the central party institutions, the Orgburo and Secretariat, as well as the Department for Assignment (Orgraspred), which exercised great control over party appointments<sup>4</sup>. The Politburo served to provide with staff the entire party structure and would ease Stalin's work to incorporate in his power obedient people.

The main decision-making body in the Soviet system would undoubtedly be the Politburo. This instance functioned based on strong hierarchical and disciplinary grounds, and enabled the supply of all structures with people having a correct attitude towards the current ideology. He organized all governing bodies with selected leaders who were doing nothing but strictly and fanatically applying the ideologically-conceived party concepts. Referring to article "Stalin as leader 1924-1937: From Oligarch to Dictator" Professor Rees is of the opinion that Stalin's supporters were able to exercise control over very powerful organs.

According to him, *"In the management of the economy they controlled Gosplan (headed by Kuibyshev), tied closely to Sovnarkom— STO, the major economic commissariat – Vesenkha (headed by Ordzhonikidze) and the lesser economic commissariats – of transport NKPS (headed by A. A. Andreev), and of agriculture – NKZem (headed by Ya. A. Yakovlev). Control over these commissariats was exercised by various agencies, the most important being that of party–state control TsKK-NKRKI. The specialist non-economic commissariats – internal security (G. G. Yagoda), defence (K. E. Voroshilov) and foreign affairs (M. M. Litvinov) were connected directly to the Politburo. Below these central structures of power, the ruling group dominated the leading regional and republican authorities in the country – Moscow (Kaganovich), Leningrad (S. M. Kirov) and Ukraine (S. V. Kosior)."*<sup>5</sup>.

These individuals placed in the most important political, judicial, economic, social and cultural spheres of the country were worthy followers of party directives, neglecting any kind of law enforcement. Meanwhile the state acted on the premise that it had the political right and ideological duty to command, indoctrinate and mobilise society for the ends prescribed by the ascendant Party leadership<sup>6</sup>. On the other hand, *Stalin's political victories were the result of better preparation and harder work, the willingness to employ extreme and brutal methods, and a ward boss's*

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<sup>4</sup> E. A. , Rees (Edited), *The nature of Stalin's Dictatorship, The Politburo 1924-1953*, New York, PALGRAVE MACMILLAN, 2004, Pg. 21.

<sup>5</sup> E. A. , Rees (Edited), *The nature of Stalin's Dictatorship, The Politburo 1924-1953*, New York, PALGRAVE MACMILLAN, 2004, pg. 22.

<sup>6</sup> Harold Shukman (Edited), *Redefining Stalinism*, London, FRANK CASS PUBLISHERS, 2003, pg. 8.

knowledge of the people with whom he was dealing<sup>7</sup>.

After 1929, Stalin transformed the party's high forums (Secretariat and Politburo) into rigid and obedient tools, thus ruling through them over the entire party and state<sup>8</sup>. Referring to internal sources, the Politburo itself was transformed into an organ that functioned informally, as the importance of the meetings of this body was replaced with meetings taking place outside in Stalin's private premises and the discussions and decisions on most delicate and important issues were carried out there. Serious business was handled by a smaller group selected by Stalin who met privately in an apartment or in Stalin's Office in the Kremlin and at any given moment, the grup might include individuals who were not formally Politburo members<sup>9</sup>. This way of handling served Stalin to realize and undertake totally subjective and one-sided initiatives. Also, after 1928, the formal meetings of the Politburo would happen rarely, as shown in the table below.

Table 1.1 Formal sessions of the Politburo, 1928–1940<sup>10</sup>

Year	Central Committee plenums	Politburo meetings		
		Number of protocols	Number of meetings	Stalin's attendance
1928	3	53	53	51
1929	2	51	51	49
1930	1	39	40	27
1931	2	59	37	31
1932	1	46	30	24
1933	1	24	24	17
1934	2	20	18	14
1935	3	17	16	14
1936	2	9	9	7
1937	3	12	6	6
1938	1	11	4	4
1939	1	14	2	2
1940	2	14	2	2

In the 1930s, referring to economic policy, Stalin would install the state-run economy. The administrative-command economy was formed without a theoretical blueprint in the 1930s by a small coterie of revolutionaries with little or no economic

<sup>7</sup> Paul R. Gregory, *The Political Economy of Stalinism, Evidence from the Soviet Secret Archives*, New York, Cambridge University Press, 2004, pg. 15-16.

<sup>8</sup> Boris Baxhanov, *Kujtimet e ish Sekretarit të Stalinit -The Memoirs of Stalin's Former Secretary*, Tiranë, A. Z. Çajupi, 1992, pg. 14. (Available in Albanian language).

<sup>9</sup> Sheila Fitzpatrick, *Everyday Stalinism: Ordinary Life in Extraordinary Times: Soviet Russia in the 1930s*, New York, Oxford University Press Paperback, 2000, pg. 25.

<sup>10</sup> *Protocols of the Politburo RGASPI*, which lists the sessions of the Politburo from 1930 to 1940, at E. A. Rees (Edited), *The nature of Stalin's Dictatorship, The Politburo 1924-1953*, New York, PALGRAVE MACMILLAN, 2004, pg. 25.



or administrative experience<sup>11</sup>. This "Team Stalin" had fashioned, by the mid-1930s, an economy of full state ownership run by administrative resource allocation<sup>12</sup>. Through this practice, Stalin would eliminate any opportunity for industrialists to possess properties. On the other hand, he proclaimed that through the nationalized economy more benefits would be created for the workers' class. Also, *for Stalin, the centralization of credit under the control of the state would lead 'to the establishment of good order in the whole credit system and to the strengthening of our rouble'*<sup>13</sup>. Referring to British academic David Priestland, the policy that Stalin sought to implement was far more controlling and centralized than the previous one. According to him, *"For Stalin, therefore, the state was not merely to co-ordinate the economy, calculating available resources and allocating them according to some rational scientific process. It had to take a more activist role, extracting 'hidden resources' from the economy and making sure that central orders were fulfilled"*<sup>14</sup>.

Stalin articulated that the country would need to advance towards industrialization. He saw the improvement of the economy through heavy industry as the only opportunity that the Soviet Union had in order to match with the economies of other developed countries. Under this philosophy, *"the country was set on a war footing to undertake a forced march towards industrialization. Socialist industrialization was the key to building socialism in the Soviet Union. Everything depended on its success. Industrialization was to lay the material basis for socialism. It would allow the radical transformation of agriculture, using machinery and modern techniques. It would offer material and cultural well-being to the workers. It would provide the means for a real cultural revolution. It would produce the infrastructure of a modern, efficient state. And it alone would give the working people the modern arms necessary to defend its independence against the most advanced imperialist powers"*<sup>15</sup>.

The implementation of the centralized economic policy would be accompanied by people's resentment and emigration, as it would significantly enhance the state's authority in society and would create a complete automation where the head of the pyramid would be the state-Stalin. He therefore demanded that the state increase its control over the alleged 'gulags', who were withholding their grain until prices were higher and as he explained, 'as long as there are gulags', he stated, 'there will be sabotage of the grain procurements'<sup>16</sup>. On the other hand, despite the difficulties that arose, Stalin, having all the right tools through rhetoric and propaganda, managed to cause people give in to his power, by using indoctrination campaigns but also by implementing other typical Stalinist methods in order to continue implementing this policy.

This economy would be planned by the State Planning Commission (Gosplan), while the management would be carried out by the responsible ministries that coordinated the work of state-owned enterprises and collective farms. This economic system favored Stalin to ensure full control of the economy through an extreme

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<sup>11</sup> Paul R. Gregory, *The Political Economy of Stalinism, Evidence from the Soviet Secret Archives*, New York, Cambridge University Press, 2004, pg. 1.

<sup>12</sup> Ibid, pg. 2.

<sup>13</sup> Stalin, *Sochineniia*, xii, at David Priestland, *Stalinism and the Politics of Mobilization, Ideas, Power, and Terror in Inter-war Russia*, New York, Oxford University Press Inc., 2007, pg. 197.

<sup>14</sup> David Priestland, *Stalinism and the Politics of Mobilization, Ideas, Power, and Terror in Inter-war Russia*, New York, Oxford University Press Inc., 2007, pg. 197.

<sup>15</sup> Ludo Martens, Another view of Stalin, available from: <https://stalinsocietypk.files.wordpress.com/2013/05/another-view-of-stalin1.pdf>, pg. 39.

<sup>16</sup> David Priestland, *Stalinism and the Politics of Mobilization, Ideas, Power, and Terror in Inter-war Russia*, New York, Oxford University Press Inc., 2007, pg. 197.

concentration of power that grew progressively. Since the centralized economic dictatorship required a giant administrative apparatus to plan and monitor economic policies, this system could not be complete without the involvement of hundreds of thousands of executives of these plans who were totally under Stalin's dependence. "Stalin's supporters in the governmental apparatus included – the radical economic planners in the State Planning Commission – Gosplan (G. M. Krzhizhanovsky), the advocates of rapid industrialisation in the Supreme Council of the National Economy – Vesenkha (V. V. Kuibyshev), and agencies that might support him, such as the rail commissariat, but also key figures in the military establishment such as M. N. Tukhachevsky, who urged industrialisation as a defence priority" <sup>17</sup>.

These people accepted Stalin as their leader and on the other side, *Stalin, despite his growing absolute power, continued to involve his immediate associates in decision making, was influenced by their arguments, and insisted on the appearance of collective decision making, even when this became a formality.*<sup>18</sup> This finding is also noted by the American academic of Political Sciences, Merle Fainsod, who states that *"The formula of totalitarian rule as it took shape under Stalin's ministrations was a complex one. It represented, in one aspect, a drive to safeguard his own security by obliterating all actual or competing centers of power... In this system of institutionalized mutual suspicion, the competing hierarchies of Party, police, army, and administration were kept in purposeful conflict and provided with no point of final resolution short of Stalin and his trusted henchmen in the Politburo. The concentration of power in Stalin's hands rested on the dispersal of power among his subordinates"*<sup>19</sup>.

Also, this formula of the planned economy would be accompanied by other violent events. One of the most serious testimonies would be extinction in very suspicious circumstances and internment in labor camps for the so-called gulags. This campaign of agricultural collectivization, which started with great burst and was announced as the best opportunity for the Soviets, had its own consequences and adversely affected the famine crisis happening in 1932-1933, the so-called the "Golodomor" catastrophe in Ukraine.

Referring to the period in which he remained in power, Stalin implemented a kind of system totally focused on his hands. Political life during those years was characterized by a total lack of participation of individuals in state affairs, although during his speeches, the focus would be the active individual. Thus, during this time in order to strengthen the power, he made possible the elimination of any opposition as well as the physical elimination of anyone who expressed different opinions. Under Stalin it was normal procedure to arrest, torture and kill millions of persons who had not broken the law or spoken against the state order<sup>20</sup>. Referring to these testimonies, Stalin surrounded by the fear of losing power, did not spare the disappearance of people who were obedient to the system. Among others, *negative aspects of the Stalin era which have been highlighted include: forced collectivization; repression of free expression and democracy in the party and in the society; ultracentralization of decision-making in the party,*

<sup>17</sup> E. A., Rees (Edited), *The nature of Stalin's Dictatorship, The Politburo 1924-1953*, New York, PALGRAVE MACMILLAN, 2004, pg. 20.

<sup>18</sup> Paul R. Gregory, *The Political Economy of Stalinism, Evidence from the Soviet Secret Archives*, New York, Cambridge University Press, 2004, pg. 15.

<sup>19</sup> M. Fainsod, *How RUSSIA is Ruled*, in/at Jonathan HASLAM, *Chapters 9, The Making of Foreign Policy under Stalin*, available from: <http://src-h.slav.hokudai.ac.jp/sympo/94summer/chapter9.pdf>, pg. 171

<sup>20</sup> Robert Service, *Stalinism and the Soviet State Order* at Harold Shukman (Edited), *Redefining Stalinism*, London, FRANK CASS PUBLISHERS, 2003, pg. 6.

*the Soviet state and the international Communist movement.*<sup>21</sup>

Another extreme action undertaken by Stalin was the Great Purge campaign in the years 1934-1939. The purge began with party members and under this campaign took place Kirov's killing, replacing Ezhov with Beria as head of the secret police at the end of 1938, and so on. Also this extreme action was followed by an even more tragic balance that resulted in many missing people being imprisoned through the use of the most inhuman methods, whose numbers are yet not officially known. This great purge that took place in the ranks of the Party, Red Army Commanders, members of the government, the armed forces or intelligence services and was justified by the leadership as the cleansing of "working class enemies", while it was carried through fabricated and suspicious trials.

Stalin himself had also managed to submerge and enter so deeply into the subconscious that despite the torture that occurred and was heard every day, these individuals of the society of those years had a great faith in him and were educated in such a way as to be unable to even think different since it gave the impression to commit a serious breach.

One of the most typical evidence comes from a Moscow administration employee, who kept notes in his personal diary about people who held various social positions during those years. In the notes there were *"reported the doubts of an old Party comrade that after twenty years the party had so many active enemies. In addition, he reported, Nadezhda Krupskaya (Lenin's widow) complained in his presence of "the abnormal atmosphere, poisoning everything" and another prominent Old Bolshevik expressed the opinion that Ezhov had been misled by irresponsible denunciations and disinformation from foreign counterintelligence, and was misleading the party leaders in his turn. But the diarist himself could not make up his mind to doubt, or at least to admit to doubting in his diary"*<sup>22</sup>. He wrote: *"How can I judge, a rank-and-file partyman? Of course, sometimes doubts sneak in. But I cannot fail to believe the party leadership, the Central Committee, Stalin. Not to believe the party would be blasphemy"*<sup>23</sup>. This testimony confirms once again how people during that period were so much indoctrinated and scared that they saw Stalin as a person who was far more than simply the highest state leader but referred to as a sacred person who could not be mistaken, but only be trusted and honored.

The practice of great purge where millions of lives were lost would undoubtedly be one of the most unfortunate eradication ever to be compared with the lost lives during the Civil War or even with Nazi Holocaust policy, moreover that this purge campaign took place in a society, not in time of war or aggression. It is not merely the size of the Great Purge that makes it such a historical puzzle; however; but the fact that it took place in peacetime; in a society publicly and officially committed to rational values and the humanistic ideals of Marxism and the Russian revolutionary tradition<sup>24</sup>.

For many scholars this great purge campaign is very unexplainable. Some associate it with his personality and the ongoing paranoia during the period in which he

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<sup>21</sup> The journal Democratic Palestine, at Ludo Martens, Another view of Stalin, available from: <https://stalinsocietypk.files.wordpress.com/2013/05/another-view-of-stalin1.pdf> , pg. 10.

<sup>22</sup> Sheila Fitzpatrick, *Everyday Stalinism: Ordinary Life in Extraordinary Times: Soviet Russia in the 1930s*, New York, Oxford University Press Paperback, 2000, pg. 214-215.

<sup>23</sup> Neizvestnaia Rossiia IV, For his conversations with Krupskaya and Krylenko, at Sheila Fitzpatrick, *Everyday Stalinism: Ordinary Life in Extraordinary Times: Soviet Russia in the 1930s*, New York, Oxford University Press Paperback 2000, pg. 215.

<sup>24</sup> Marshall Shatz, *The Great Purge, and Russian History: A New Look At "The New Class"*, available from: <https://carlbeckpapers.pitt.edu/ojs/index.php/cbp/article/view/11/10> , pg. 1.

remained in power. Other analysts have also tried to find concrete information about his childhood. However, the most widespread approach is that of Western researchers who inevitably associate the application of this method with the very philosophy in which every totalitarian system is built upon, focusing its power base on the control system, manipulation or terror. According to this theory, the salient features of Stalinism include the element of terror; while significantly being affected by the particular personality traits of the dictator, as integral elements of the political system he headed<sup>25</sup>.

Moreover, the communist system created such a climate in which the perpetrators perceived their entire activity as a constant struggle with fictional opponents, with classes and hostile groups, counterrevolutionaries, saboteurs, blaming their consecutive failures to imaginary enemies, therefore repeatedly calling for repression, murder, and oppression of all human rights and feelings<sup>26</sup>.

With regard to the high number of deaths in this period of time, Khrushchev years later in the published summary of his memoirs says: *"I can't give an exact figure because no one was keeping count. All we knew was that people were dying in enormous numbers"*<sup>27</sup>. British-American historian Robert Conquest, who has published a large number of books on events and phenomena in the Soviet Union, says *"In a much published speech a couple of years later Stalin was to say that more care should be taken of people, but it was he and his followers for whom human life was lowest on the scale of values"*<sup>28</sup>. The table below shows approximately the number of deaths occurring in the years 1930-1937, but it should be noted that there are no official statistics of the exact number of deaths caused during this time.

Table 1.2 Approximate number of deaths <sup>29</sup>:

Peasant dead: 1930-37		11 million
Arrested in this period dying in camps later		3.5 million
TOTAL		14.5 million
Of these:		
Dead as a result of degulagization		6.5 million
Dead in the Kazakh catastrophe		1 million
Dead in the 1932-3 famine:		
in the Ukraine	5 million	7 million
in the N. Caucasus	1 million	
elsewhere	1 million	

Undoubtedly, this system would not be complete without the ideological factor.

<sup>25</sup> Ibid, pg. 5.

<sup>26</sup> Boris Baxhanov, Kujtimet e ish Sekretarit të Stalinit - The Memoirs of Stalin's Former Secretary, Tiranë, A. Z. Çajupi, 1992, pg. 71. (available in Albanian language).

<sup>27</sup> Khrushchev Remembers: The Last Testament, at Robert Conquest, The Harvest of Sorrow: Soviet Collectivization and the Terror-Famine, available from: <http://www.ditext.com/conquest/16.html>

<sup>28</sup> Robert Conquest, The Harvest of Sorrow: Soviet Collectivization and the Terror-Famine, available from: <http://www.ditext.com/conquest/16.html>

<sup>29</sup> Ibid

Ideology was present in any kind of communication. Naturally, the leader himself took care that this ideology was used to factorize his personal cult. In the case of Stalin the cult projected various images: (a) the apprentice revolutionary and Lenin's pupil and heir; (b) the defender of the state; (c) the prophet, apostle and teacher; (d) the builder of the new world; (e) the inspirer of his people, whose bounteous good fortune was to live under his rule<sup>30</sup>. From this analysis, it was clear that at first Stalin was introduced as the successor to Lenin but then he raised his personal cult and imposed on the people as the builder of the new world.

Other testimonies come to our aid and feed the thesis that Stalin not only idealized at top levels his greatness, but Stalinism reached to levels comparable to Louis XIV. "Stalin and his subordinates assiduously cultivated the Stalin myth in a manner reminiscent of Louis XIV and his court. Stalin was thanked, praised for each and every event; all achievements were attributed to him. If one reads the hymns to Stalin, the references to his greatness and goodness by any public speaker or writer, one is forcefully reminded of the eulogies made, at all levels, to the Sun King. This phenomenon, that of sincere adulation by large sections of society, is something that is hard to comprehend; something that seems to fit, in some sense, into a period when people still believed in the Divine Right of Kings, but is out of place in twentieth-century Europe. Yet it happened, and added another dimension to the strange combination of old and new ideas that made up the theory of time"<sup>31</sup>.

Based on the foregoing, referring to the Stalinist cult, Roy Medvedev gives us an even deeper testimony of Stalin's myth. According to him, everything important relates to the glorification of the figure of Stalin as a leader. He deepens his analysis and adds that: *"The deification of Stalin justified in advance everything he did, everything connected with his name, including new crimes and abuses of power. All the achievements and virtues of socialism were embodied in him. The activism of other leaders was paralyzed. Not conscious discipline but blind faith in Stalin was required. Like every cult, this one tended to transform the Communist Party into an ecclesiastical organization, with a sharp distinction between ordinary people and leader-priests headed by their infallible pope. The gulf between the people and Stalin was not only deepened but idealized. The business of state in the Kremlin became as remote and incomprehensible for the unconsecrated as the affairs of the gods on Olympus"*<sup>32</sup>.

As can be seen from the analysis made, we can conclude that the entire operation of the Soviet system was undoubtedly been based on the ideological factor. This ideology was articulated in defense of important principles and goals for building socialism and the final phase, the communism. The ideological factor naturally appeared not only in the programming and implementation of the constituent elements of internal politics but also was very present in the implementation of foreign policy. Under this philosophy, Stalin would be motivated to reconsider the entire international order and not just channel it into the European one. At first he moved with hidden cards not to clearly state his intentions, but then every well-behaved and calculated movement became so open.

Within the drafting and implementation of foreign policy by various scholars, it was found that Stalin had its own rules and tried to act by referring to its concepts and ideology. "Stalin of 1929 to 1939 was exactly the same man as the supremely

<sup>30</sup> E. A. Rees, *Leader Cults: Varieties, Preconditions and Functions* at Balázs, Apor, Jan C., Behrends et al (Edited), *The Leader Cult in Communist Dictatorships, Stalin and the Eastern Bloc*, New York, Palgrave Macmillan, 2004, pg. 15.

<sup>31</sup> M., McAuley, *Politics and the Soviet Union*, at FELIX PATRIKEEFF, *Stalinism, Totalitarian Society and the politics of 'Perfect Control'* at Harold Shukman (Edited), *Redefining Stalinism*, London, FRANK CASS PUBLISHERS, 2003, pg. 23.

<sup>32</sup> Roy, Medvedev, *Let History Judge*, London, Macmillan, 1972, pg. 362.

self-confident and apparently very well informed "generalissimo" who sat with Churchill and Roosevelt to carve up the world; that Stalin was always interested in international relations; that from the outset he always had his own ideas about the conduct of foreign policy; that he would not allow others to influence the course of events"<sup>33</sup>.

Referring to the analysis made by Robert C. Tucker, who served as an Attaché at the American Embassy in Moscow in 1944-1953, he is of the opinion that Stalin did not share his power with any. Furthermore he adds that: *"All directives for trials and purges were funneled through it. All information was channelled into it. It had a foreign section through which Stalin conducted foreign policy, and so on... It was, as it were, a little gear box through which the massive machinery of Soviet rule of over nearly 900 million human beings on about one-third of the earth's surface was operated. By manipulating the levers in the control panel, Stalin could cause all kinds of things to happen. He could play politics as though playing a piano, touching a key here and striking a chord there, with results as diverse as a blast in Pravda against Churchill, a purge in the Ukraine, a plan for a new power station on the Volga, a propaganda campaign about germ warfare, a re-evaluation of Einstein, or a government change in Bulgaria"*<sup>34</sup>.

British academic and historian Geoffrey Roberts, specializing in historic and military issues of the Soviet Union during World War II, makes a deep and interesting analysis of the foreign policy pursued by Stalin. According to him: *"In the first phase (1939–40) the policy was one of a limited spheres of influence agreement with Nazi Germany designed to meet immediate and urgent security needs (mainly, staying out of the war and limiting German eastern expansion). In the second phase (1940–41) there was a Soviet striving for the negotiation and construction of a security bloc in the Balkans as a counter to German hegemony in Europe following the fall of France in June 1940. In the third phase (1941–42) the emphasis was on reaffirming the right to territory gained as a result of the Nazi-Soviet pact as well as arriving at postwar security arrangements with Britain (and the United States). In the fourth phase (1943–44)—what might be called the Grand Alliance phase—the construction of a sphere of influence across Eastern Europe became bound up with, and in some respects subordinated to, a much larger project of Soviet-British-American global trilateralism. The fifth and final phase, at the war's end, was characterised by the unilateral imposition of a Soviet sphere of influence in Eastern Europe"*<sup>35</sup>. The establishment of Soviet influence in Eastern European countries came as a result of several factors related to the Soviet overlapping and imposing strategy. In other words, *"this goal was achieved not through diplomacy, but by a combination of force of arms and local communist political mobilisation and manipulation"*<sup>36</sup>.

In the context of defining the elements of Stalinist ideology, it is important to make an analysis of the adoption of the new Soviet Constitution of December 5, 1936, also known as the Stalin Constitution. This constitution would be nothing but a sophisticated Stalinist method to further strengthen his power. However, among other things in this constitution would theoretically be described the rights of citizens. The constitution came in fact as a necessity to regulate in a single document not only the legitimacy of Stalin's power, but also to establish the basis of relations

<sup>33</sup> Jonathan HASLAM, Chapters 9, The Making of Foreign Policy under Stalin, available from: <http://src-h.slav.hokudai.ac.jp/sympo/94summer/chapter9.pdf>, pg. 167

<sup>34</sup> R. C. Tucker, The Soviet Political Mind: Stalinism and Post-Stalin Change, at Jonathan HASLAM, Chapters 9, The Making of Foreign Policy under Stalin, available from: <http://src-h.slav.hokudai.ac.jp/sympo/94summer/chapter9.pdf>, pg. 170.

<sup>35</sup> Geoffrey Roberts, Ideology, calculation, and improvisation: spheres of influence and Soviet foreign policy 1939–1945, available from: <https://www.tau.ac.il/~russia/cvs/Faculty/rfp/Roberts1.pdf>, pg. 656.

<sup>36</sup> Ibid, pg. 655.

with other republics, to sanction the rights and obligations of citizens and to cast an eye on the public opinion and Western powers, as democratic concepts such as peace, tolerance, the right of women to vote or the concept of free choice by the people of their representatives were sanctioned within it.

Referring to the article "A Brief Study on the Soviet Constitution of 1936 under Joseph Stalin," the young researcher Jingyuan Qian argues that *"Stalin's proposal to publicize the Constitution in that critical time as an attempt to pacify public dissatisfaction with the Soviet authorities by making the Soviet structure seemingly more democratic and legally justified"*<sup>37</sup>. On the other hand, facing the isolation and suspicion of the rest of the world, Stalin realized that a worldwide revolution would never take place, and he tried to transform the role of Soviet Union from an iconoclastic trouble-maker to a responsible member of international community also the constitution, seen by Stalin as the symbol of order and authenticity, served as an effective tool to demonstrate the Soviet Union's peaceful will to the West and its promise to respect the existent diplomatic order<sup>38</sup>.

On the practical side, the presented evidence shows that in essence the new constitution was nothing more than strengthening in every detail the power of the leader. "Article 125 of the Constitution guaranteed that in accordance with people's needs and aiming strengthening the socialist system, the citizens of Soviet Union enjoy guaranteed rights by the law, as below: a) freedom of speech; b) freedom of press; c) freedom of gathering, including in massive organizations; (d) freedom of demonstrations in streets; These civil rights are ensured by placing at the disposal of the working people and their organizations printing presses, stocks of paper, public buildings, the streets, communications facilities and other material requisites for the exercise of these rights"<sup>39</sup>. But the new "Stalin" Constitution of the Soviet Union of 1936 promised a dazzling array of civil rights to Soviet citizens, including freedom of assembly and freedom of speech, but failed to deliver them<sup>40</sup>.

In addition to sanctioning these rights, there were also some changes in the Constitution regarding the role of the Communist Party, which defined for the first time the role of the Communist Party, *which is the vanguard of the working people in their struggle to strengthen and develop the socialist system and is the leading core of all organizations of the working people, both public and state*<sup>41</sup>. Despite the Constitution's many disadvantages, the USSR was the first successful example of the communist movement in 20th century, and the document provided a powerful model for governmental structure and civil policy in later proletarian states<sup>42</sup>. This constitution would be subject to amendments in 1944 and lasted until 1977, and was subsequently replaced by the constitution introduced by Brezhnev.

In order to have a complete picture of the contents of the Stalinist ideology, it is

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<sup>37</sup> Jingyuan, Qian, A Brief Research on 1936 Soviet Constitution under Joseph Stalin, available from: <https://digitalcommons.macalester.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1018&context=macreview> , pg. 4.

<sup>38</sup> Ibid, pg. 5.

<sup>39</sup> Constitution (Fundamental law) of the Union of Soviet Socialist Republics, with Amendments and Additions adopted by the First, Second, Third, Sixth, Seventh and Eighth Sessions of the Supreme Soviet of the U.S.S.R., Kremlin, Moscow, December 5, 1936, available from: <https://www.marxists.org/reference/archive/stalin/works/1936/12/05.htm> .

<sup>40</sup> Sheila Fitzpatrick, Everyday Stalinism: Ordinary Life in Extraordinary Times: Soviet Russia in the 1930s, New York, Oxford University Press Paperback, 2000, pg. 7.

<sup>41</sup> For further information see article 126 of Soviet Constitution on 1936, available from: <https://www.marxists.org/reference/archive/stalin/works/1936/12/05.htm>

<sup>42</sup> Jingyuan, Qian, A Brief Research on 1936 Soviet Constitution under Joseph Stalin, available in: <https://digitalcommons.macalester.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1018&context=macreview> , pg. 13.

appropriate to address his strategy regarding Semitism. Although Stalin was undoubtedly an established anti-Semite (religious and racist), before he was able to guarantee and sanction his power, he carefully played the anti-Semitic card. At first he made it possible to remove any Jewish cadres from the top leadership positions of the party, while on the other hand to avoid the public opinion, he tried not to interfere at the base level or to eliminate other co-nationals or people of other nationalities.

Table 1.3 Proportion of cadres of Jewish descent in leading Comintern positions<sup>43</sup>

Year	Percentages	in numbers
1923	34.8 per cent	24/69
1929	18.4 per cent	28/152
1935	17.0 per cent	32/188
1941	12.7 per cent	12/94

As noted in this table, which refers the analysis made by the researcher Peter Huber, there is a decrease in the number of Jewish cadres in Comintern's leadership positions. This kind of Stalin's policy would be played so carefully that even the Jews themselves would not understand Stalin's idea of marginalization and exclusion. After 1947, there were open cards developments, led by the campaign against the "Zionists", then against "cosmopolitans" and, finally, marking the Jewish nationality in the passport, which eventually marked the Jews with the label of the inner enemy<sup>44</sup>.

On the other hand, apart from all these experiments and extremities, Stalinism had some positive effects as well. Such would be the establishment of a modernization system which implies better working conditions and greater opportunities for education. Improvements during those years also occurred in the transport system. On the other hand, women were given more rights and conveniences to be educated, and as a result the opportunities to be promoted would be greater.

In conclusion we can say that if we refer to a comparative analysis between Lenin and Stalin's power made by foreign scholars, it is noted that in contrast to Leninism which despite practicing the state of terror, did not place a despotic personal power, Stalin implemented the most extreme forms of conservation and holding power. Also, Stalin using the most extreme methods made it possible to create a totally submissive society which had no one capable of articulating any thought but only obeying. The entire administration apparatus was basically bureaucratic and recruited on the basis of benevolent attitudes towards the leader. By contrast, Stalin did not spare even the closest associates if they did not obey his directives. Stalinist politics was exercised top-down and the whole philosophy of the system was centered on the approval of Stalin's cult.

During the years that remained in power, Stalin implemented a state-controlled economic policy, undertook the largest purge campaign where millions of people were lost and disappeared, which is still not documented in exact figures. Sheila Fitzpatrick has suggested that although the period is yet to be fully researched, the indications are that by the 1960s the "whole Soviet idiom and persona" had become a cliché which generated "both parody and rejection"<sup>45</sup>. For this reason, Stalinism

<sup>43</sup> Peter Huber, *The Central Bodies of the Comintern: Stalinization and Changing Social Composition* at LaPorte, Norman, Morgan, Kevin, Worley, Matthew, (Edited), *Bolshevism, Stalinism and the Comintern, Perspectives on Stalinization 1917-53*, New York, PALGRAVE MACMILLAN, 2008, pg. 76

<sup>44</sup> Boris Baxhanov, *Kujtimet e ish Sekretarit të Stalinit - The Memoirs of Stalin's Former Secretary*, Tiranë, A. Z. Çajupi, 1992, pg. 92. (available in Albanian language).

<sup>45</sup> Sheila Fitzpatrick, *Tear of the Masks!: Identity and Imposture in Twentieth-Century Russia*, at



would no longer exist after Stalin's death, as the new Communist leadership would modify some of the features and characteristics of this regime.

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# The Importance and Impact of Academic Exchanges of Kosovo Students with the European Countries

Musa Nikçi

## Abstract

The exchanges are getting very popular and enviable among the students around the world. Same is happening with the students of the Republic of Kosovo. Since the introductory of 'mobility programs' we have seen more and more students express their wills to enter them. Despite having their advantages, enrolling in these programs can sometimes be challenging and damaging for the state itself. In this paper we analyze the importance, advantages and disadvantages of these exchange study programs for the students of public universities in the Republic of Kosovo.

**Keywords:** study, exchange, mobility, programs, students, universities.

## Introduction

We live in the world of possibilities. Technology has globalized every aspect of our lives. Distances, now, do not present a limit for the students to seek their dreams and aspirations abroad their living countries. The installation of different 'mobility programs' in different countries has enabled the students to enter many prestigious universities around different countries. These 'mobility programs' of course offer many benefits for the students such as scholarships which are becoming targets for many of them who have no financial opportunities to cope with the high costs of education in many of these universities (Rasmi, 2011).

In Kosovo, the presence of many 'mobility programs' during the past few years, has enabled the students to gain valuable international experiences from many different educational institutions and systems. These experiences have helped students to prepare better for the market requirements and needs.

In Kosovo, especially in the past few years, many students are seeking for the possibilities outside borders. Many local universities offer the possibility to leave the country for one semester and then come back. After coming back, students are equipped with much more knowledge and experience regarding their related educational and work objectives. Academic exchanges of Kosovan students are getting very popular among students and very enviable also. While these exchanges have their obvious benefits they come with some disadvantages that relate to the overall development of the state. The advantages and disadvantages of exchanges are going to be discussed in the next sections.

## Literature review

Before we delve into further discussions, we first give two important definitions:

*"An exchange student is a student from one country received into an institution in another country often in exchange for one sent to an institution in the home country of the first"*<sup>1</sup>.

<sup>1</sup> <https://www.merriam-webster.com/dictionary/exchange%20student>

*“A student exchange program is a program in which students from a secondary school or university study abroad at one of their institution’s partner institutions”<sup>2</sup>*

Globalization is a process that is bringing together states and people from different places. In the beginning it was thought to be based solely or exclusively commercial and business sector as well as investment in the international arena (Roy, 2014). Later, it was expanded to a much more broader term, that now includes: economy, sharing of goods, services, and a lot more. All of these characteristics of globalization have been enabled due to the development of information technology. From this viewpoint, we can say that we live in a globalized world in which the internationalization of the education sector refers to a comprehensive institutional transformation process that aims to integrate international and intercultural dimension in the mission and the substantive functions of higher education institutions. At first the construction of the European Union and the Erasmus contributed decisively to the Europeanization of higher education that later became a broader and more inclusive globalization (Richardson, 2013).

We mentioned that the exchanges are getting popular and enviable among the students. According to the pedagogues there are two main reasons why the Kosovan students are seeking for these kinds of possibilities:

1. The educational system in the Republic of Kosovo has transformed into a system that produces quantity and not quality. Students are fed up with the inability of universities and teachers to balance the theoretical and practical part.
2. Employment opportunities, after graduation, are much greater in Europe than in Kosovo.

With the two above reasons in mind, it is obvious that the excitement of the Kosovan students to study abroad is increasing.

The greed of students to exchange experiences with European countries is not only related to education, it extends to the greed to be accommodated and staying within a sustainable employment system. From this point of view, while these exchanges may seem positive, they carry on the shoulder a general risk that threatens the state: the loss of country’s ‘brain’. While the exchange trend may continue to increase, the loss will deepen. Despite this, there are also many cases where students or professors return to their origin country to share the experiences and the knowledge gained. Researchers believe that the exchanges must be analyzed and seen from this viewpoint: the advantages that the exchange provides in terms of experiences and knowledge of those that are exchanged. This helps in the internalization of the educational system and in the union of the systems of different countries that benefit from each other.

From recent statistics, it can be seen that a large number of Kosovar visiting students enter into a continuity contract with the host European country. Furthermore, researchers believe that the exchanges must be seen as needs in this globalization era. Its advantages must be seen in a more broader sense.

### **Research methodology**

In order to understand how desirable and wanted are the exchanges among the University students, I have conducted a research that included 80 students from the University of Prishtina “Hasan Prishtina” and University “Haxhi Zeka” in Peje. The

<sup>2</sup> <https://www.collinsdictionary.com/dictionary/english/exchange-programme>

participants were the undergraduate students, aged from 17-19.

#### A. Research questions

The research questions we are setting out in the context of the paper are:

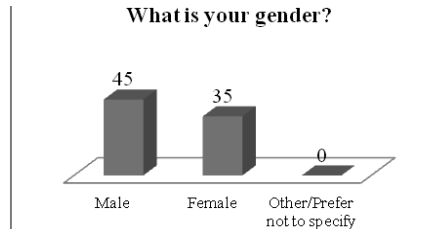
1. What is the impact of exchanges among Kosovan university students?
2. What are the benefits of exchanges?
3. How common and desirable are the exchanges among the students?

#### B. Instruments

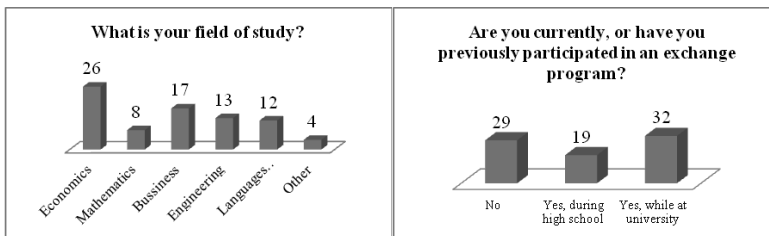
The main instrument used in this research paper was the questionnaire. It is probably one the most frequently used instruments in many different reseachers. The questionnaire was constructed and designed to help us extract the students' stances and thoughts regarding the exchanges with the european universities. Among others, from the results of these questionnaires we will be able to get students' stances regarding the research questions of this paper.

#### C. Questions

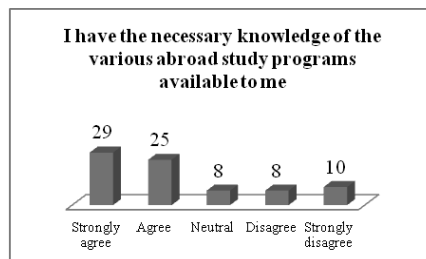
1. What is your gender?



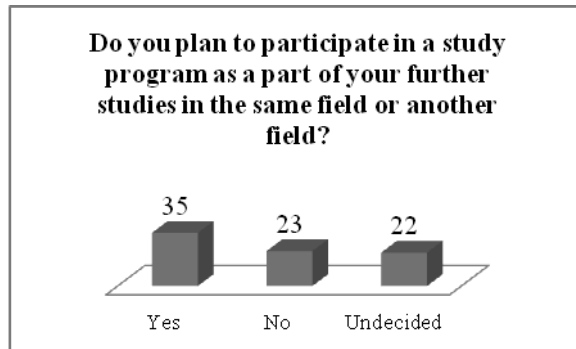
2. What is your field of study?
3. Are you currently, or have you previously participated in an exchange program?



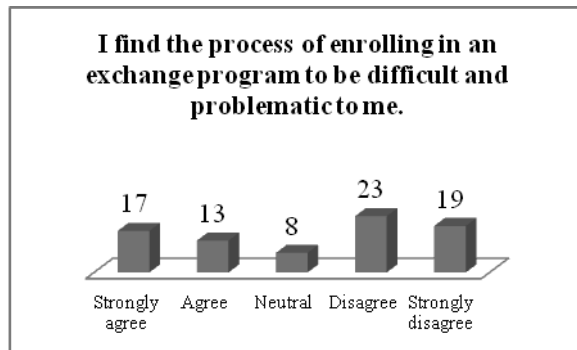
4. Do you plan to participate in a study program as a part of your further studies in the same field or another field?



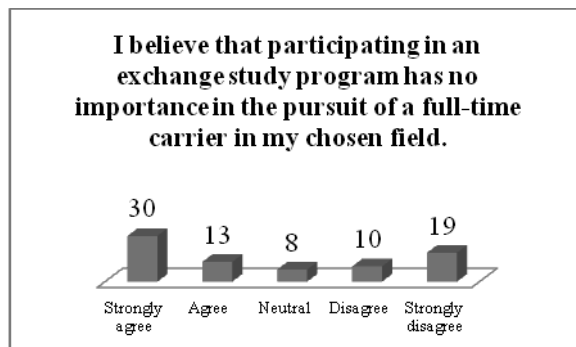
5. I have the necessary knowledge of the various abroad study programs available to me.



6. I find the process of enrolling in an exchange program to be difficult and problematic to me.



7. I believe that participating in an exchange study program has no importance in the pursuit of a full-time carrier in my chosen field.



8. Please specify to what extent the following factors played a role in your decision not to enroll in an exchange program.

Options	None	Very little	Average	Significant	Very much
<b>Financial concerns</b>	11	12	14	16	27
Concerns expressed by your parents or relatives	12	10	25	18	15
Language barriers	30	21	16	7	6
Personal safety concerns	9	16	17	18	20
Possibility of non-transferable credits	10	12	19	21	18
Obligations to an employer	33	21	9	9	8
Other					

9. Please specify which of the following you consider to be the benefits of enrolling in an exchange program?

Options	None	Very little	Average	Significant	Very much
Life experience in another country	10	13	16	15	26
Expanding the language skills	11	10	26	18	15
Educational benefits	10	21	16	7	26
Experiencing diversity	9	16	17	18	20
Learning about different educational systems	10	12	19	21	18
Getting to know the market and its needs better	13	21	9	9	28
Dealing with my problems on my own	13	21	10	8	28
Professional benefits for my future career	12	21	9	9	27
Other					

### Discussions and conclusions

From the research methodology conducted with the students of the university “Hasan Prishtina” and university “Haxhi Zeka” we have gained valuable insights regarding the desire and the ways that the exchange programs affect these students. The gender of the respondents as we see from graph 1 is 45 males and 35 females. None of the respondents did not specify its gender.

From graph 2 we see that the field of study of the majority of the students was Economics with 26 followed by Business 17, Engineering 13, Languages and Communications 12, Mathematics 8. 4 of the respondents were in neither of these

programs. They were enrolled in the Computer Science field of study.

From graph 3 we see that 32 of the students have participated in an exchange program during university studies whereas 19 of them have participated in an exchange program during high school. 29 of the students have not been enrolled in any exchange program.

From graph 4 we see that the majority of students plan to participate in an exchange program during their studies. 35 of the students plan to enroll in an exchange program, whereas 23 do not. 22 of the students were undecided.

From graph 5 we see that, the majority of the students agreed with the statement, which means they have the necessary knowledge of the various exchange programs available to them.

From graph 6 we see that in general students do not have problems in their process of enrolling in an exchange program since the majority of the students disagreed with the statement.

From graph 7 we see that the majority of the students agreed that the exchange programs help them in their future carrier in the chosen field. 29 students disagree with the statement and do not consider the exchange programs to be helpful in their future pursuits in the chosen career.

The main factors that impact the students' decision not to enroll in an exchange program according to the results presented in the seventh question include financial concerns, personal safety concerns and possibility of non-transferable credits.

The main benefits that the students think the exchange program provides to them are the educational benefits, getting to know better the market and its needs, dealing with problems in their own and professional benefits for the future career.

We have mentioned that the exchange programs are getting popular and enviable among students. However there are still barriers that are holding back the students to enter these exchange programs. One of the objectives of this thesis was to unveil these barriers.

The importance of the exchange programs for the students of a country with a poor educational and economic system is very great. The gained experiences, especially from the developed european countries such as: Germany, Norway, Austria etc., would help the kosovan students in many diverse aspects of their life, including the university life and the professional life that they choose to pursue in the continuity of their journey.

From the questionnaires conducted with the students we have drawn the necessary answers for our research questions.

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## Bektashism in the socialization plan

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### Abstract

Religion is considered to be one of the most important parts of many people's lives. Its holy mission is to serve as a source of social unity which should bring a harmonious coexistence among people. For centuries, Bektashism and the mystery that this religion carries has always been at the center of attention and my interest as a researcher.

In this article I am trying to discover objectively, the Bektashi as an important socializing role in Albanian society. In particular is treated the last decade of the 19th century in which Bektashi began to be very active in the development of cultural and national movement in South and Central Albania, which led to the extraordinary growth of their popularity in Albania and the inclusion of elements of nationalist ideology in their religious doctrine. Bektashi tekkes have functioned as centers that has offered to believers of all religions without any reward, religious services, medications according to popular traditions for certain diseases, food and accommodation for one or several nights.

From the position of an external researcher I have tried to view the social context of Albania. Bektashism was given its place in Albanian society and reminded believers of the values of love and tolerance. The role of the tekkes has been important in function of the development of our people, acting as cultural and educational centers. Bektashi love their neighbors, whether they are Muslims or Christians, or any other believe, they treat them with full respect, thus presenting themselves as equal to all people.

Bektashi and other dervishes are seen as pioneers of many changes. The role played by all members of Bektashism continues to be coveted and to be part of the study of local and foreign authors.

**Keywords:** nationalism, Bektashi, tekke sociality, healing, education, solidarity.

### Introduction

Naim Frasheri with his pantheism conveyed:

*"The Bektashis are brothers and one soul, not only between each other, but for all humanity. They love Muslims and Christians as their soul and behave gently and kindly with all humanity. But most of all they love their homeland and their compatriots, working all together for language, progress and prosperity."*

In the Bektashi Journal, Nami Frasheri shows that Bektashism is a new religion for all Albania. Since Bektashism has its roots both in the Muslim Koran and in the Christian Bible, the Bektashis encouraged the unity among their religiously divided people. With the establishment of Bektashism in Albania, he began to assume a national character by placing a baba (*father*) in charge who unites all Albanians. Naim Frasheri's golden words that "Babas should preside in holy words for the struggle for freedom", the Bektashi clerics engaged in concrete activities, convinced that belief in god and freedom of the homeland cannot co-exist without each other



(Xhelaj, S., 2015:22).

The role played by all members of Bektashism continues to be coveted and to be part of the study of local and foreign authors. In this context, many Dervishes, Bektashi babas, though without uniform and without tekke, testified that no major force, no constitutional article, could not divided and removed them from the belief in the heart. They gave hope to the dreams of thousands of Bektashi believers in those difficult years of installing the Communist dogmas (Xhelaj, S., 2015:28).

Often, the western academic world has reassessed the popularizer history of Bektashism by presenting its protagonists, perhaps for the same political or ideological reasons as their Bektashi colleagues, initially as a nation's initiator and then as a supporter of secularism or leader of democracy (Doja, A., 2008:12-13).

To establish this spiritual revival on the concrete ground, they were placed at the top of anti-ottoman movements, from the uprisings against the Tanzimat reforms until the Declaration of Independence. Tekkes became the focal point of spreading national ideas, shelters for freedom insurgents and knowledge for humanity. The doors were open to passersby and pilgrims who comes to spend the night (Sula, Z., Lila, Q., & Biçaku, A., 2005:47-48).

Bektashis have never stopped to assert that their foundations have been the center of culture and education. Thus, the Bektashis and other dervishes have been seen as behaviors of many changes. They carried out the return of the expatriate, provided social and spiritual support for them, especially for Janissaries, have kept the vagrants with eating and sleeping, proposed returning to the object of popular praise for the true saints and by the late 19th century became a source of support for young Turks and Turkish nationalism.

Bektashism in its essence, in its substance, since the beginning of the 13th century to the present day, has been born, growth and developed as a mystical Islamic order, to save human from his wickedness, to enlighten and equip him with the almighty light of God. Through this force of movement, the Bektashi believer gradually departs from all the tastes of this material world and in voluntary way, with full reason, is provided with the love of God (Sula, Z., Lila, Q., & Biçaku, A., 2005:5-6).

Researcher Albert Doja, writes that in this viewpoint the Bektashi religious experience exhibits features similar to those of a liberation theology, while the construction of their groups resembles more or less religious organizations, which in sociology are commonly referred to as charismatic groups (2008:39-40). This interpretation support and feeds the communist ideal for a state that in its essence is illegal. The revival of such an interpretation can lead not so much to the path of tolerance so far as in that of a powerful dissatisfaction toward the lack of reverence for the individual that is observed in today's society.

Indeed, if a group or organization loses the trust to the state and the reverence for divine authority, it can easily come back and put its ritual practices and convictions against power in the service of a revolutionary ideology. However, this may be another example of the functional myths that have surrounded the Bektashi, because it is very well known from other sources that most of the Bektashi branches in Albania were created at the beginning of the 20th century, when the order recognized a rebirth mainly thanks to the national movement. Starting from the last decade of the nineteenth century, Bektashis began to be very active in the development of the cultural and national movement in South and Central Albania, which should have brought tremendous growth to their popularity in Albania and the inclusion of the elements of nationalist ideology in their doctrine religious.

Throughout the XIX - XX century, tekkes and Bektashi clergy under the southern part played a special role in revitalizing the national movement, especially in the implementation of the Albanian League of Prizren for the defense of the earthly integrity and the covetousness of the Balkan states. Enough tekkes under the example of Frasheri's tekke in Permet (*Përmet town*) and Clergyman Baba Alushi, they supported the spread of the Albanian language, the patriotic groups shelter, and helped organize the anti-Turkey uprisings at the beginning of XX century (Gace, B., 2016:17).

Our people in Bektashism see a whole army of devoted followers and clerics, which know to protect with pen and rifle every inch of the Arber (*Albania during the Middle Ages was called Arber country*) land, "Without homeland is no religion", while the nation in Bektashism preserves in memory the wisdom and bravery within our National Movement, at the end of XIX century and beginning of XX century.

In the book, *The Blessed Day radiates... faith, brotherhood, wisdom, kindness...*, baba Reshat Bardhi shows that Bektashism is related to our own national history. Tekkes was the center of learning Albanian language. Dervishes and Bektashi babas (*fathers*), regardless of the provinces where they were born, and the places where they served, put their heads at risk, secretly distributing primers and other books, affecting directly the national awareness.

In the multitude of words and infinite conversations of the Bektashis, the following paragraph clearly expresses the spirit of protection and freedom of the homeland.

...It was the end of the 1910s when Baba Selim had gathered all his dervishes in the winter room and was giving us a message: "My children! You are in this order to sacrifice everything that the Great Creator has given us". But the homeland and the motherland has part in the spirit and life of all Albanians, therefore it is a necessary duty for all Christian and Muslims, especially for us that follow the mystical path of Muhammad Ali and our Pir Haxhi Bektash Veli, to spread the light of knowledge and culture in every corner of Albania, because if a people lives in darkness and unknowing, necessarily that the occupier will host him as a friend, because unknowing is that part of life that leads human to become buddy, friend and brother with the enemy. From this day it was decided to open the Albanian schools. The Albanian language is our motherland, without homeland is no religion... (Xhelaj, S., 2015:62).

The role of the tekkes has been important in function of the development of our people, for example, the tekke of Shëmbërdhenjit (*Shëmbërdhenjit near Gramsh town*) was a refuge for all the believers of many of the Tomorricas country (*ethnographic region in Central Albania*) and beyond, in the neighboring provinces, of various patriots of southern Albania who had thrown rifle in the arm for the freedom of the motherland. This tekke is a safe haven for all freedom fighters and also clerics have been tireless warriors for the national cause, for spreading progressive ideas, for the Albanian language school (Basha, P., 2009: 26-27).

According to researcher, Derek Hall, the leaders of the Bektashi Tarikat, are strong-minded nationalists who played an important role in the Albanian national movement. For this tarikat can be used the word tolerant, or liberal and independent attitude, showing that this tarikat represents the most tolerant form of Islam. So, arrive at conclude that despite the fact that there are different religions, the Albanian people are unity. Even the separation of Albanians in Gheg (*Geg*) and Tosk could not create rivalry among them in religious matters. Their difference is linguistic, since Ghegs had maintained a social structure more rigid than the Tosks and were less

developed.

A very special element that characterizes the Bektashis is that in no case cannot start an activity without starting with the Albanian national anthem. Many years have passed and this action is so significant that it continues to be maintained with fanaticism and nowadays. The continuation of this ritual clearly shows the nationalist spirit of the Bektashis, who do not stop up even today to show the love for homeland.

### 1.1 The socialization role of Bektashi.

The presence of Bektashi Tarikat was felt first of all in everyday life of small towns and villages, for which the tekke was a kind of "club", a place where people wanted to socialize, but also, they asked for advice, moral help, material and financial assistance, food, shelter, healing, etc., and this was provided for any kind of brotherhood (Clayer, N., 1990: 227).

This is a point where, almost all the tarikat are merged together. The socio-economic context of Albania was in favor of such a situation. Tekke and Bektashi maintained their economic and social function. The door of the Bektashi tekke is open to all regardless of religion, nationality, gender, language, etc.

Contemporary sociologist Zyhdi Dervishi in his book "Through the ramifications of Albanian culture" asserts that Bektashi tekkes have functioned as centers that offered to believers of all religions without any reward, religious services, medications according to popular traditions for certain diseases, food and accommodation for one or several nights (2013: 112).

Bektashism has played an important socializing role in Albanian society. There are a lot of functions of Albanian bektashi order. Healing function is more important for the community, Haxhi Bektashi possessed the greatest powers for the realization of supernatural works. According to the legends he moved from one place to another, had the ability to be at different places at the same time, made rocks move, aroused the dead, sprout up the crops, filled the empty jars with oil or tallow (Melikoff, I., 132-133). Abaz Ali tekke in Tomor (*Mount Tomorr near Berat city*) is a sacred place for all believers. The pilgrims find here hospitality, care, tranquility, and spiritual healing. Today more than ever, all Bektashi believers from all over with them the spiritual tranquility. In the book of Baba Selim Rexhep Kaliçani, "Dede Ahmeti alive among us", are described episodes that show the healing power of Dede Ahmeti. A small boy had a serious health problem, and Dede Ahmet gave to child parents a small bottle of sugar water and said: "wet the boy's lips with this water", after this the boy was headed and grew up healthy and 2 m tall (2000:115).

In another case it is described a conversation between Baba Selim Rexhep Kaliçani and Dede Ahmeti when he asks: "When man cannot find a health problem solution, how can he proceed?" Dede Ahmeti tells him: In the sacred place burn an oily lamp, wait as much as you need to smoke two cigarettes, and from this lighted candle get a small bottle of oil, and wet with it the patient from that moment up to 20 hours, and soon you will see the results. Baba Selim Rexhep Kaliçani tried this to his son when he was in serious health condition, his body couldn't accept even the serum. After the body was washed with oil according to the order of Baba Ahmet he was healed (2000:116-117). Many sick people come to Baba, asking for recovery, but in fact the Baba thinks that he performs a mediating role through prayers because everything depends on Gods will.

Bektashis have always admitted that tekkes have been and are cultural and educational centers. Thus, the Bektashi and other dervishes are seen as pioneers of

many changes. Bektashism in its essence, from the beginning of the 13th century to the present day, was born, grew and developed as a mystical Islamic order to save human from his own ills, to enlighten and equip him with God's omnipotent light. Through this moving force, the Bektashi believer gradually forgets the temptations of this material world, and willingly equips with God's love (Sula, Z; Lila, Q; Biçaku, A., 2005:5-6).

Considering wisdom, as one of the main human value pillars, the Bektashis turned many tekkes into knowledge and cultural centers. At the time of Ottoman conquest in these tekkes was taught Albanian language, read poems of our poets, sang about nature, seasons and patriotic songs, talked about the earth, stars and the universe, gain knowledge about astronomy and so on. By appreciating wisdom, the Bektashi, does not blindly trust to every man, since his faith is conscious not superficial ("Urtësia", Nr. 14, 1998:23).

The Bektashi tekkes have served not only as places for expressing the worship of God, but also as places where believers from different provinces gather under eternal equality and fraternity (Xhelaj, S., 2015:165). The welcome and solidarity are characteristic of the Bektashi. This clearly expressed in the statutes of the Albanian Bektashi Community.

Article 51 of the Statute, adopted in 1924, states that the material assets of the tekke must, among other things, provide the hospitality and solidarity of tekkes (Statute of the Albanian Bektashi Community, 1924: Chapter V). In statute elaborated in 1945, article 26 states that in every tekke there is savings cash box where are collected aids and contributions to assist orphans, invalids, and elderly people (the Albanian Bektashi Community Statute, 1945: Chapter VII). The Bektashi tekkes are always open to everyone.

Faik Konica described tekkes in the journal "Albania" published in Brussels in 1897 as: "...People in Albania can distinguish tekkes from far away. It is placed in the most beautiful place, away from the people's homes. It is surrounded by full of fruits which bend the branches. A tekke is a one-floor, irregular, simple, and solid building, painted with lime and with green windows. It has a large door, which generally does not close neither day or night. There is a big yard where dervishes war in the sun, by hearing a story told by one of them. No one comes to ask you what you are looking for. If you want you can enter the garden, gather some apricots and apples, rest in the tree shadow and leave without simplicity, and will lead you to Baba, who is the head ..." (Xhelaj, S., 2015:72).

Bektashi love their neighbors, whether they are Muslims, Christians or any other believe, they treat them with full respect, thus presenting themselves as equal to all people. This tradition continues, every day the World Bektashi Leader, Baba Edmon Brahimaj is there to welcome all those people who enter the tekke and need to discuss for various individual and family problems. Baba helps them with what he can to relieve their pain. In case of funerals, Baba has the humanity duty to provide to any member the necessary incomes for this ceremony. With regard to the social function, of the Albanian Bektashians, the tekke was thus a welcome center, a shelter and a lifestyle.

## Conclusions

In addition to providing humankind with an enlightening spiritual path Bektashism continues to play a positive role in spreading moral dynamism as well as building

bridges between people and communities. The role of bridge-builders between different religious communities, in Albania and the Balkans Bektashi have often been in the forefront of conciliation and understanding between Christians and Muslims. This position allowed for Bektashis to receive and honored position in the movement for Albanian independence and cultural expression. The spiritual counseling and guidance that Bektashi babas and dervishes provided to not only the order's members, but to people of all walks of life.

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# Eurozone Debt Crisis and its implications in Western Balkan Countries

PhD (C.) Irma Guga

## Abstract

The debt crisis that spread throughout Europe would have its impacts on the region, albeit in more moderate terms. The geo-position of the Western Balkans itself, globalization, foreign trade, privatization of services, and mainly financial ones, would make the region part of this crisis.

What is noticed by the “prolonged transition” of the Western Balkan countries is that the process of economic growth and living standards has been driven in part by volatile capital inflows over the years before the beginning of the global financial crisis. Meanwhile, by the time of the global financial crisis, growth in the Western Balkans was driven more by ample global liquidity and unsustainable capital inflows than by real progress in economic reform. Clear evidence of the weakness in the region’s economic model can be found in the extremely high unemployment rates, which remained above 20 percent in many countries even at the height of the pre-crisis boom.

The impact in the Region felt through four main channels: trade, FDI, foreign banks and remittances, with deterioration in each and every area more or less.

In these circumstances, the governments of the Western Balkan countries in close cooperation with the International Financial Institutions took a series of measures to mitigate the impact of this crisis and to stabilize the economic and financial situation.

**Keywords:** *EU debt crisis, SEE-6 countries, effects and measures.*

## Introduction

This article presents the Western Balkan Countries<sup>1</sup> during the debt crisis that spread to Europe in the late 2000s. Countries to be considered include Albania, Montenegro, Serbia, FYR of Macedonia, Bosnia and Herzegovina as well as Kosovo. Initially, will be examined the economic and financial situation of these countries during the European debt crisis and then the measures taken by governments (and suggested by the international financial institutions) to pass the crisis.

### 1. Economic and financial situation of the Regional countries during the crisis.

The debt crisis that developed through Europe would have its impacts on the region, albeit in more moderate terms. The geo-position of the Western Balkans itself, globalization, foreign trade, privatization of services, and mainly financial ones, would make the region a part of this crisis. It is worth mentioning that in all the countries of the region, one of the sectors that have been completely transformed from FDI is the banking one, enabling a more efficient allocation of capital.

The impact would be much more tangible in such issues as remittances (a significant part of the population of countries have immigrated to Europe), Foreign Direct Investments (where major investors are from EU countries), unemployment, etc., and to further achieve the impact on economic growth.

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<sup>1</sup> Croatia is not included as part of EU.

### *1.1 Pre crisis economic and financial situation of the Region*

It is worth mentioning that the rate of economic growth pre-crisis and its decline as a result of it, for most of the Western Balkan countries was lower than the new EU countries, especially the Baltic ones. Along the countries of the region, the economic boom arrived late because it started later, and moreover, from a lower start of financial development, and as a consequence the repercussion effects as a result of the crisis would be slimmer. (IMF: Western Balkans, 15 Years of Economic Transition, 2015: 41).

In emerging economies of the Western Balkan countries, as in Europe, inflation was relatively low during 2006-2008, though capital flows were associated with an increase in current account deficit and domestic credit growth. As in most other emerging European economies, the "abundant" public income, as a result of non-restrictive fiscal policy in the Region, eased much more spending.

What has been noticed in the "protracted transition" of the Western Balkans is that the process of economic growth and living standards is partly fueled by unsustainable capital inflows over the years before the beginning of the global financial crisis. Unfortunately, this increase was mostly a result of widespread global liquidity and volatile capital inflows than real progress in economic reform. Clear evidence of the weakness of the regional economic model may be the high level of unemployment, which in many countries, even at the height of the pre-crisis boom, was over 20 percent.

Altogether, the region experienced significant gains in terms of incomes and living standards, although perhaps not as much as could have been expected. With average economic growth across the region exceeding 5 percent per year over 2000–2008, income per capita increased significantly and partially closed the gap with the standards of living of Europe's richest countries. Unfortunately, income convergence of the Western Balkans cannot be seen as entirely satisfactory. In particular, the EU-10 states caught up with advanced EU economies significantly faster at similar stages of transition. Part of the explanation lies in the closer geographical distance of the New Member States to Europe's core, allowing some of them to integrate into the German supply chain. But another, more troubling, part of the explanation is that income convergence in the Western Balkans was slower because structural reforms proceeded more slowly and did not advance as far as in the New Member States, particularly in the area of reducing state ownership and improving governance.

In hindsight, abundant global liquidity channeled into the Western Balkan countries through equity investment in their domestic banking systems, facilitated some of the growth catch-up and masked the incomplete structural transformation. In the years leading up to the global financial crisis, the increase in capital flowing into the Western Balkans was as significant as that into Central and Southeastern Europe. These capital inflows were intermediated by domestic banks, and the resulting extension of credit went beyond what fundamentals would have warranted. Indeed, according to some metrics, only half of the pre-crisis increase in credit-to-GDP ratios in the Western Balkans could have been explained by economic fundamentals. This was similar to the experience in other Emerging European economies, although in the Baltics and Bulgaria credit expansions were both significantly greater than in

the Western Balkans (with the exception of Montenegro, and perhaps Kosovo), and significantly less driven by fundamentals. But the experience of the Western Balkan countries did differ from the EU-10 countries in one key respect—the inflows into the banking systems of the former were largely in the form of FDI and equity investment, rather than borrowing from parent banks and wholesale funding markets. (IMF: Western Balkans, 15 Years of Economic Transition, 2015: 12-13).

## *1.2 The effects of the crisis in the Region*

The deterioration of the external environment faced by the Western Balkan countries increased sharply by Lehman Brothers' bankruptcy in September 2008 and began to feel in the last quarter of 2008. An even worse wave of financial instability was appeared in February 2009 when Moody's agency issued a report warning that it could rank in lower positions Western European banks that were severely exposed to new European countries. (Cocozza, E., Colabella, A., Spadafora, F., 2011:3).

In general, exposure to such a deterioration of the financial situation as result of the crisis aggravated even more the domestic weaknesses as well as the external ones. Despite the positive performance during 2007-2008, the economic cycle had started to turn down in many European transition countries ahead of September 2008 (Lehman's Brother bankruptcy filing). Internal factors such as overheating, tighter lending standards and monetary policy were stronger contributors to this reversal than external factors such as credit crunch and slowing growth in advanced economies since mid-2007 (EBRD, 2009: 56).

### *1.2.1 Main indicators affected by the crisis*

The countries of SEE6 were affected by the global slowdown and a deepening euro area (EA) crisis through several channels: trade, FDI, foreign banks, and remittances. The EU countries and EZ countries in particular, are the largest trade partners of all the SEE6, which are on average rather open economies: trade with the EU is equivalent to between 30 percent and almost half of the SEE6 GDPs. Those strong trade relations are also underpinned by a network of —Stabilization and Association Agreements with the EU that significantly liberalized their trade access to the EU.

Beyond trade, the EU is also the largest aggregate FDI provider to the region, with net FDI inflows worth over 2 percent of the SEE6 GDP. Foreign-owned banks represent another significant channel of potential transmission of the euro area crisis to the SEE6: not only is the share of foreign banks in the total assets of the region's banking system very large (at around 89 percent of the total), but this foreign presence is largely an EZ one. The EU is also a significant source of remittances to the region. All these transmission channels would be affected by deeper EU/EA economic and financial tensions. (WB: 2011, SEE-Regular Economic Report; 5-6)

The depth of the recession in the SEE-6 countries seems to be broadly in line with the general pattern of European transition countries, whereby output losses during the crisis appear to be proportional to such pre-crisis vulnerabilities as the size of the credit boom and (above all) the level of external debt (EBRD, 2009: 58).

As a region, Western Balkan countries experienced a recession of 1.7% of GDP in 2009. It should be noted that not all countries experienced the same decline in economic



growth (see Table 1). Thus, while in most of countries economic growth reached negative values, only Kosovo and Albania managed to remain in positive values. Montenegro, Serbia and Bosnia and Herzegovina experienced a major decline, while FYROM declined less. (WB: 2011, SEE-Regular Economic Report; 4)

We have to mention that in two countries of the region, Serbia and Bosnia-Herzegovina an external financing gap opened up as a result of the domestic impact of deteriorating global conditions.

Given that their country's fiscal policies could not cope with mitigating the impact of the crisis, Serbia and Bosnia-Herzegovina asked for financial support from the International Monetary Fund. In these circumstances, in January 2009 and July 2009, respectively, these countries obtained financial assistance from the International Monetary Fund in order to support adjustment programs and restore macroeconomic and financial stability (WB: 2011, SEE-Regular Economic Report; ).

**Table 1: Economic growth in the Region before and at the beginning of the crisis**

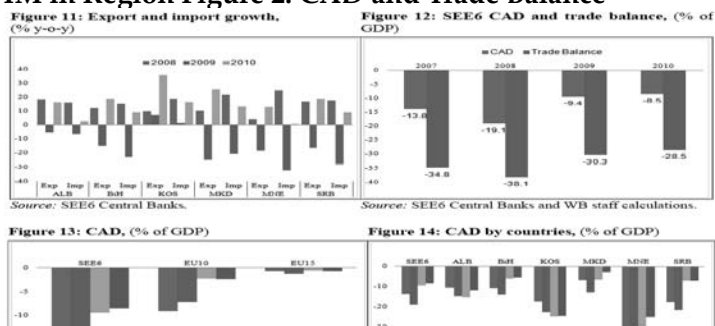
- Country/GDP	- 2007	- 2008	- 2009
- Albania	- 6	- 7.7	- 3.3
- Bosnia and Herzegovina	- 6.8	- 5.7	- -3.1
- Kosovo	- 6.3	- 6.9	- 2.9
- Macedonia, FYR	- 6.1	- 5	- -0.9
- Montenegro	- 10.7	- 6.9	- -5.7
- Serbia	- 6.8	- 3.8	- -3.5

*Source: WB, SEE-Regular Economic Report, 2011*

With the onset of the crisis in 2009, domestic demand shrank and net exports were the main source of growth. Domestic demand fell sharply due to lower investment, leading to a shrinking of imports more than exports and consequently to a positive contribution of rising net exports. After strong pre-crisis growth performance in 2007 and 2008, exports fell by 14.7 percent in 2009 as compared to 9 percent for the EU10. The recovery in exports in 2010 was robust: SEE6 exports grew by 20 percent, compared to 12.3 percent for the EU10.

The current account deficits (CAD), had reached unsustainable levels in some SEE6 economies by 2008. High pre-crisis import levels in the SEE6 region were driven by increased domestic demand from the economic expansion in 2008. This and a slowdown of exports in Bosnia and Herzegovina, Albania and Serbia and a decline of exports in Kosovo, FYR Macedonia, and Montenegro in the last quarter of 2008 led to a CAD of 19.2 percent of GDP for SEE6 in 2008. (WB: 2011, SEE-Regular Economic Report; 8)

**Figure 1: EX/IM in Region Figure 2: CAD and Trade Balance**



Source: WB, SEE-Regular Economic Report, 2011

**Remittances** have remained stable for the SEE-6 as a whole, but this does not mean that each country has been affected equally. Albania was the country affected more, because the Diaspora is concentrated in Greece and Italy where the workers were more negatively affected. Meanwhile, other countries of the Region were affected less because their diaspora works in high income EU countries as well as USA, Canada and Australia, countries which took measures to preserve employment, and remittances were relatively mildly affected.

Regarding **debt**, both gross external debt and government debt to GDP ratios increased significantly between 2008 and 2010. External debt grew by 13 percentage points of GDP (to peak 64.3 percent of GDP in 2010). About  $\frac{2}{3}$  of it is attributable to government borrowing (9 percentage points of GDP) to finance fiscal deficits used to smoothen crisis effects. From June 2009 to September 2011 four countries have issued Eurobonds (FYR Macedonia in 2009, Albania in 2010, Montenegro in 2010 and 2011 and Serbia in 2011). In addition some of the SEE6 countries used their IMF quota allocations and loan proceeds which increased debt. (WB: 2011, SEE-Regular Economic Report; 9)

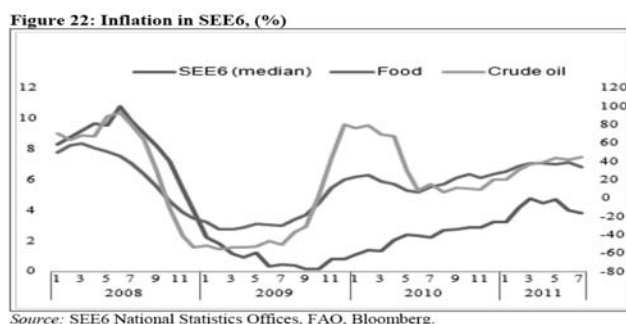
In the **financial sector**, in late 2008 and early 2009 most SEE6 countries experienced a run on deposits that was different in each country. In these circumstances, Montenegro saw the sharpest drop, with the stock of total deposits falling by about 25 percent from September 2008 to March 2009. Serbia experienced a drop of deposits (expressed in euro) of close to 20 percent, Albania a drop of almost 15 percent, Bosnia and Herzegovina a drop of about 10 percent, and FYR Macedonia a drop of about 4 percent. Kosovo was an exception, with deposit growth slowing down, but not turning negative. As far as lending indicators are concerned, since the crisis hit in late 2008, there was a sharp slowdown in credit expansion. (WB: 2011, SEE-Regular Economic Report; 11)

As regards **monetary policy**, it was constrained by specific limitations in different countries; Kosovo and Montenegro have unilaterally adopted the euro, Bosnia and Herzegovina has a euro-based currency board and FYR Macedonia has a managed currency using the Euro as reference; only Albania and Serbia have flexible exchange rate regimes. Even in the case of flexible exchange rate countries financial stability was also a concern because of the effect of an abrupt nominal depreciation on bank's foreign currency liabilities. The collapse in domestic demand led to a collapse in inflation as the 2008/2009 crisis set in. However, from the last quarter of 2009, inflation

increased on the back of the rising global food and energy prices. SEE6 countries, in particular, have a large share of their CPIs driven by food and energy prices. Inflation has peaked in the first quarter of 2011 as these external price pressures have abated. Serbia in particular experienced a strong upsurge in inflation, with CPI peaking in April at 14.7 percent year-on-year; it has since eased to 9.3 percent in September. (WB: 2011, SEE-Regular Economic Report; 12-13)

Another impact of the crisis in the Region was the rapid increase in nonperforming loans (NPLs) in all the countries. Prior to the 2008 crisis, NPL levels in all SEE6 countries were at relatively low levels (generally below 5 percent). But as the crisis escalated, there was a sharp increase in the NPLs. During 2010 NPLs stabilized in Bosnia and Herzegovina, Kosovo, FYR Macedonia and Serbia (although at an elevated level), but they continue increasing in Montenegro and Albania. On the other hand, with a few notable exceptions, banks in the region were liquid and reported solid capital buffers.

**Figure 3: Inflation before and during the crisis**



Inflation peaked in the first half of 2011, after rising since the end of 2009, and is now gradually

Source: WB, SEE-Regular Economic Report, 2011

Form the table below, we may observe that in the pre-crisis period some countries have had budget surpluses, such as the case of Bosnia and Herzegovina, which has had positive levels during the 3 years before the crisis. Albania has been the only country in the region with budget deficits since 2005 at levels up to -3.7%. Other countries have had alternatives to these values. Since 2008, the budgets of all countries were in deficit, where it is worth mentioning that Albania reached the highest value in 2009 with -7.1%.

**Table 2: Fiscal situation before and during the crisis**

	2005	2006	2007	2008	2009	2010
Albania	-2.8	-3.2	-3.7	-5.5	-7.1	-3
Bosnia and Hercegovina	0.1	2.8	0.6	-3.5	-5.6	-4.2
Kosovo	-3.1	2.5	7.3	-0.2	-0.7	-2.7
FYROM	0.2	-0.05	0.6	-0.9	-2.7	-2.5

Montenegro	-1.8	2.9	6.7	-0.4	-5.7	-4.9
Serbia	0.8	-1.6	-1.9	-2.7	-4.5	-4.6

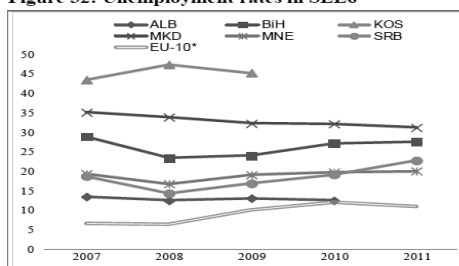
Source: WB, SEE-Regular Economic Report, 2011

Also, average growth in SEE6 countries turned negative in 2009 as exports and capital inflows collapsed, though with considerable differences among countries. Fiscal positions deteriorated in all countries exposing the vulnerabilities created by excessive reliance on booming domestic demand in the pre-crisis period. The average fiscal deficit increased to 2.7 percent of GDP in 2008 and further to 4.6 percent of GDP in 2009. Revenues measured as a percent of GDP fell in all countries (except Kosovo and Albania which continued to grow) with Montenegro being most affected. On the other hand, expenditures as a percent of GDP increased in all countries (except Serbia) with the biggest increases registered in Kosovo, Bosnia and Herzegovina and Albania. The debt crisis would have its impact on the region also to the level of unemployment. As previously mentioned, some of the Western Balkan countries had high unemployment since the beginning of the crisis but would still feel less than the impact it had on EU countries. Employment is particularly low among women and the young, strikingly so in Bosnia and Herzegovina and Kosovo. (IMF: The Western Balkans: 15 Years of Economic Transition,11-13)

### Figure 1: Unemployment in the Region

All SEE6 countries had rapid growth up to 2008 accompanied by declining unemployment rates, but experiences since then have diverged (Figure 32). Since 2008, unemployment in Serbia has been rising, it went from 14.4 percent in 2008 to 20 percent in 2010 – the highest level since the Labor Force Survey (LFS) was introduced in 1997. BIH has followed the same trend: unemployment has risen to 27.2 percent in 2010. Unemployment in Albania rose as a result of the crisis, but then fell to 12.5 percent in 2010.<sup>11</sup> Despite the fall in output in 2009 and the slow recovery since, the FYR Macedonia unemployment rate has remained flat in 2009 and 2010 at 32 percent. Kosovo has not conducted a LFS since 2009, when unemployment was 45 percent, but it is expected that labor market conditions have improved since then in an environment of moderate growth rates and elevated public (infrastructure) investment. 2011 LFS data (available for all countries except Albania and Kosovo) show that unemployment continued to grow in BIH (27.6 percent), Montenegro (20.1 percent) and Serbia (reaching a record high 22.8 percent). In FYR Macedonia, the unemployment rate declined to 31.3 percent.

Figure 32: Unemployment rates in SEE6



Source: Labor Force Surveys of National Statistical Offices.  
\* Simple average.

Note: 2011 data refer to second quarter (FYR Macedonia and Montenegro; April (BIH and Serbia)).

Source: WB, SEE-Regular Economic Report, 2011

## 2. Measures taken to pass the crisis

Although recession in the Western Balkans was more moderate than in the new EU countries, recuperation from this crisis has been weaker, mainly due to slow export performance and a high rate of import repression (IMF; The Western Balkans: 15 Years of Economic Transition: 2015, 42).

The onset of the global crisis and the subsequent contraction of external financing forced adjustments in the Western Balkans as well as in other emerging European countries. Besides the effects of this crisis in the Region, their banking systems was a key common strength of the SEE-6 countries, and the authorities' prompt responses contributed to preserving financial stability. The key measure to support the public's

confidence in the banking systems was the increase in the coverage of the deposit insurance schemes. Moreover, liquidity support to domestic subsidiaries on the part of foreign parent banks proved to be crucial in stabilizing financial condition, including in the foreign exchange markets. (EBRD, 2009: 54).

Regarding the fiscal policy, when the crisis hit, the SEE-6 countries had generally limited or no possibilities for adopting countercyclical fiscal policies, much less through the use of discretionary measures. In order to contain heightened external imbalances and to counter a crisis-induced collapse of revenue, most of these countries had to rein in the expansionary fiscal stance adopted in the years immediately prior to the crisis; a stance that had itself undermined external sustainability. As a result, the immediate fiscal response had generally to be limited, at best, to the operation of automatic stabilizers. (Cocozza, E., Colabella, A., Spadafora, F., 2011:45).

Also, it is worth pointing out that most of the countries in the region, to limit further public debt growth, adopted and implemented legal and sub legal acts. In this framework, Albania, Kosovo and Serbia have capped government debt through legislation, while FYR Macedonia and Montenegro have done it through strategy level documents. (WB: 2011, SEE-Regular Economic Report; 21).

During 2010, there was only limited fiscal adjustment as SEE6 economies struggled to accelerate growth. Albania made the largest adjustment decreasing the fiscal deficit from above 7 percent of GDP in 2009 to 3 percent of GDP in 2010 followed by Montenegro which undertook an adjustment of 1.5 pp of GDP and Bosnia and Herzegovina which reduced the deficit by 1.4 pp of GDP. Expenditures bore the brunt of the adjustment in these countries. The average fiscal deficit in SEE6 economies fell to 3.8 percent of GDP. (WB: 2011, SEE-Regular Economic Report; 21)

Apart from the limited fiscal space, differences in the policy response to the crisis across the SEE-6 countries can also be explained, to a significant extent, by the type of exchange rate regime in place. Monetary policy via interest rates was simply not available in Bosnia-Herzegovina and Montenegro because of their monetary system, while it was explicitly committed to maintaining the stability of the currency in FYR Macedonia, although in the former country liquidity to the banking system was amply provided through the easing of reserve requirements. (Cocozza, E., Colabella, A., Spadafora, F., 2011: 5)

Meanwhile, in Albania and Serbia the monetary and exchange rate frameworks in place worked as a shock absorber in the unstable conditions of the post-Lehman Brothers bankruptcy, as both countries were able to ease monetary policy (with different degree of effectiveness) and benefited from a large nominal depreciation of their currencies. (Cocozza, E., Colabella, A., Spadafora, F., 2011: 49)

Regarding the banking sector, the situation stabilized quickly, because of the emergency cash received from their foreign parents, and drew down their excess reserves with the central bank. Private deposits flew back at the end of 2009, allowing foreign parent banks to scale down their support for local subsidiaries. However, faced with increased provisioning and lower profitability, banks reacted by raising interest rates on loans, further tightening credit conditions. Since the effectiveness of supervision was affected by the fragmentation of the country's regulatory system, an important component of the policy response to the crisis involved the establishment of a Standing Committee on Financial Stability, which provided a cooperative arrangement for crisis management and crisis preparedness. (Cocozza, E., Colabella, A., Spadafora, F., 2011; 55)

Apart from the above, the countries of the region embarked on a crisis with varying degrees of political space, which were reflected in their various abilities to mitigate the effects of the riots. In general, countercyclical policy responses had to find a balance between boosting growth, controlling external imbalances, and financing needs. These responses were largely shaped by the type of exchange rate regime in the country.

The worsening of global financing conditions and the attendant drying-up of foreign capital lie at the root of the external financing gap that opened up in Bosnia-Herzegovina and Serbia, forcing the two countries to seek the Fund's financial assistance in order to smooth out the necessary macroeconomic adjustment. The inability to use fiscal policy to mitigate the impact of the crisis was a factor that contributed to these decisions. (Cocozza, E., Colabella, A., Spadafora, F., 2011:42)

As we mentioned before, facing the effects of the debt crisis and the impossibility of fiscal policy to withstand this crisis, Serbia and Bosnia-Herzegovina demanded support from the IMF. This support would be in the form of a Stand-by Agreement, and would sustain both the fiscal and monetary policy of the two countries concerned.

### **Conclusions**

Despite that the years before the crisis, the Western Balkans region has been performing positively, still lag behind the new EU countries, though the start line was the same. Factors may be several and different, but what is more important is precisely the lack of important structural reforms to ensure revenue convergence.

Along the countries, the economic boom arrived late because its later and moreover lower start of financial development, and as a consequence the recession effects of the crisis were slower. (IMF; 2015, 41).

The main indicators/areas affected more from the crisis were: trade, FDI, Remittances, Banking sector, in different scales over the countries. This is precisely because of the geographic position, the European perspective of the Western Balkans, the liberalization of services, especially the banking ones etc. Although the effects of the crisis were smaller than in the EU countries, the recovery, even after the measures taken, still remains feeble. The consequences of the crisis — high unemployment, weak growth, high levels of public debt and nonperforming loans on banks' balance sheets—have yet to be addressed in this region. What is very important for the Region is the improvement of living standards and reviving of income convergence (IMF 2015: 11)

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## Abstract

In many types of insurance, there can be considerable delay between the time of a claim-inducing event, and the determination of actual amount that the company will have to pay in settlement. Claim reserve is one of the most important indicators that has an important and strategic decisions applications, therefore an insurance company needs to know on regular basis how much it should be setting aside in reserves in order to handle claims arising from incidents that have already occurred, but for which it does not know the full extent of its liability.

The aim of this paper is to analyse the principal actuarial methods, deterministic and stochastic, of claims reserving for MTPL portfolio which may be used in Albanian insurance market. Firstly we will provide a brief overview of the Insurance market in Albania, then we will explain the deterministic methods, with a detailed explanation of the chain ladder method. In the end we will analyse the stochastic methods and will come up with a comparison of different deterministic and stochastic methods of claims reserving for the MTPL portfolio and will see how well each of the methods perform.

**Keywords:** Chain-Ladder, Stochastic Reserving, Over-Dispersed Poisson Model, Distribution-Free Chain-Ladder, Bootstrapping<sup>1</sup>.

## Introduction

The insurance market has always played an important role within the global financial and economic system both at macroeconomic and microeconomic level. The insurance market in Albania follows the general global trends and currently constitutes a very important part of the financial system by providing coverage of the risks that an individual would not be able to afford on its own and contributes to the economy stabilization by transferring risks.

The insurance market in Albania is relatively small, comprising only 11 insurance companies operating in the market. It has mainly been oriented towards compulsory insurance which constitutes the major volume of total gross written premiums. Regarding the MTPL portfolio, the eight non-life insurers all write MTPL, with market shares ranging from about 6% up to about 27%.

In the MTPL business (but in general in all insurance sectors) it is important to be aware of the difference between costing the policies, i.e. determining the theoretically correct cost of the product being offered and pricing the product, i.e. deciding on the actual premiums to be charged in practice. This latter phase is influenced by market forces and other considerations that may cause an adjustment of the theoretical rates during the pricing process. In Albania the domestic MTPL risk is written to a single base tariff, with proportionate variations for different risk types (motorcycles are priced at a fixed discount to private cars and trucks are priced at a fixed increase above private cars). No other risk-based pricing is used – there is no

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<sup>1</sup> Typically the claims development tables are split into two parts, the upper-left triangle containing observation and the lower - right triangle with estimates or predicted values of the outstanding payments.

price differentiation based upon age of driver/owner, sex of driver/owner, location of owner, or of accident record (“no claims bonus”).

Regarding the technical provisions, the Law no 52/2014, “ On the activity of insurance and reinsurance”, article 89, defines that the “Insurance companies shall establish and maintain throughout their activity technical provisions that are sufficient to cover in a timely fashion their underwritten liabilities and losses from risks deriving from insurance contracts”. The Albanian Financial Supervisory Authority (AFSA) has established by regulation, no 9/2016, the manner of valuation of technical provisions. Good quality technical reserving is at the very heart of running a sound insurance company.

All the statistical methods that could be applied for estimating the correct level of claims reserves are based on the assumption that a pattern from past data can be projected into the future. Applying statistical methods means that instead of looking at each individual claims separately (the so called case reserves estimates), the evaluation of the year-end claims reserves is done on a block of claims, using statistical projection methods.

One of the most debated topics in the last two decades in literature and in the international actuarial practice of non-life insurance relates to the use, for the purposes of the constitution or of the subsequent claims reserve control, loss reserving statistic models of stochastic or deterministic.

Deterministic methods offer the advantage of simplicity, and thus their implementation is straightforward. Overall a considerable degree of judgment is required for claim reserves and in many cases it is appropriate to compare several methods to get a reasonable estimate of the claim reserve.

The stochastic methods compared to the deterministic methods have the advantage of being based on explicit statistic assumptions, and also they minimize the ad hoc adjustments and judgmental consideration. Although recent years have seen an increase in stochastic claims reserving methods, they are still only used by a limited number of actuaries and the reason may be as follows: the quality of the dataset, a general lack of understanding the methods and lack of suitable software and so on. Regarding the Albanian insurance market, based on the data reported in AFSA for 2016, there is noted that all actuaries use only deterministic methods.

**Deterministic claims reserving methods.** The term claim reserve is somewhat generic, and can be better specified. The outstanding claims reserve refers to claims which have been reported to the insurer, but have not yet been settled and the calculation can be based either on experience or specific estimates. The *IBNR* (Incurred But Not Reported) claims reserve refers, instead, to claims which are expected to have already occurred, but have not yet been reported to the insurer. It is anyhow appropriate to set up a reserve, whose calculation can just be based on experience.

The outstanding and the *IBNR* reserves are the most important items of claims reserve. Further items are: the *IBNER* (Incurred But Not Enough Reported), claim reserve, which concerns claims which have already been notified, but whose damage has just been partially reported to the insurer; the reopened claims reserve, which concerns claims which need to be reopened possibly because of litigation or further information gained after settlement; other items are possible, depending on market practice.

Deterministic methods offer the advantage of simplicity, and thus their implementation is straightforward. Overall a considerable degree of judgment is required for claim reserves and in many cases it is appropriate to compare several methods to get a



reasonable estimate of the claim reserve but for the purpose of this paper we will see only the chain-ladder method.

A run - off triangle collects data on outstanding claims, classifying the available information in respect to both year of claim accident and year of claim settlement. In fact, insurers do not typically model the evolution of each claim and then sum them as it is done on a policy basis in life insurance. Instead, portfolios of claims are summarized at each valuation date and it is these summarized on which forecast of outstanding claims are based.

The table below provides an example. Let  $i$  represent the year in which a claim has been incurred and  $j$  represent the number of years from occurrence to the time when the payment is made, the development year. We observe data in the upper - left triangle,  $C_{i,j}$ ,  $i = 1,...,5$ ,  $j = 1,...,6 - i$ . The goal is to complete the triangle, that is, to forecast values in the lower-right-hand triangle. ( $C_{i,j}$ ,  $i = 2,...,5$ ,  $j = 7 - i, ...,5$ ).

**Table 1.** Run-off triangle

Accident year/development year	1	2	3	4	5
1	$C_{1,1}$	$C_{1,2}$	$C_{1,3}$	$C_{1,4}$	$C_{1,5}$
2		$C_{2,1}$	$C_{2,2}$	$C_{2,3}$	$C_{2,4}$
3			$C_{3,1}$	$C_{3,2}$	$C_{3,3}$
4				$C_{4,1}$	$C_{4,2}$
5					$C_{5,1}$

Each element of the triangle may represent actual payments by the insurance company, known as incremental payments, or the cumulative sum of payments since development. Referring the

example above, let  $U_i$ , represent the ultimate aggregate claim

amount estimated according to an appropriate method. Considering  $D_{i,j}$ , cumulative

data, then the total claim reserve set up at time 5 is :  $R_{tot} = \sum_{i=1}^5 (U_i - D_{i,6-i})$ .

The Chain-Ladder method. The chain-ladder method is probably the most popular loss reserving technique in theory and practice. As it is mentioned in Kremer (1982), Mack (1994B), and England & Verrall (2001), in this method, one looks at how claims arising from different years have been developed over subsequent development years, and then use relevant ratios to predict how future claims from these years will evolve. The method is straightforward and simple in use but at the same time has a sound actuarial basis and can be applied to cumulative payments, to claim incurred, etc. It is independent of premium or any other exposure measures and hence is not influenced by market cycles. On the negative side, its heavy dependence upon last available cumulative loss amounts (last diagonal in triangle) is usually mentioned. In case of an accident year, the last loss amount is very high or very low (maybe just "by accident"), Chain Ladder ultimate projection for this year will be correspondingly high or low. It can be especially problematic for most recent accident years (lower left corner of the loss development triangle) where the last available cumulative loss amounts incorporate only few development years<sup>2</sup>. For the very last accident year, it is one development year only.

<sup>2</sup>Another drawback of the method is that for long tail line of business the difference between the chain ladder method on cumulative payments and claims incurred is often very large.

Assumptions underlying the method are:

- The first year in the table is fully run-off (no more claims due).
- Claims will develop in future years in the same way as they have in the past.
- Inflation will apply in future as it has on average in the past.

We assume that we have the following set of incremental claims data:

$$\{C_{ij} : i = 1, \dots, n; j = 1, \dots, n - i + 1\}.$$

The suffix  $i$  refers to the row, and (by assumption) indicates the accident year. The suffix  $j$  refers to the column, and indicates the delay, assumed to be measured in years.

The cumulative claims are defined by  $D_{ij} = \sum_{k=1}^j C_{ik}$  and the development factors of the chain-ladder technique are denoted by  $\{\lambda_j : j = 2, \dots, n\}$ . The chain-ladder technique estimates the development factors<sup>3</sup> as:

$$\hat{\lambda}_j = \frac{\sum_{i=1}^{n-j+1} D_{ij}}{\sum_{i=1}^{n-j+1} D_{i,j-1}}$$

These are then applied to the latest cumulative claims in each row<sup>4</sup> to produce forecasts of future values for cumulative claims. Thus the chain-ladder technique, in its simplest form, consists of a way of obtaining forecast of ultimate claims. The estimate of the ultimate aggregate claim amount may be distorted by a different dynamics of the claim payment patterns, and as weakness of the method we can mention that the reserve estimates heavily depend on the loss amount of the last calendar year (paid) and the calculation for the upper right and lower left corner of the triangle is based upon one value only. Further, the claim amounts could be affected by inflation, which imply a trend in the behavior of the cumulative aggregate claim amount.

If there are used only deterministic methods, to address the drawback of the chain ladder method, the best practices recommend complementing it with at least one further actuarial method which is not heavily dependent on the last available loss amounts. A good choice here is offered by the Bornhuetter-Ferguson method which is also very common and popular in the international actuarial practice. Due to its reduced dependence on the last development year, this method also allows to calculate feasible projections in cases when the last available cumulative payment is out of a feasible range. A further strength of this method is that the market and further available background information can be incorporated into the model via a-priori ultimate loss ratio estimates and benchmark loss development patterns.

<sup>3</sup>The development factor  $\lambda_j$  describes, for any origin/accident year  $i$ , the increase of the cumulative aggregate claim amount from time  $j$  to time  $j+1$  since occurrence.

<sup>4</sup> $\hat{D}_{i,n-i+2} = D_{i,n-i+1} \hat{\lambda}_{n-i+2}$

**Stochastic claims reserving methods.** The stochastic methods compared to the deterministic methods have the advantage of being based on explicit statistic assumptions, and also minimize the ad hoc adjustments and judgmental consideration. Although the last years the interest has been increased in stochastic claims reserving methods, they are still only used by a limited number of actuaries and the reason may be the following: the quality of the dataset, a general lack of understanding of methods, lack of suitable software, difficulties to explain the result to the senior management and so on. Stochastic claims reserving, in supporting the deterministic methods, can be used to: assess reserve adequacy; compare different estimates and datasets; monitor performance, allocate capital, provide information to investors, price insurance and reinsurance policies. The uncertainty present in a reserve prediction can be splitted into two components: Prediction variance = Process variance + Estimation variance.

In this paper we will focus in two stochastic methods: - *Distribution-Free Chain-Ladder*, proposed by Mack at 1993 and, - *Over-Dispersed Poisson Model*, introduced by Renshaw e Verrall at 1998. The main objective of this study is to verify the applicability of the stochastic methods to the Albanian insurance market, indicating the advantages and the drawbacks for both insurance companies and supervision for MTPL portfolio.

**Distribution-Free Chain-Ladder.** Distribution-Free Chain-Ladder stochastic model (6),(3), also known as Mack model, is one of the earliest models which reproduced chain ladder estimates, made limited assumptions as to the distributions of the underlying data, preferring to specify simply the first two moments only.

Mack considers the model to be distribution-free, since the full distribution of the underlying data is not specified, therefore it is necessary additional assumptions if there are required additional reserve requirements on statistics-bases, such as quantiles. For these purposes it is assumed a lognormal distribution with mean and variance equal to those produced by the estimators described above.

According to Mack<sup>5</sup> the mean and variance of  $D_{ij}$  are:  $\lambda_j D_{i,j-1}$  and  $\sigma_j^2 D_{i,j-1}$  respectively.

The estimator for the development factors  $\lambda_j$  is the standard volume weighted chain-ladder estimator. Mack shows that this provides unbiased estimates of development factors. Mack in its work also shows that an unweighted average of individual development factors also provides unbiased estimates, but shows that the weighted average is preferable, since it has a lower variance.

The variance component  $\sigma_j^2$  is estimated as an average of weighted residuals, where the divisor is the number of residuals, used in calculating the estimator, minus one.

The one is subtracted to provide an unbiased estimator of  $\sigma_j^2$ .

**Over-Dispersed Poisson Model.** As it is known in the literature of the actuarial sciences, the *Poisson Distribution (PD)* is frequently used in risk theory and empirical evidence is shown in modeling claims number using *Poisson Distribution*. But, in modeling claims amount, studies of the field have shown that *PD* is not appropriate.

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<sup>5</sup> Mack model does not require independence, but only makes some assumptions about conditional means and variances, given the past development for each year of accident.

Basic Assumptions of the model:

$$E[C_j] = m_j = x_i y_j \text{ and } \{\lambda_j : j = 2, \dots, n\} \propto x_i y_j \text{ for } j = 1 \dots n.$$

where  $x_i$  represent the total expected payments for claims with year of accident  $i$ , and  $y_j$  represent the proportion of that amount expected to be paid in year of development  $j$ . Obviously we have that

$$\sum_{j=1}^n y_j = 1$$

For estimation purposes it is better to re-parameterize the model, so that the

mean has a linear form. We use a log link function so that:  $\log(m_j) = \mu_j = \alpha_i + \beta_j + c$

and estimates of future payments are as follows:  $\hat{C}_j = \hat{m}_j = e^{\hat{\mu}_j}$

### An application

To illustrate the methodologies we consider the hypothetical loss data (table below) taken from the Albanian Insurance companies. The data refers to the MTPL portfolio, and represents losses from 2007 to 2016, ten years data. In the table below the data are represented in the cumulative form. It is a simple task to derive the observed (and estimated) incremental claims settlement amounts for the past (future) periods. As is known an incremental settlement amount is the difference between two consecutive cumulative settlement amounts.

AY/DY	1	2	3	4	5	6	7	8	9	10
2007	8580	10191	10617	11769	12135	12305	12350	12400	12405	12420
2008	7947	12045	13134	14160	14435	14955	15055	15100	15255	-
2009	9966	14626	17663	20210	23532	23938	24284	25000	-	-
2010	12068	16409	18308	20690	22343	24086	24236	-	-	-
2011	11853	19233	22542	24871	26906	27344	-	-	-	-
2012	11523	21686	27572	27942	28799	-	-	-	-	-
2013	9018	14333	17547	21303	-	-	-	-	-	-
2014	7580	11928	17800	-	-	-	-	-	-	-
2015	9000	14000	-	-	-	-	-	-	-	-
2016	13055	-	-	-	-	-	-	-	-	-

**Table 2.** Hypothetic loss data. (Cumulative data).

With reference to the data in Table 2, we calculate the chain-ladder factors, (the development factors), where the development factor for the  $j$ th development year is calculated by taking the ratio of the sum of claims over all accident year for the  $j$ th development year divided by the sum of the same accident year payments for the  $j-1$ th development year. So applying the formula for the development factors, described in chain-ladder model, we obtain:

$\lambda_2$	$\lambda_3$	$\lambda_4$	$\lambda_5$	$\lambda_6$	$\lambda_7$	$\lambda_8$	$\lambda_9$	$\lambda_{10}$
1.535968	1.20533	1.10647	1.07111	1.03298	1.00851	1.01569	1.00582	1.00121

Once that we have calculated the development factors, then we can estimate the reserve for the future cumulative claims settled. Applying the development factors to the observed data we estimate the overall reserve which is 35,966 ALL.

The Mack method is implemented in the ChainLadder package, in R, via the function `mack <- MackChainLadder(data, est.sigma="Mack")`

To replicate the chain-ladder model, we have assumed a lognormal distribution and have obtained the overall reserve, considerably closer to the chain-ladder estimates. Actually, as we can see in the table below the estimated IBNR are almost the same as that of Log N(50%).

AY	Latest	Ultimate	Reserve	Predic- tion error	Predic- tion error in %	LogN(50%)	LogN(75%)
2007	12,420	12,420	-	-	-		
2008	15,255	15,273	18.4	58.5	317%	17.2	49
2009	25,000	25,176	175.9	198.3	113%	175.5	324
2010	24,236	24,789	553.4	442.6	80%	553.15	888
2011	27,344	28,207	862.5	500.9	58%	862.35	1240
2012	28,799	30,687	1,888.3	951.8	50,4%	1888.18	2602
2013	21,303	24,314	3,011	1,512.2	50,2%	3010.88	4145
2014	17,800	22,479	4,678.9	2,058.1	44%	4678.81	6213
2015	14,000	21,310	7,310.2	3,149.6	43%	7310.12	9651
2016	13,055	30,522	17,467.4	5,277.1	30%	17,467.35	21292
Overall	199,212	235,178	35,966	7,615.98	21%	35,965.97	41,375

**Table 3.** Mack's model. Reserve results

To check that Mack's assumptions are valid we can review the residual plots and we can control if there are trends in either of them. With the command `plot(mack)` in R we have the following graph:

The BootChainLadder procedure, as explained in the package R, provides a predictive distribution of reserves or IBNRs for accumulative claims development triangle. The function used is as follows: `BootChainLadder(Triangle = tema, R = 10000, process.distr = "od.pois")`, where triangle represents the data object of the study, which we have called "tema" and are represented in cumulative form; R, represent the number of bootstrap replicates and process.distr, indicate which process distribution is to be assumed, and in our case is over-dispersed Poisson.

Applying the techniques to the data object of the study, which we have called "tema", and choosing as distribution function "od.pois" we get the following table:

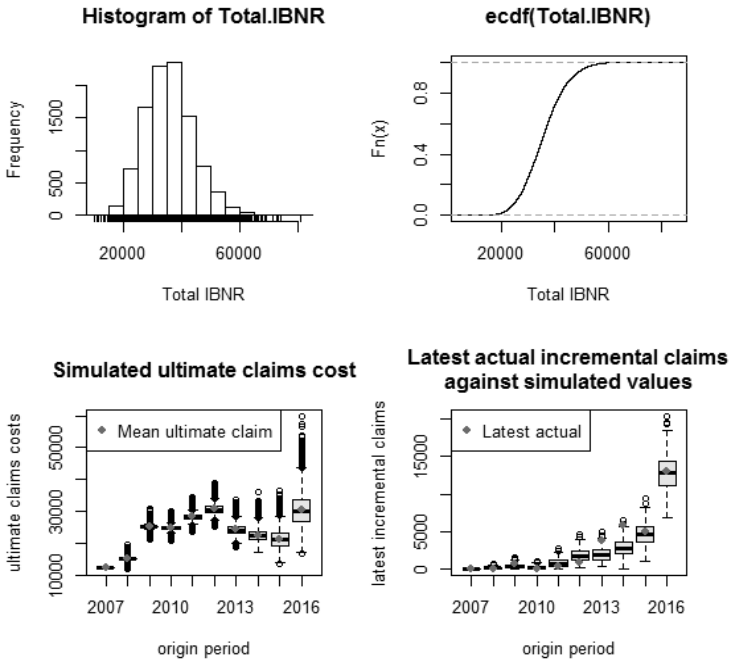
	Latest	Mean Ulti- mate	Mean IBNR	IBNR.S.E	IBNR 75%	IBNR 95%
2007	12,420	12,420	0	0	0	0
2008	15,255	15,268	13	260	1	320
2009	25,000	25,169	169	587	304	1,281
2010	24,236	24,767	531	837	874	2,155
2011	27,344	28,187	843	1,042	1,321	2,831

2012	28,799	30,665	1,866	1,413	2,631	4,458
2013	21,303	24,269	2,966	1,653	3,906	6,031
2014	17,800	22,448	4,648	2,115	5,850	8,575
2015	14,000	21,292	7,292	2,802	8,949	12,471
2016	13,055	30,443	17,388	5,376	20,569	27,115

**Table 4.** Bootstrap with ODP distribution

In the table above the column: - **Latest** represent the latest cumulative data per year of origin; - **Mean ultimate**, indicate the (estimated) ultimate claim payable for a given origin year; - **IBNR S.E** indicate the bootstrap prediction error; - **Mean IBNR**, indicate the expected reserve (best estimate), for a given origin year and the other two columns indicate the expected IBNR per origin years for different percentiles (75% and 95%). Summing up, the total latest claims paid are 199,212; the total expected ultimate claims are 234,927; IBNR S.E is 8.315; the total reserve is 35,715, based on best estimate; and the total reserve based on the 75% and 95% percentiles are respectively 41,099 and 50,752 All.

The figure below shows four graphs, starting with a histogram of the total simulated



IBNRs over all origin periods, including a rug plot; a plot of the empirical cumulative distribution of the total IBNRs over all origin periods; a box-whisker plot of simulated ultimate claims costs against origin periods; and a box-whisker plot of simulated incremental claims cost for the latest available calendar period against actual incremental claims of the same period. In the last plot the simulated data should follow the same trend as the actual data, otherwise the original data might have some intrinsic trends which are not reflected in the model.

## Summary of Results

The stochastic ODP with (and without) bootstrapping and DFCL Mack, both stochastic versions of the traditional chain-ladder method, have resulted applicable to most companies in the Albanian insurance market. The stochastic methods compared to the deterministic methods have the advantage of being based on explicit statistic assumptions, and also they minimize the ad hoc adjustments and judgmental consideration. Through their statistical properties are exceeded the traditional actuarial logic of the single point estimate of the claims reserve. The use of such methods for estimating the claims reserves constitutes significant progress with respect to current actuarial best practice.

The stochastic methods, as we have seen, also have the advantage to provide a rigorous mathematic answer to question regarding the probability and quantile, which are useful in risk based supervision. From the supervision point of view, the absence of stochastic methods implies a significant use of time, in reviewing every time methods and actuarial assumptions often changed specifically for each case.

We have observed, however, at a methodological level, some differences between the two stochastic methods such as: ODP method with bootstrapping is demonstrated more prudent than Mack, because, almost, for the same best estimate, it provides higher confidence interval, and so higher claim reserves - ODP, providing through the bootstrapping the distribution of the estimated reserve, represents the most comprehensive method for a correct approach to the calculation of capital requirements<sup>2</sup>. We should note, in fact, that even that the study is based on the applicability of the stochastic methods limited to the MTPL portfolio, the principle to the prescribed methods and reference hypothesis remains valid for other insurance classes (line of business).

## Conclusions

As in many areas the setting of *IBNR* reserves is far from an exact science. In this thesis we have presented three methods of claim reserve estimation. First we have presented the deterministic method and then we have presented ODP and DFCL methods, both stochastic versions of the traditional chain-ladder method. We have shown that the results can be applicable to most companies in the Albanian MTPL insurance market. Through their statistical properties are exceeded the traditional actuarial logic of the single point estimate for claims reserve. We can conclude that the use of such methods for estimating MTPL claims reserve constitutes a significant improvement over the current best actuarial approach in Albania, where still prevails a subjectivity level in the application of deterministic methods often “adapted” to the needs of the management board.

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# The influence of principals' motivation on teaching performance

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## Abstract

Motivation is a very important means of work inspiration; it is motivation which provides better teaching performance. Teachers are responsible for students' success, aren't they? The former must be motivated to do their job as effectively as possible. For this motivation to be embraced by teachers it is principal's responsibility to stimulate, encourage, and reward them; these three and others factors influence a higher performance on teaching process.

This paper aims to highlight the importance that motivation plays in providing good performance in teaching process. In addition, it is the principals' role that occupies much of this paper's space.

Our research is composed of quantitative and qualitative methods. Questionnaires and interviews conducted in four schools of Viti with 100 teachers, four school principals, and one expert of education in the Municipal Education Directorate served as instruments for gathering the data.

Hypothesis: Principals' motivation on teachers is a very important factor that influences the good performance on the teaching process.

Our research is designed to give answers to the following questions:

How does motivation affect the performance of teaching process?

How responsible are principals on motivating their staff?

What are the motivational forms that provide more success in teaching process?

**Keywords:** *school, teachers, principals, motivation, performance, etc.*

## Introduction

Measuring school outcomes nowadays has numerous benefits; among them, it is done to find out whether the expected outcomes have achieved the standards set by the Governments. One of the greatest encouragers to achieve high teaching performance is the principal's motivation towards the staff. Lately, in the schools of Republic of Kosovo, teachers' motivation is bypassed. Perhaps this happens due to the lack of knowing the importance the motivation has, or even by not knowing enough the results that motivation can generate.

Many authors have emphasized the importance the motivation plays in increasing better results, some of which will be cited in this paper by linking them to the empirical research in order to provide important data from all three angles: Teacher-Principal-Municipal Education Directorate.

## Theoretical part

It is hard to think of a successful school leadership unless it is ornamented with motivation (Adair, 1990: 8). Adair introduces the theory of group needs as one of the most successful theories for motivating workgroups. According to this theory, groups are unique, but always share some "common needs". The person who is

not satisfied in his/her workplace will not give his/her maximum contribution, and consequently will not show high performance. While on the contrary, individuals within the group who achieve common goals form a group identity by increasing human morality. Good group communication encourages its members to perform their duties more successfully, thus providing a positive climate (p.11).

The manager cannot motivate the employees directly, but s/he can create an environment that inspires and supports their motivation. By creating a good working environment, s/he encourages the employees' desire toward success. Alongside with the manager in this effort, employees must also contribute to improving their working environment and their performance too (Banks, 1997: 13).

Thomas emphasizes the importance of leadership goal and vision to unite people's efforts to solve problems and cooperate. The persuasive vision is a motivating power that encourages people to make intelligent decisions, and as a consequence be rewarded for they have a good understanding of their work. A good vision inspires people on their work and at the same time forces the manager to dig into the core values of the organization. So, the leadership focusing on the employees' goals and needs is a great force for bringing the organization forward (2009: 23-25).

School leaders or managers must know what enthusiasts and challenges teachers; what makes them satisfied or contented; what irritates or angers them; what disturbs, despises, or demoralizes them in their work. The principal must know the psychology of teachers by applying professional psychology and support management theory, and by implementing improving management skills. Thus, school leaders are the ones who increase the moral of teachers by understanding what gives them satisfaction or dissatisfaction at work, and what motivates or discourages them.

According to Evans's (1999) findings on ethics, in satisfying and motivating teachers, the greatest influence is played by the leader or school manager. School principals are able to discourage their staff, make them feel uncomfortable, or perhaps leaving the latter no option but to change their workplace.

Motivation starts at the school level, not at the central government one. Undoubtedly, one of the key motivators for teachers is the salary itself, which effectively influences the performance improvement at work. But, increasing motivation can also be cost-free, if school leaders were to care for teachers. It is impossible for all teachers to be always satisfied with their leader, and there is no single leader style that offers an effective motivational model. To meet teachers' needs, the key to motivation is to be offered leadership that 'accommodates' the potential needs of individuals. So, the leader who wants to motivate as much as possible his/her staff, must know the needs of the teachers. It is very important for school management to respect the views, thoughts, or ideas of teachers, therefore the vision of the principal should not be narrow, reflected in an authoritarian regime. Effective principal allows teachers to have an impact on school leading, so that there is no dissatisfaction of the latter with the former. Teachers feel motivated when involved in school decision making. This leadership is called consultative when leaders are consulted and seriously listen to the teachers.

The principal, who wants to create and develop a professional school climate aiming to increase the morale, motivation, and job satisfaction, must respect the diversity of teachers, because not all teachers have the same opinion. Positive responses to leaders influence teachers' attitudes and their work. Acknowledging teachers' efforts and achievements by praising them is an effective form that their engagement and consciousness is appreciated (Evans, 1999: 1-18).

It is motivation that motivates people to do a better job. Motivation is the inner strength

of the individual that pushes them to achieve goals by meeting personal needs and expectations. Thus, effective staff motivation in the workplace provides great success to school itself. Normally, even rewards and punishments have their own role. Some of the forms for staff motivation in the performance management cycle are: praise, gratitude, trust, respect, great expectations, good communication, financial stimulus, etc. Meeting the expectations of individuals should be rewarded and assessed for good performance management (Zbar, Marshall and Power, 2007: 31-33).

### **Research Methodology**

Our research was conducted in a few schools in the municipality of Viti (which includes 20 schools in total i.e. 20 principals and 670 teachers). Four school leaders and 100 teachers of the very same schools served as the sample of the current research. In addition, one expert of education from Municipal Education Directorate of Viti was part of it.

In this research, a review of the data from the selected literature was done; the collection of qualitative data was done through semi-structured interviews with the education expert and interviews with four principals. Questionnaires served as additional instruments for collecting quantitative data.

### **Research findings**

#### **Analysis of the interview with the expert of education**

Mr. Zijadin Ahmeti - education expert at the Municipal Directorate of Education in Viti, claims that motivation is very important factor for every employee, especially the school principal, in order for teachers to engage even more and carry out their work with success as much as possible. Motivation should be the same for all employees, and if carried out by the principal, the performance of the teaching and learning process will be increased as well.

He claims that every principal wishes to be successful and increase the teaching process performance, because as a consequence the principal's performance increases too, although not always it is the principals who should be taken accountable. Sometimes, even economic conditions are insufficient for staff motivation, as there are no incentive means for employees. However, there must be found different ways for motivating teachers.

He says that the simplest way of motivating teaching staff could be achieved through good words at different meetings, rewards on certain occasions, promotion in different school jobs, provision with the latest advanced technology tools, etc.

#### **Analysis of interviews with school principals**

The principal of elementary and lower-secondary school "Nazmi Pajaziti" in Radivojc, Mr. Nezir Hasani claims he tries hard to motivate teachers so that they can work more, and at the same time increase their teaching performance. He says motivation gives courage for further work; therefore, motivation is very important factor, which positively influences the performance of the teaching process. The ways he mostly uses to motivate his staff is by praising them for the achieved results, and by publishing those results on the school webpage so that others can see them. He says that teachers also feel motivated with the cooperation and communication

that he offers as a principal, by meeting the needs and demands they have in their workplace. In addition, he believes and hopes that employees are satisfied with the motivation he provides them.

Mr. Asllan Fana, the principal of elementary and lower-secondary school “Njazi Regjepi” in Sllatinë, shares the opinion that one of his goals is to motivate teachers in educational process as well as in all areas that they operate. There is no doubt that motivation is a very important element, which is a great encourager for the teacher in teaching, as well as other activities that take place. According to Mr. Fana, motivation has a great influence on the overall activities in the school. The ways he uses to motivate teachers operating under his leadership is collaboration with them, and helping them in all possible aspects to make teachers feel appreciated and grateful for the work and activity they do. He emphasizes that teachers are mostly motivated when they feel respected and appreciated in what they do. He argues that his school’s teachers are satisfied with the motivation initiated from him, recognizing his work and sincerity towards them, as well as the opportunities he has for their motivation, which is demonstrated through their devotion and commitment to work.

The principal of vocational upper-secondary school “Jonuz Zejnullahu” in Viti, Mr. Njazi Lutfiu emphasizes that motivating teachers is also the mission, vision, duty, and responsibility of each school principal. He says that principal’s motivation towards teachers is one of the main pillars of success, since it affects the creation of a much better climate in teaching and learning process, thus increasing their commitment to increasing the quality of teaching, which consequently influences the students’ motivation, etc.

The aforementioned principal holds the opinion that he continuously co-operates and struggles to create a harmony between the education staff, thus completing the mission and vision of the institution he manages. In addition to that, he creates a sufficient space for consultations, requests, questions, suggestions, proposals, but also mutual advice taking into account the same professional and qualifying level they share. Mr. Lutfiu explains that the best form of motivation is to create appropriate conditions for teaching and overall co-operation for meeting the common goals. He emphasizes that in the school he leads teachers are satisfied with the motivation he has provided them. However, as obstacles are seen things that do not depend on him as principal, but are mostly related to the inadequacy of consuming material, which is also the greatest need for meeting the professional practice modules.

Mr. Mujë Tafa, the principal of gymnasium school “Kuvendi i Lezhës” in Viti says that motivation is a professional and pedagogical obligation, because it has a positive impact on the performance of the school work, but also on the performance of the school processes in general. Motivation increases the responsibility of teachers in their workplace, by having an influence on the work of students in particular. He says he uses motivational words by reminding his school’s teachers the sacred mission they have. Mr. Tafa emphasizes that this school teachers are motivated mostly when they feel dignified in the workplace and appreciated for their professional values. In the end, he says they are satisfied with the motivation he provides, and this is progressing mutually.

### **Analysis of questionnaires developed with teachers**

100 teachers from four different schools were surveyed, and the results of the survey are presented in the table below:

Statements	Strongly Agree	Agree	Not sure	Disagree	Strongly disagree	Number
It is motivation that increases the teaching performance.	62	35	2	1	/	100
The principal motivates us to increase the teaching performance.	39	50	10	1	/	100
The principal knows what motivates us.	29	47	18	6	/	100
The principal always tries to create an inspiring space for work.	38	46	11	4	1	100
The principal has a clear vision and motivates us to collaborate and solve problems.	33	53	10	2	2	100
The principal tries to meet our needs and increase our morale.	28	53	13	6	/	100
The principal respects our thoughts, ideas, and views.	34	50	8	7	1	100
The principal provides us enough space to have impact on school leadership.	25	46	20	7	2	100
We are rewarded and praised by the principal.	27	53	11	7	2	100
We are satisfied with the motivation the principal provides us.	18	69	8	4	1	100

Table 1: Teachers' questionnaire

## Discussion

Motivation is a significant factor towards increasing teaching performance. This is already claimed by many authors. It is proved if referring to the theoretical part, and to the findings of this research. So, we can say with full conviction that motivation is one of the drivers for successful work, i.e. a higher performance on increasing teaching process. School leader is the key person in motivating teachers to achieve higher performance, so principals must be very responsive to it. Although in Kosovo there are no financial means to stimulate workers in the workplace, the principal should find other ways to keep them always motivated if intended to have positive results at work. As the most common form of motivating teachers are praising and

cooperating with them, but also other forms have to be found, because if teachers are motivated they will also motivate students and the results will not be missed. Inadequate infrastructure in all schools can affect the inadequate motivation of the staff. However, it is Ministry of Education, Science and Technology to be accountable for it, because the working environment also creates inspiration for the workers at the workplace. Although most teachers are satisfied with the motivation they receive, more efforts should be made by the principals in order to increase even more the performance of teaching, because the results of PISA test are not satisfactory. Some of teachers are uncertain whether principals know what motivates them or not. The principal should read teachers' psychology and know exactly what motivates them, thus finding different ways for the school to achieve the highest results. Participating in school leadership and delegating the responsibilities to teachers make them more responsive and more valued.

### **Conclusion and Recommendations**

1. Teachers' motivation contributes positively on their teaching performance.
2. Satisfied teachers achieve higher results, thus influencing the overall school outcomes.
3. Creating inspirational conditions and environment is one of the most important factors in motivating staff and increasing teaching performance.
4. Good communication, cooperation, and clear vision of the principal motivate teachers in their workplace.
5. Teacher's trust, respect, and high expectations by the principal motivate them even more towards success.
6. Meeting teachers' needs and raising their morale in the workplace motivates them for a better performance.
7. Principals should be even more responsive in motivating teachers in order to increase the performance of public schools in Kosovo.
8. Principals should find different ways to motivate teachers who indirectly influence students' motivation for learning.
9. Principals should motivate all teachers equally.
10. Principals should know what motivates teachers more and allow them to play a role in school leadership.
11. The Ministry of Education, Science and Technology should improve the conditions and allocate incentives to increase the performance on public schools in Kosovo.

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# Albanian language didactics

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## Abstract

Language and didactic issues aimed at learning Albanian language in schools, make great efforts in order to offer facts, principles and scientific concerns of didactic and methodical problems in regard to teaching Albanian language, mainly in pre university education. Nowadays, these issues for language learning rely on national and international studies reflecting a phenomenon in different countries of the world. This study is mainly focused on conceptual and substantial issues of reading and writing, communication, as well as orthography grammar. Didactic innovations and teaching models implemented in practice are directly related with the development of critical thinking through literacy, integrated teaching, learning competencies and others. Learning the Albanian language develops language competencies in order for students to become active citizens with sufficient competencies for intellectual growth making it possible to develop language competencies and good communicative skills with others through effective learning. Albanian language didactics, as no other subject, makes possible the acquisition of key competencies determined in the curriculum framework.

**Keywords:** teaching, curriculum, strategy, competency, learning, Albanian language.

## Introduction

Didactics is a scientific discipline of pedagogy and it is defined as a theory of learning and teaching. Didactics means the theoretical basis of learning and teaching, whose appearance is limited from the development of forms and contents of teaching. The word didactics itself derives from the old Greek: *didaskein*, *didaktikos*, *didaskalos*, which in different spelling forms has always had the meaning of learning, or learning and training. These Greek words, as a significance of a special social activity, get the same meaning in Latin as well (*didactica*) dealing with a terminological transformation, and with the development of theory and teaching practice, it was affirmed as a pedagogical term in the sense of a particular activity dealing with learning and teaching problems.

<sup>1</sup>Albanian language didactics in itself comprises an extensive study related to Albanian language teaching. When analyzing it scientifically and methodically, a lot of principles and criteria should be related to current curricular vision aimed at developing various contemporary communicative skills in order for the student to be in the center of learning assessment. Albanian language didactics assembles and analyses standards and specific objectives related to learning based on the curriculum structure.

Albanian language in our schools is the basis for our students' intellectual, emotional, and social development which enables the students to be coherent and prosperous in everyday life. Schools are obliged to support the students to develop learning in standard language in order for their learning to be part of their communication, reading, self-expression, orthography and aesthetics.

<sup>1</sup> Gjithqka mbi didaktiken e gjuhës shqipe.

## Didactics and significance

Albanian language didactics has a special importance in the pre university education curriculum. Through this subject, students gain knowledge and demonstrate their skills, values and attitudes about the Albanian language system in order to communicate in the right way (speaking, listening, reading, and proper writing). The Albanian language is the means to express feelings, ideas, beliefs, values, and knowledge. It enables people to feel empowered to express their experiences so as to break barriers that individuals share with each other. Albanian language didactics at school makes possible the development of language competences in order for students to become active citizens with sufficient skills for intellectual growth through the language. Albanian language, in its own way, enables the proficiency of key competencies determined in the Curriculum Framework so that individuals can successfully fulfill personal, social, and professional requirements.

<sup>2</sup>Language and education are in a continuing period of transition in which a gap from paradoxes is preventing the advancement of its mission. Education and language should be considered a substantial component of language education policies. Language, being the fundamental tool to expressing culture, constitutes one of its basic dimensions. The role of language is increased much more in the context of European integration. Nevertheless, in conditions of an open society, language is faced with the same risks and problems as well as from the culture it carries. For the abovementioned reasons, Spolski says that, "Creating new linguistic policies in education, is one of the most productive arenas to explore interactions between global, national, and local forces". He addresses these issues as complex and different related to cultural preservation, child-student development in global working markets, as well as international practices of education and development. He also elaborates on issues of linguistic policies that are related to the educational reality of a country. Linguistic policies reflect conflicting visions for education, state development, globalization, economic growth and more.

### Didactic pedagogy of Albanian language learning

<sup>3</sup>Knowledge of didactic principles in the field of language learning is a very important issue that guides all those in the field of planning and implementing curricula towards new tendencies and appropriate solutions for language learning in order to continually improve the quality of education. But it would be insufficient to stay only on issues dealing with principles, criteria, and other attitudes related to decision-making or designing curriculum framework for language and communication while ignoring the methods, strategies, techniques, and everything related to the teacher and teaching. Albanian language didactics is a research field dealing with various study problems in the process of teaching and learning, mastering, implementing, skills, knowledge and organizational forms from the students' part. Language learning didactics has a substantial role in student learning achievement. It should be known that the main purpose of education is to produce people who are able to make new things, not simply to repeat what other generations have done, namely people who are creative, explorative, and inventive. Starting from the

<sup>2</sup> Rami Memushaj, Politikat gjuhësore në epokën e globalizmit, Gazeta shqiptare, 2012.

<sup>3</sup> Mimoza Gjokutaj, "Didaktika e gjuhës shqipe", SHBLU, Tiranë, 2009.



above statements, we should admit that some of the many keys to success and to the proper realization of active learning in the classroom are “cooperative work”, the triangle or parent-student-teacher relationship, and activities done by the teacher in motivating students in order for them to actively engage in these activities to learn the best that can be expected. Teaching didactics marks teacher’s activity and it is the entirety of pedagogic strategies, tactics, and procedures used by the teacher to teach students in the best possible way using advanced techniques. The teacher should be a researcher and good connoisseur of advancements because each day or year there are innovations in our schools. The only ways to update and reinforce professionalism are different professional trainings. The teacher should stimulate his own scientific research work to fulfill the idea for development, change, and implementation of recent methodologies in order for the main priority to be successful learning based in competences and success criteria.

### **Correlation of Albanian language didactics with other fields**

<sup>4</sup>The relatively independent scientific discipline of didactics with subjects of study includes a very important area of social activity, which belongs to the domain of scientific disciplines with a social character including arts, nature science, society and environment, TIK and others.

<sup>5</sup>When talking about the subjects with didactic features, it has become a habit to speak about their correlation to other school subjects, namely with curricular fields, therefore we should stop in the specificity of this subject starting from its character and purpose. The Albanian language at school aims to systematically train students to express themselves well both orally and through writing in the Albanian language. Through learning grammar students learn basic rules of a unified literary language. This allows students to develop aesthetic and noble feelings, love towards people and to have an understanding of human efforts by reading literary books with other nations’ values. This helps students in successful learning. Therefore, starting from the above mentioned definition, we understand that learning the Albanian language should be seen as a process that enables learning in all school subjects and beyond. This makes us accept and analyse the relationships that exist between this subject and others starting from subjects with emphasized scientific character to those with applicable and creative character. By doing this, teaching is set in an authentic context that helps students to learn from real experiences which are easily transferred not only in the passive memory but also in the active one which encourages them to draw working products in all curricular fields by using methods, techniques, forms and other teaching tools which enable successful teaching and learning.

### **Conclusions**

Based on those mentioned earlier, we can come to a conclusion which in itself also includes continuous problems but expecting an accessible quality in all curricular fields where it is necessary for teachers’ transparency and cooperation, Ministry of Education, Science and Technology with Municipality Department of Education

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<sup>4</sup> Nijazi Zylfiu - „Didaktika 1” Prishtinë, 1985.

<sup>5</sup> Programi i gjuhës shqipe, ISP, 2003.

cooperation which can be the solution to problems that are happening from year to year. The key to students' success lies in teachers' professional and associate cooperation. This is based on the fact that our country, Kosovo, has the idea and purpose of rapidly developing the education system by implementing and realizing the curriculum framework in order to fill all those vacuums and gaps that have existed until now. Therefore, we will always be ready to handle different research from available sources by relying on advanced technology. In this way, we will achieve quality and learning competencies through students' motivation for success criteria in didactic and professional ways.

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# **The impact of Public External Debt on Real GDP in the case of Albania**

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## **Abstract**

Together with the economic development of Albania, is raising the debate of the external debt being adequately managed. While talking about an increasing economy of the country, external debt also piles up year by year. Although foreign literature considers developing countries as countries with high external debt, Albanian studies do not yet clearly show a linkage between rising debt and economic growth.

Commonly, countries with similar economic development as Albania, rely on external financing sources due to the insufficiency of domestic funds to support crucial investment projects. This type of decision recognizes public external debt as a critical element for the growth of the economy, which is a reason why it might be vital to prove a relation between them. Additionally, the more the government engages external debt to finance projects in order to stimulate economic growth, the larger will be the impact of exchange rate on these two factors. In this interest, the latest developments in the world of monetary policies have brought the attention of the complications extreme exchange rates fluctuations have. That is one of the reasons why it is becoming increasingly difficult to understand the type of correlation between all these variables.

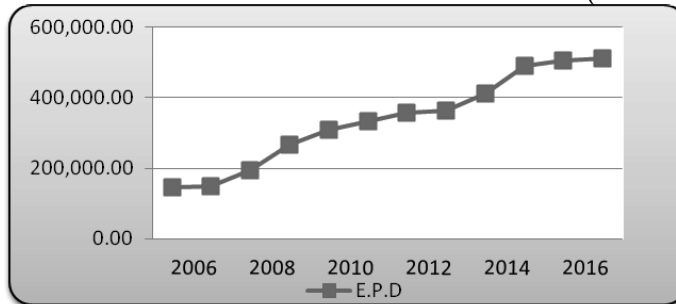
Therefore, the aim of this research is to validate the relation between economic growth and external debt, by adding the effect that exchange rate, measured by the real effective exchange rate, might have on this relation. The aforementioned process will be finalized by building an econometric model, trying to figure out whether the relation of variables is statistically strong and if the bond between them is positive or not. Data will be collected from Albanian public institutions, as well as from international institutions for a 10 year period (2006-2017). All the qualitative and quantitative information gathered in this context will help us answer our question and comprehend the relation between these economic indicators.

**Keywords:** Real Growth of GDP, External Debt, Real Effective Exchange Rate.

## **Introduction and Context**

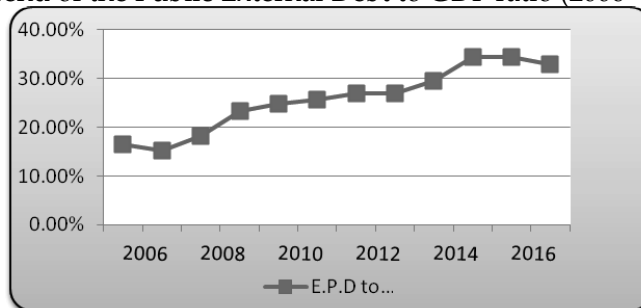
Albania has experienced a significant increase of the external public debt from 2006 until 2017, in both nominal (from 145.733 million ALL to 500.725 million ALL) and real value (from 16.53% to GDP to 32.81% to GDP). At the same time, there was a volatility of the ALL exchange rate with foreign currencies, which could be detrimental for the Albanian economic development.

**Graph 1:** The trend of Public External Debt in nominal value (2006 – 2017)



**Source:** Ministry of Finance and Economy in Albania (2018)

**Graph 2:** The trend of the Public External Debt to GDP ratio (2006 – 2017)

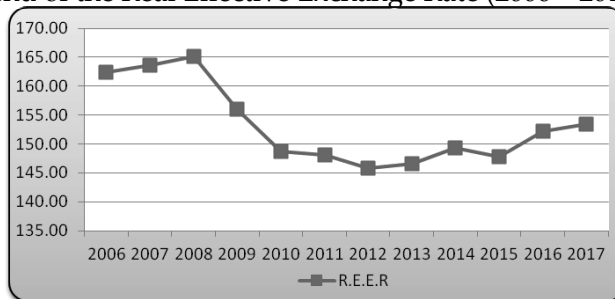


**Source:** Ministry of Finance and Economy in Albania (2018)

Considering these facts our analysis highlights the importance of external public debt (EPD) even more in-depth, taking into account another factor, which is the effect of the exchange rate. Because of the importance it has as an indicator, we will consider the real effective exchange rate (REER)\*. The increase in the percentage of the external public debt to GDP ratio in the case of Albania does not necessarily mean a problem in the present, but it might be a problem in the future.

Therefore, in this paper the focus will be on the impact that external debt may have on real GDP growth and also the effect of another economic factor (real effective exchange rate) on this variable. The reason why specifically this factor is taken into consideration is based on the fact that when the growth of foreign debt increases and exposure to foreign currency risk increases too. Both of these factors can provide a clearer picture of the future of economic development if they are kept under control. Accordingly, we assume that countries with the lowest development of the economy will continually depend on external debt. Although in the medium term the external debt will serve as a good supplier of investment needs of the country, in the long run, issues may arise. If the country fails to cope with the cost of this debt, it will necessarily be directed to a new external one, consequently, in the long run, we cannot be sure whether the economy will be healthy. In addition, any increase in EPD/GDP ratio may cause concern and distrust to potential investors in the market.

**Graph 3:** The trend of the Real Effective Exchange Rate (2006 – 2017)



**Source:** Islamic Development Bank (2018)

On the other hand, the external debt cannot be seen without the exchange rate effect, due to the possibility that the weight of each additional fund may fall as a major burden of fiscal and monetary policies, which in most cases will directly affect the incomes of the population.

Therefore, to measure this kind of effect, it is taken into account REER variable, which in our case is CPI based. At the very end, *ceteris paribus*, any payment in favor of creditors, would mean a reduction of government funds that could directly reduce the GDP, since fewer funds would mean fewer public investments. In this logic, we would expect the opposite to be true.

## I. Methodology

### II.a The main objective of the research paper

The main objective of this research is to identify whether there is a relation between external public debt and real growth of GDP in Albania. Also to check the correlation's strength and the direction of it.

### II.b Secondary objective

In support of the initial target, as well as in the creation of a reliable and statistically important econometric model, along with the impact of external debt on economic growth, we will also study the effect of the exchange rate on economic development, using the real effective exchange rate (REER).

### II.c Research hypotheses

*Main Hypothesis:* (H0) – “If the external debt increases, the real GDP will increase”

*Alternative Hypothesis:* (H1) - “If the external debt increases there won't be a significant change in the real GDP”; and

*Alternative Hypothesis* (H2) – “If the external debt increases and Real Effective Exchange Rate decreases, the real GDP will increase”.

### II.d Methodology drawbacks

Although the effect of these factors individually is already studied in the context of changes in economic growth, there are not any present studies to validate or reject the relation of these factors with each other, in the case of Albania.

The model we will try to build is not based on any other econometric model, but it

will only be based on different theories and findings of other authors.

## **II.e Data input**

The data on which we will base our research will be considered as secondary data and will be gathered from public sources of Albania such as the Ministry of Finance and Economy, as well as from other international institutions, mainly for the real effective exchange rate information. The time span considered will be from 2006 to 2017.

## **II.f Model building**

All the data gathered will be integrated into SPSS program. The most important results will be shown on the ANOVA table and the Coefficients Table, that will provide all the information needed for the building the final model.

## **II.g Variables**

Real Growth of General Domestic Production - GDP

External Public Debt - EPD

Real Effective Exchange Rate – REER

# **II. Literature Review**

## **III.a Theories in relation to GDP growth and External Public Debt**

Not only in theory but also in practice, in developing countries, the level of domestic financial resources is insufficient to finance investment needs that will lead to economic growth. In this situation, the governments generally borrow abroad and expect that the return of the borrowed funds will be higher than their costs.

According to Adegbite et al (2008) in an optimal condition, the marginal return on investment is greater than or equal to the cost of borrowing, in this case debt will show a positive impact on growth.

The traditional neoclassical economic model speaks of a positive relationship between debt and growth. This is because the borrowed funds, according to them, if are used with efficiency and productivity are expected to increase investments. However, the main problem lies in the assumption that perfect capital mobilization is unrealistic and when it fails, the lower levels of debt are associated with higher growth. In addition, the high level of debt stock can be followed by many uncertainties as capital loss, tax inflation followed by excessive borrowing, which undoubtedly has a negative effect on economic growth. The core of this negative effect of debt on economic growth is the reduction of valuable investment resources by debt servicing.

## **III.b Debt Over-Hang Theory**

Debt over-hang is a situation in which the expected repayment on foreign debt falls short of the contractual value of the debt (Krugman,1988). Eduardo Borensztein (1990) defines debt overhang as a situation in which the debtor country benefits very little from the return to any additional investment because of the debt service obligations.

The main principle of this theory is that any growth beyond the expectation of the

external debt would directly influence the ability of a country to develop its economy. According to debt overhang hypothesis, a certain level of external debt has a direct positive effect on economic growth until a certain point where an additional debt will have a negative effect on growth. Also based on this theory both Yucel (2009) and Tamasehke (1994) conclude that a continuity raising dependency on foreign debt would reduce some of the most important accelerator factors of the economy. This based on the opinion that some returns of the investors may be taxed in order to collect enough money to serve debt and these policies may discourage investors to continue their investments.

### **III.c Studies that prove a relation between GDP growth and External Public Debt**

Numerous empirical works have been carried out on the role of external debt in economic growth in developed and emerging economies using various econometric models, which show some contradictory outcomes on the effect of the external debt on economic growth.

Melina et al. (2016) with their econometric model took into account the debt link with a number of other economic factors, highlighting the importance of debt management and fiscal policies in the future of the country's economic development. The study was based on developing countries data and it was found that the sustainability of debt in general and external in particular, indirectly affects the potential investors and directly the country's development factors.

Another study that relies on this logic is that of Calderon and Fuentes (2013), who took these variables for Latin American countries. For a period of 40 years, the growth of foreign debt has negatively affected the economic growth of these countries. Gradstein and Milanovic (2004) go even further, giving the opinion that it is precisely the level of democracy of a country that can manage to keep these two variables under control.

Regarding other works that have highlighted a negative correlation between economic development and external debt variables, there are many. Authors like Cohen (1996), Lin and Sosin (2001), Kumar and Woo (2010), Akram (2011) etc., noticed a negative impact of external debt on the GDP growth of a country.

Contrary to the above, there are also other scholars who were not so strict about the negative impact of external debt on economic growth. Reinhart and Rogoff (2010) in the context of correlation statistics have concluded that the linkage of total government debt and long-term growth is not so strong for a Debt/GDP ratio of less than 90%. You and Dutt (1996) state that the effect of government debt growth on income inequality cannot be considered negative or positive, as this depends on a number of factors that appear after the rising debt periods. Meanwhile, Spilioti and Vamvoukas (2015) in their model have found that in Greece's economic data (for a 40-year period) show a positive relationship between debt growth and growth of the economy.

### **III.d Studies that prove a relation between GDP growth and Real Effective Exchange Rate**

There are a lot of theoretical and empirical studies that suggest a relationship between real effective exchange rate and economic growth. Generally, in this context, most of them admit that there exists a negative effect of REER's on the economic

development of a country.

Sarel (1996) came to the conclusion for a group of 87 states, that REER's effect on economic development is non-linear and negative for long-term periods, such as the one studied for period 1970-1990.

This specific research is very useful for the case of Albania, as REER is based on CPI, which is the same REER provided for the economy of Albania by official institutions. Also in this study, as well as in the research of Kremer et al (2009), it is noted that this factor hampers economic growth only when a certain limit is passed.

If the above studies have taken a mix of countries in terms of industrialization, new studies also opine a negative relationship between REER and economic growth. Koren (2001) argues that a devaluation of REER would simply help the country's economy grow further in terms of growth of employment and exports of a country. Other recent studies like that of Nucci and Pozzolo (2010) for the Italian economy, come to the conclusion that any drastic change at the REER level affects immediately development factors like employment.

### III. The Analysis of Results

The following results were generated on SPSS programm after running the data in the form of linear regression model.

**Table 1:** Variables entered generated from SPSS Programm

Variables Entered/Removed <sup>a</sup>				
Model	Variables Entered	Variables Re-	Method	
1	REER, EPD <sup>b</sup>	moved	Enter	

- a. Dependent Variable: GDP
- b. All requested variables entered.

**Source:** Constructed by the authors

Table 1 shows which variables are chosen to validate our hypotheses, where the dependent variable is GDP and the entered variables are REER and EPD.

**Table 2:** Model Summary Table generated from SPSS Programm

Model Summary <sup>b</sup>										
Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Change in R Square	F Change	df1	df2	Sig. Change	Durbin-Watson
1	.906 <sup>a</sup>	.820	.780	.008963	.820	20.493	2	9	.000	2.221

- a. Predictors: (Constant), REER, EPD
- b. Dependent Variable: GDP

**Source:** Constructed by the authors



**Table 3:** The ANOVA table generated from SPSS Programm**ANOVA<sup>a</sup>**

Model		Sum of Squares	Df	Mean Square	F	Sig.
1	Regression	.003	2	.002	20.493	.000b
	Residual	.001	9	.000		
	Total	.004	11			

a. Dependent Variable: GDP

b. Predictors: (Constant), REER, EPD

**Source:** Constructed by the authors

Based on the Model Summary Table and ANOVA table, we can initially see that the model we have chosen to build is statistically significant ( $p=0.000$ ;  $p<0.05$ ), concluding in a strong link between real GDP growth, REER and EPD. This is a good signal because it shows that the model we have chosen makes sense. Another signal worth looking at is the  $R^2$  which would mean that the variance of the real GDP growth is influenced at a rate of 82 % by both EPD and REER and only a small percentage by other factors. All the above indicators are an optimistic information we get from running the model, which is also in line with the theories we have chosen for this research.

**Table 4:** The Coefficient Table generated from SPSS Programm

Coefficients <sup>a</sup>												
Model	Unstandardized Coefficients		Standardized Coefficients	t	Sig.	95.0% Confidence Interval for B		Correlations			Collinearity Statistics	
	B	Std. Error	Beta			Lower Bound	Upper Bound	Zero-order	Partial	Part	Tolerance	VIF
1 (Constant)	-.362	.101		-3.570	.006	-.591	-.132					
EPD	.003	.001	.937	4.436	.002	.001	.004	.905	.828	.627	.449	2.229
REER	.012	.061	.043	.203	.844	-.127	.152	-.653	.067	.029	.449	2.229

a. Dependent Variable: GDP

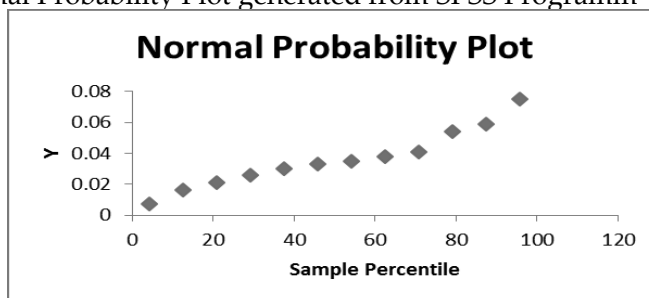
a. Dependent Variable: GDP

**Source:** Constructed by the authors

Moreover, the Coefficient table gives us all the information we need to build a reliable model. If we take a look at the significance of the effect each variable has on real GDP growth, we clearly see that the EPD (with  $p=0.002$ ) has a solid significant effect of GDP, while REER seems not to have a strong effect on GDP ( $p=.844$ ). Although if we take both variables (not only EPD) as we said, the significance would be even stronger. On the other hand,  $\beta$  coefficient shows us the direction of this relation, which for both EPD and REER is positive. This means that for any increase on both EPD and REER we would expect an increasing of the economic growth.

In addition, it is important to notice the effect of the standard deviation on each variable. We notice that if the REER is held constant, a rise of EPD with one standard deviation would increase real GDP growth with 0.937 standard deviations. While the effect of the REER standard deviation would be very light on the real GDP growth. We also check VIF, which in our case is the same for both variables (2.23) and also means that the multicollinearity is in line with VIF tolerance ( $1 < \text{VIF} < 10$ ).

**Graph 4:** Normal Probability Plot generated from SPSS Programm



**Source:** Constructed by the authors

The above graph determines if our data are normally distributed in time. In our case, the data are approximately normally distributed, which would mean that this positive relation would be slightly true for longer periods too.

At the very end our model validating the relation between real GDP growth, EPD and REER, for the case of Albania, would look like:

$$\text{GDP} = -0.362 + 0.003\sum\text{EPD} + 0.012\sum\text{REER}$$

## Conclusions

From running SPSS linear regression model we concluded in a strong relation between all factors we decided to validate ( $p=0.000$ ;  $p<0.05$ ). This is also what we expected since the literature provided the same results. The result validates our main hypothesis (H0) – “If the external debt increases, the real GDP will increase” and directly rejects Alternative Hypothesis (H1) - “If the external debt increases there won’t be a significant change on the real GDP.

The coefficients and statistic data provided from SPSS program prove that the effect of REER on real GDP growth is very small ( $p=0.844$  and  $R^2= 0.043$ ). Despite this, the model as is much more significant with both variables together. The multicollinearity of the data ( $\text{VIF}=2.229$ ) also proves that the model is of high importance and that the relation of all variables with each other is significant.

About the direction of this link, we can say that the  $\beta$  coefficient proves that both EPD and REER are positively correlated with real GDP growth of Albania for a period of 10 years. This result directly rejects Alternative Hypothesis (H2) “If the external debt increases and Real Effective Exchange Rate decreases, the real GDP will increase”.

It can be said that the model validates the main hypothesis (H0), which concludes that any external debt increase would result in a real GDP increase, where a raise of EPD with one standard deviation would increase significantly real GDP growth with

0.937 standard deviations, taking into account the REER would be held constant. The established model is a reliable model of high statistical significance, not only because of the data of the SPSS program, but also because it is based on a broad literature base and studies that in most cases prove a strong and positive link between EPD and real GDP growth.

The novelty in our study is the incorporation of a new variable (REER), which despite the low importance on the model, surprisingly results to have a positive impact on economic growth. We say surprisingly because it is with complete controversy with all the literature and studies we have considered. But this can be justified by many factors, one of which may be the time period taken into consideration. A relatively short period that does not provide a strong normal distribution of the data for other periods.

Given the above, we can conclude that in Albania's overall economic development over the last 10 years, one of its most important factors has been the growth of the public external debt. However, in the long run, this relationship does not ensure a positive correlation, that is why the sustainability and management of external debts should be seen as a priority for the Albanian economy. Additionally, the experiences of other countries should be carefully studied, since they consider the great reliance on external debt as a negative signal for the country's economic future.

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# **An information method to improve market access for small farmers in Lushnje, Albania**

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## **Abstract**

The study will focus on improving market access for small scale farmers in some communes of the city of Lushnje. Although exist collection centers of agricultural products, small farmers are far from the city and have no information market nor organizations of farmers, problems of developing countries. Living in rural areas of the country, small farmers traverse long distances to be sold, but very often they return without selling them and consequently their products are wasted. In such context they will not have enough income to purchase inputs or modern technology to improve the quality of their products and these factors lead to the demoralization of farmers and poor ones. According to the International Fund for Agricultural Development (IFAD) "Majority of poor people will live in rural areas until 2040". So need arises to support the small farmer in any country of the world to contribute to poverty alleviation by improving the market. Therefore in this study we thought as conceptual solution Information and Communication Technology, with one of its tools as use of mobile phones because it is less costly and has brought facilitations to many areas of life, anywhere in the world as well as in our country. The improvement of market access is thought to be achieved with the government support to provide the municipalities of Lushnje, marketing and agricultural experts as well as with one of the Telephone Services most popular in the country, who conclude a contract between them and small farmers to easily have questions/ answers communication service with the mobile group.

Small farmers will also be provided with other services such as soil quality information, training on best agricultural practices, warning of diseases and pests, farm management etc. A best agricultural practice for them would be: farmers who have small land areas closer to each other, to recommend the planting of the same products and be informed about any problem together, but also go to the market together. As well as farmers who have fast food and restaurant points closer to them, also let bargain to supply. Supplying these outlets offered farmers higher incomes and more stable demand but required from farmers to make significant improvements in product quality, quantity, and business management (Kaganzi *et al.* 2008). In the following it would be used questionnaires concerning the information needs of small farmers, also the perceive benefits of using mobile phones. There will be an assessment of farmers to asymmetric information between stakeholders and they will provide their note associated with the information about the market. The final conclusion is that based on the results come out, hopefully we can help small farmers to be sustainable, to increase their profits and what is most important to produce in larger quantities but also to produce healthier products for the benefit of the society.

**Keywords:** market access, small farmers, mobile phones, agricultural practices, questionnaires.

## **Introduction**

Agriculture has been and is one of the most important economic activity for our country. Actually agriculture remains the basic branch of economy, it provides 17.7% of GDP (Gross Domestic Product). The total land in Albania amounts to 2 875 000 ha. The agriculture land fund accounts for 696 000 ha or 24 % of the total area, 37

% forestry, 17 % pastures and 23 % others. About 43.3 % of this area is situated in lowland, 34 % in the hilly zone and about 22.7 % in the mountainous zone.

Only 50 % of this area is used as arable land and it represents a real and stable fund for the development of the agriculture. The other part situated higher than 300 m above sea level, is very fragmented, with very few potential capacities for irrigation, salted and under the permanent threatening of erosion. More than 47 % of the land is located higher than 600 m above sea level. In general, these areas are very poor and infertile. With respect to the area of agricultural land for each habitant, Albania is ranked as the last in the region (about 2200 m<sup>2</sup> / habitant). On the other hand, based on the fact that only 450 000 ha land can really be cultivated (which corresponds with the de-facto cultivated area during last decade) the ratio even becomes worse at only 1400 m<sup>2</sup> / habitant. Agriculture has the overall objective of sustainable growth of production of agricultural products reaching to improve the supply market for consumption and processing subjects, reducing the report export - import, economic growth level of agricultural households etc. In this context, notwithstanding the negative balance of import-export, recent years has seen an increase of Albanian exports to the countries of the region and beyond, here it is worth mentioning the fact that domestic production has increased that comes as a result of increased surface planted, but as a result of increased crop yield. These increases reflected both in production and in value. Regarding the above, it has significant influence and change structures in favor of crops planting most demanded in the market and provide greater profit margin for the Albanian farmer.

We still have a fragmented agricultural structure and in this way there is a market with a large number of small farmers, who produce small quantities of agricultural products, not supported and not able to complete in the local markets and poor transport infrastructures. In particular, small-scale farmers have poor market infrastructure, inadequate marketing experience, and agricultural inputs (Munyua, 2007). In our country we counted 117 collection centers of agricultural production, 52 of which are collection centers where the export of agricultural products carried, all over the country, with conditions to store the area's typical products. The highest number collection centers is focused on county Lushnje - Fier, where are set up 13 collection centers and export of vegetables and fruits, with 5100 m<sup>2</sup> capacity Collection (warehouses) and capacity of 7500 tons of refrigerating units, which enable collection over 56 thousand tons of productions from the fields of Albanian farmers. Although exist gathering places agricultural products in Lushnja, small farmers are far from the city and have no information market nor organizations of farmers, problems of developing countries. Living in rural areas of the country, small farmers traverse long distances to be sold, but very often they return without selling them and consequently their products are wasted. The study will help small farmers through Information and Communication Technology (ICT), with one of its tools as use of mobile phones because it is less costly and has brought facilitations to many areas of life, anywhere in the world as well as in our country. Farmers who use mobiles can also save on transport costs (Overa, 2006) - an effect that is stronger the more rural the area (Muto and Yamano, 2009).

The invention of mobile phone attributed Martin Cooper, one of the best engineers of the company Motorola. Martin presented the project for the first time on 3 April 1973. Despite the ambitions of the company, the new invention were still many elements

that are not satisfied. Only after 10 years of effort, the project of the first mobile phone managed to evolve to the point that he came on the market. The first phone went on sale with a price of 4000 dollars. During the second half of the 90s the phone turned into a status symbol, but with its rapid spread he became one of the most essential items of daily life. Currently thanks to these mobile phone conversations are possible with not only listen, but also being seen, without forgetting video messaging and audio format. Recently, third generation mobiles have enabled Internet connection system thanks to WAP (Wireless Application Protocol). The first mobile operator in Albania was launched in May 1996 by Albanian Mobile Communications (AMC), which was privatized in 2000, when 85 per cent of AMC's shares were sold to the COSMOTE Group (Greece)-Telenor (Norway) Consortium and in 2008 joined the Deutsche Telekom group. Since July 2015, the company is operating as Telekom Albania.

Investments were also led by Vodafone Albania, an affiliate of Vodafone (United Kingdom) which became the second cellular operator and was licensed in Albania in June, 2001. Eagle Mobile entered the market in October 2008 and the fourth mobile operator, a joint venture between Albanian companies and Kosovo Post & Telecommunication received its license in 2009. The fixed telephone operator Albtelekom was privatized through sale of shares to Calik Enerji Telekomünikasyon (Turkey) and its partner Turk Telekom. In April 2009, Albania granted the fourth GSM license to a group called 'Mobile 4 Al' led by Post and Telecommunications of Kosovo (PTK), becoming the first country in the region with four mobile operators. Mobile 4 Al became operational only in late November 2010 under the brand name Plus communications. The regulatory authority for telecommunication in Albania is the Electronic and Postal Communications Authority. Albania had in 2015 4.9 million subscribers (175% penetration rate), out of which there were 3,3 million active users (117% penetration rate). Subscribers as of June 2015, Vodafone 46.22%, Telekom Albania (Formerly AMC) 33.16%, Eagle Mobile 14.02%, and Plus 7.10%.

## **Material & Methods**

The study was carried out in Lushnje, Albania, its geographical coordinates are 40° 56' 31" North, 19° 42' 18" East. Lushnje is a town and a municipality in Central-West Albania. It is located in the County of Fier. The municipality was formed at the 2015 local government reform by the merger of the former municipalities Allkaj, Ballagat, Bubullimë, Dushk, Fier-Shegan, Golem, Hysgjokaj, Karbunarë, Kolonjë, Krutje and Lushnjë, that became municipal units. The seat of the municipality is the town Lushnje. The total population is 83,659 (2011 census), in a total area of 372.72 km<sup>2</sup>. The population of the former municipality at the 2011 census was 31,105. The new municipality has under its administration generally a rural area, where 63 percent of the population lives in 85 villages that are part of it. Lushnje is the most important agricultural areas of Albania to produce field crops, vegetables, melons and livestock products in lowland areas, as well as olives and vineyards in the hills. The land of Lushnje usually planted twice a year and in exceptional cases even three times a year. Another feature of this agricultural area is the closeness with main consumer markets of country such as Tirana, Durrës and Vlora. Over the last decades, farmers in the region have focused on the techniques usage reaching early production field

as well in the production of vegetables in greenhouses in order to achieve market supply during the winter periods. Moreover, crops planting is another source of economic income of residents. Also in rural areas people which operate their breeding of small livestock like cows and sheep, as well as in the production of milk derivatives. In these areas operate several milk processing companies, which have created a network of milk collection from house to house by creating the conditions for profilization the part of farmers to breeding cows. Marketing of agricultural products generally performed in the market near Lushnja where departing from a large part of Albania's agricultural exports to markets in the interior of Balkans or in Central and Eastern Europe. According to the Institute of Statistics (INSTAT) of Albania, the Regional Directorate of Fier and that of Lushnje have been exported agriculture products ( comparison between first half year 2014 and first half year 2015) to 18 countries, out of which 10 EU countries (Denmark, Greece, Itali etj). The results indicate that first half year 2015 has exported more products than the first half year 2014 such as 26000 tons of watermelon, 12650 tons of tomatoes, 5718 tons of cucumbers and 3007 tons of cabbage.

The study in its entirety, included a random sample of 101 small farmers in three communes of the municipality of Lushnje namely Allkaj, Krutje and Bubullimë. These communes were chosen because they are farther away from municipality of Lushnje because in this way we learn better those problems related to market information. Multi stage sampling technique was employed in selecting sample for the study. The first stage involved demographics of participating farmers. The second stage involved small scale farmers' agricultural information needs. The third stage involved small scale farmers' perceived benefits of using mobile phones. And the fourth stage involved small scale farmers' assessment to asymmetric information between stakeholders. Well structured questionnaires were used for each stage to elicit information from the respondents. Data were analyzed descriptively. Objectives 1 was achieved using summary of participating farmers' demographics that paint a mixed picture, objectives 2 and 4 were achieved using percentages, and objective 3 was achieved using number of observations.

## **Results & Discussion**

### **Demographics of participating farmers**

Table 1 summarizes the participating farmers' demographics. The average age of participants was 43 years old, six people with university education. About 80% of farmers were vegetable producer such as tomato, cucumber, pepper, cabbage, etc. About 0.5 hectares cropped on the farm. About 16% of revenue came from outside the farm and mostly by immigration. All participating farmers used mobile phones that is more important in the study.

**Table 1: Summary of participating farmers' demographics**

Category	
Number of participants	101 Farmers
Average age	43 Years Old



Average number of years farming	27 Years
Average number of years in school	15 Years
Number of following farm types:	
- Field Crops	80 Farms
- Livestock (beef, hogs, etc.)	17 Farms
- Other	4 Farms
Average number of hectares cropped	0,5 hectares
Average percent of off-farm income	16%
Number of participants using mobile phone	101 Farmers

### **Small scale Farmers' Agricultural Information Needs**

Farmers need vital information to increase and improve productivity. Table 2 illustrates how small farmers' information needs and sources of information can differ. Farmers need information on seeds and planting materials (90.1%), weather information (71.3%), soil and water conservation (77.3%), diseases/pest control (84.2%), manure/fertilizer use (92.1%), weeding /harvesting time (54.5%), credit facilities (68.3%), loans/ advances (61.4%), product planning (78.2%), market information (96.1%), crop storage (63.3%), and extension training of farmers (76.2%). As can be seen the highest percentage have market information, manure/fertilizer use and seeds/planting materials because farmers by not having safe market, their products often are dumped and they want to acquire knowledge necessary to produce qualitatively products. Despite some farmers have agriculture experience they have no precise knowledge how much pesticide to use and when to throw. Some farmers accepted that before have often abused of their usage and realized that the products like tomato and cucumber were not qualitatively and have remained unsold.

**Table 2: Information Needs of Small Scale Farmers**

Information Area	Frequency	Percentage
Seeds/planting materials	91	90.1
Weather information	72	71.3
Soil/water conservation	78	77.3
Diseases/pest control	85	84.2
Manure/fertilizer use	93	92.1
Weeding/harvesting time	55	54.5
Credit facilities	69	68.3
Loans/ advances	62	61.4
Product planning	79	78.2
Market information	97	96.1
Storage of crop	64	63.3
Extension training	77	76.2

### **Small Scale Farmers' Perceived Benefits of Using Mobile Phones**

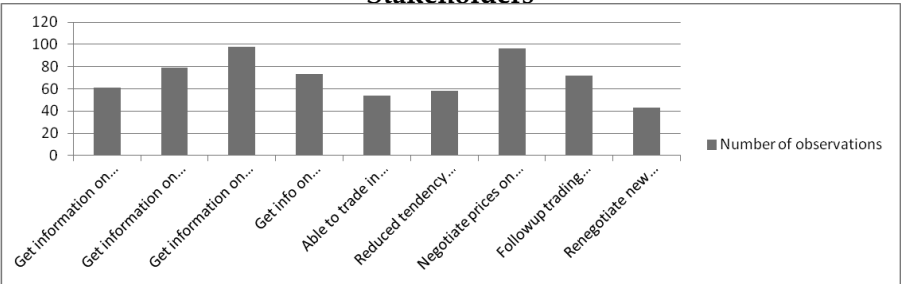
This observation increasingly are supported by empirical evidence; figure 1 present example from small farmers perceiving benefits of using mobile phones. Research on negotiation approaches indicates that it is important to obtain as much information as possible prior to a negotiation. Without market access, productivity is low and options for the farming enterprise are limited (Kunaka, 2010). This information

should include the trading patterns, goals, and preferences of those that one is negotiating with. Groups which thought they need more information in advance will achieve more effective and efficient outcomes as well as higher levels of satisfaction with the negotiation. These findings affirm when farmers report feeling increase trust in their trading partners after farmers will have gained access to mobile phones.

**Figure 1: Small Scale Farmers’ Perceived Benefits of Using Mobile Phones**

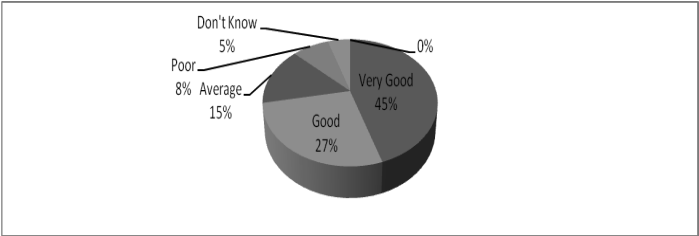
Source: Okello 2010.

**Small Scale Farmers’ Assessment to Asymmetric Information between Stakeholders**



The improvement of market access is thought to be achieved with the government support to provide the communes of Lushnja, marketing and agricultural experts as well as with one of the Telephone Services most popular in the country, who conclude a contract between them and small farmers to easily have questions/ answers communication service with the mobile group. Small farmers will also be provided with other services such as soil quality information, training on best agricultural practices, warning of diseases and pests, farm management etc. A best agricultural practice for them would be: farmers who have small land areas closer to each other, to recommend the planting of the same products and be informed about any problem together, but also go to the market together. As well as farmers who have fast food and restaurant points closer to them, also let bargain to supply. The asymmetric information between stakeholders respondents assessment very good 45 percent, good 27 percent, average 15 percent, poor 8 percent and don’t know 5 percent. These percentages indicate a high rating for this asymmetric information of the respondents, which were very enthusiastic if this will be fulfilled in the near future because it will bring them more convenience and profits.

**Figure 2: Respondents assessment to asymmetric information between stakeholders**



## Conclusions

In this paper the contributions of the mobile phones technology by small scale farmers have been illustrated by empirical evidence. The most of respondents in this study were positive about the impact of mobile phones on their operations. Based on these results come out, hopefully we can help small farmers to be sustainable, to increase their profits and what is most important to produce in larger quantities but also to produce healthier products for the benefit of the society.

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# Intercultural Relations Between Albania and Greece

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## Abstract

The relations between Albania and Greece are considered very important in terms of Albanian foreign policy because of the geographical proximity to the neighboring country, the existence of a strategic partnership can be said, the economic relation, the presence of a considerable Albanian population (Cam minority), undoubtedly a past that may be considered to be somewhat conflicting. Consequently, throughout these years, Albanian - Greek relations have been dynamic, varied and multi - dimensional, creating the impression that the history of each country would be deficient and the reality difficult to explain if the relations between the two countries were not evaluated. These relations have become subject of study for various subjects such as Albanian, Greek and third. From researches it turns out that some of the current studies, which tend to emerge from a descriptive to an explanatory framework, generally fall into the trap of subjective approaches, thus giving unilateral approaches and conclusions of these relations. In this analysis, historical facts are the main tools, but the purpose of this study goes beyond a historical description of these relations. What is claimed to be an innovation in this paper is a profound analysis of these relations on the cultural and legal integration path based on the real facts of events occurring in the two countries' relations. Trying to treat this topic of the international field as integration sublime, in the light of a true story away from the old and false clichés, relying mainly on the theoretical and quantitative approaches but also the qualitative approaches of the citizens' own experiences with Albanian citizenship established in the Greek country as a subject of interstate relations between the two countries.

The purpose of this paper is to study the Albanian - Greek relations in the cultural aspect as a consequence of their vicinity; of minorities located in both sides respectively Cam and Northern Epirus, but without a doubt even more important, as a consequence of a cultural exchange created or gained after the 1990s when the first immigration of Albanian citizens to Greece began and when it was spreaded as a phenomenon in the upcoming years by creating what constitutes a real fact that over 700,000 of the totality of Albanian immigrants in the world, is occupied by those who are settled in Greece.

**Keywords:** Intercultural relations, culture exchange, good neighbor, minority, emigration.

## Methodology

The methodology used during the paper is based on a careful study, a profound research of historical and juridical facts and the generality of scientific conclusions. This was basically based on a profound analysis, first in collecting materials and data through archive documents, monographs, studies, scientific journals, newspaper articles, reports from various national and international institutions and the Albanian government, materials obtained from the internet, etc. The used literature has been largely in Albanian, Greek, English, and so on. For the discussed topics were used monographs and studies of the most outstanding scholars for the respective fields. The collected facts on which the analysis is based are from alternative sources. Apart

from the studies, special attention has been paid to the materials taken from the Central Archive of the Republic of Albania, the archive of the Ministry of Foreign Affairs of the Republic of Albania (inability to access the archives of the Greek state), statistical data from institutions both local and international, such as the two countries' Ministries of Finance, the General Directorate of Customs, the Bank of Albania and Greece, INSTAT, FMN, etc. The analyzes discussed in the paper are focused on the main indicators that illustrate the cooperation between the two countries, including data on Albania, Greece and the countries of the region.

However, the treatment of such topics that is intended to reflect the international relations of the two neighboring countries can not be realized without a thorough normative analysis of various international acts, which represent the basic framework on which to function and to support two countries to create what is considered as "good neighborhood" starting with the International Act issued by the Conference of Ambassadors in London in 1913, to continue with the Florence Protocol in 1925, to continue with the International Final Act of Albania's borders with Greece in 1926, with the act of diplomatic relations between Albania and Greece at the time of the communist regime in Albania in 1971, with the "Treaty of Friendship and Cooperation" signed in 1996, and finally with the International Treaty of 2009 with the object "Delimiting their respective areas, continental shelf, and other marine areas". The content of these acts is a sound legal basis in which countries should cooperate for a "good neighborhood" and cooperation between them, or extreme cases, of the obligation that countries themselves should "call" in the event of a conflict of relations among them. Treated in this way, international law takes on a new dimension, where the use of force as a means of achieving various goals that has been applied for a long time by countries is expressly forbidden, paving the way for diplomacy and other mechanisms provided for by these acts. During the paper, specifically Chapter II-III-IV, the methodological approach that we have chosen to implement is based on the principles of *qualitative social research*. This methodology was considered appropriate for the nature of research questions, which can be summarized in: a) evidence and understanding of the experiences of Albanian immigrants in Greece and the integration process in Greek society; as well as b) finding, improving and implementing policies for their further integration. We have to do with a scientific and methodological approach that has the social relations at its core, presented from the *point of view of the people* involved in it. Its purpose is to study the life experience and the way how social subjects understand the environment they live in, where they form their views and behaviors in relation to the integration processes and marginalization, describing the social reality they experience. Based on this research framework, we focused on different social circumstances and the relations that are formed between entities acting individually and jointly. Our aim was to highlight the ways in which circumstances and relations have influenced the views, choices and forms of action that individuals and groups have adopted in the course of their social life to fulfill their position and role in a society where they are settled in the Greek country. This study aims to contribute, effectively and qualitatively, in: a) Understanding the phenomenon of immigration and the involvement / integration process; b) the study of the effectiveness of policies that have been implemented previously and those currently being implemented; c) the study of social change that communities of Albanian immigrants have been subject to since the beginning

of their coming to this day; d) the consequences of the current reality at the social, economic, political, cultural and ideological level in the immigrant communities; e) Understanding the way in which Greek society (the state, institutions, and citizens) perceives from a cultural point of view, coexistence with different populations, referred to as "Others". The advantage was to highlight their different perspectives, through perceptions, worldviews and portraiture, as well as the discovery of the meanings, values, customs and rules that emerge through their words and actions in certain situations in the places where they are settled. Numerous explanations of reality in different cultural and social contexts in terms of how they affect them and what consequences they bring to social interaction as well as their connection to wider social and cultural processes. This type of research through the experiences and perceptions of the subjects themselves creates the opportunity to understand and describe the way of life according to their point of view.

### **Introduction**

#### **What do we understand with interculturalism**

It is important to explain the term "inter-culturalism", this term appeared in the mid-1970s and early 1980s, in foreign dictionaries we find the definition of "intercultural" which joins with each other different cultures<sup>1</sup>. While Wahrig defines intercultural as "something that has to do with many cultures, it is common to them and connects them"<sup>2</sup>. In Albania the concept of interculturalism has long been unknown and the reasons have been of a political character. It is about the '70s and '80s, when in Europe this concept was widespread, and it was not known to us either because of communist isolation. Only after the collapse of communism began to use this term and its meaning at the beginning was not the same as it has been in the present day. By this term, it was all related to the foreigner. Interculturality arises from interaction and communication between members of different cultures. Even the Latin "inter" preface has this meaning, that is to say, between. "Intercultural" is all that happens between different cultures.

Interculturality is the result of interaction and communication between one's culture and one's foreign culture, where an intermediate cultural situation is created, or otherwise called a common denominator. According to Rathje, "If culture is not seen as a homogeneous construct but as "acceptance of change", then intercultural interaction can be conceived as an interaction between individuals of different collectives who, due to the low knowledge of the spectrum of variations, collects foreign experiences"<sup>3</sup>. Intercultural traditions have a trans-historical character, so they are transitory, as they only exist when meeting members of different worlds. This is their own character of events, interculturalities should be understood as dynamic, as events that occur during meetings of members of different cultures"<sup>4</sup>. Specifically, culture A meets culture B and a cut is created between them, which is culture C, or otherwise intercultural. This third dimension does not belong neither to culture

<sup>1</sup> Duden, Band 1, erste Auflage, Dudenverlag 2006, pg. 37

<sup>2</sup> Wahrig-Burfeind, Renate (Hrsg): Wahrig deutsches Wörterbuch, Bertelsmann, 2006, pg.23

<sup>3</sup> Rathje, Stefani. "Interkulturelle Kompetenz-Zustand und Zukunft eines umstrittenen Konzepts." In: Zeitschrift für Interkulturellen Fremdsprachenunterricht 11.3. 2006, 2006, pg. 13.

<sup>4</sup> Bolten, Jyrgen. Interkulturelle Kompetenz. Hrsg. Von der Landeszentrale für Politische Bildung. Erfurt: Landeszentrale für Politische Bildung Thüringen, 2003, pg. 22.

A nor to B. Plus it is a combination or synthesis of two of the cultures (A and B). Much more interculturalities testify to a completely new and unpredictable quality and synergy. In this context, Bolten emphasizes that interculturalities are not synergies but potential synergies. "Synergies result from the interaction of powers that arise in self-organized processes. An "invisible" hand creates a rule from an initial chaos. But the type of this rule is unpredictable<sup>5</sup>. From this general approach, interculturalism has come to be strengthened and spread by a number of factors such as:

- work immigration
- arrival of refugees
- intensified international relations
- European integration process

So this notion has gone harmoniously with the evolution of the globalization of the emerging society, describing among other things the meeting of two or more cultures, as a process of exchange between them, and also between people and groups with different cultural traditions and history, but that they coexist in the same place<sup>6</sup>.

Studies related to the dynamics of the course of events in intercultural relations have shown that four different types are distinguished<sup>7</sup>.

*The concept of dominance:* Values and norms of its culture are seen as superior to those of other cultures. Its own must win against foreign influences and must dominate the interaction process. To the partner is exerted pressure of adaption as long as it learned to adapt to the behavior of the dominant partner's cultural standards.

*The concept of assimilation:* The values and norms of foreign culture are taken and integrated with free will in personal actions and behavior. The tendencies of adapting to foreign culture can be so strong that they can also cause the partial or complete loss of its cultural identity and make efforts to move completely to another culture. People try to fully adapt to specific cultural values of superior or more powerful culture in order to escape the constant criticisms of their behavior and to escape the adaptive pressure from the foreign culture. This can go to the extreme, the acquisition of a foreign cultural orientation system and the will for assimilation often occurs also for completely pragmatic reasons, specifically to minimize the pressure of suffering created by the constant experience of the existing gap between one's culture and that foreign, this is what is happening with the second and third generation of Albanians settled in Greece.

*The concept of divergence:* The values and norms of both cultures are seen as important and effective. But there are many elements that disagree and lead to continuous contradictions. Integration becomes impossible and therefore, there is inevitable divergence and constant shaking between the system of its own cultural and foreign orientation. Especially in the initial phase of the formation of intercultural forms of co-operation, such processes can be seen. This leads to uncertainty about the values, norms and behaviors that are important in the process of co-operation and, in the long-term, reduces motivation for work, cohesion in the group etc.

In this way, culture is often regarded as the key and most important concept in

<sup>5</sup> Ibidem, pg. 22.

<sup>6</sup> Belluscio, G/ Rrokaj, Sh. "Comparative dictionary of Albanian-Italian-French-English linguistic terms. Authors". "Arbëria", Arcavata di Rende", Tiranë, 2011, 757 pg.

<sup>7</sup> According to A.Tomas, Eva- Ulrike Kinast, Silvia Shroll-Mahl (HG.), Handbuch Interkulturelle Kommunikation und Kooperation, Band 1: Grundlagen und Praxisfelder, pg. 47-48.

communication and the building of intercultural relations. In communication with other culture members (ie Albanian immigrants - with Greek citizens), new rules of behavior are slowly being perceived as part of their culture. This is because culture is something that is taught. - When we move to new cultures, we learn new cultural patterns that happened with our immigrants in Greece. Precisely in these situations arises interculturalism, therefore, thanks to the interaction and communication between members of different cultures.

### **What we understand with Identity**

The concept of identity refers to the ways in which individuals and groups are distinguished by individuals or other groups within the context of the course of social life and the organization of social relations. The term relates to those social situations in which the similarities and differences between individuals, between groups, and between individuals and groups, make sense and are affirmed by others. Both individuals and groups build their identity, by connecting to "selfn" and "the other". According to contemporary studies of identity, its concept is a mandatory dimension for any kind of social activity<sup>8</sup>.

The concept of identity is studied as a way of understanding the actions of individuals and groups, as well as the relations with the power that they form and the institutional framework within which it develops. In addition, it helps us to perceive the individual's relationship with the group and the role of similarity or distinction. Different researchers perceive it as a closed, limited and succinct form, but also as an open, ongoing process. This process forms relations and features based on gender, nationality, social background, age and many other elements within the current sociopolitical and economic contexts. In other words, identity is not considered stable and immutable, but multidimensional, interchangeable, and structured by various social reasons, practices and positions. It is always dependent on historical developments and undergoes a continuous change process<sup>9</sup>.

Within the study and perception of the social group of Albanian immigrants in Greece, it is important to consider the ways, circumstances and social and cultural features on the basis of which the content of the identity of the "Albanian immigrant" is built. In this way, we can better understand the relationship between the immigrant population and the predominant ideology of the "Others" presence of immigrants in our case, as well as know the boundaries and opportunities of their integration into Greek society.

Identity, as we have discussed above, is evolving and constantly changing, driven by external circumstances or factors. Specifically, the process of identity formation of emigrated Albanians in Greece varies depending on their life experiences and their ages. Based on the research conducted by immigrant experiences, it turns out that the second and third generation Albanians are in an intermediate state. As Dori Kyriazi also mentions:

*"The second and third generation of Albanians are Albanians, although not all aspects, because they have begun to adopt Greek elements, and now they are intertwined, seem somewhere in the middle, I believe they want more Greece as the place where they are grown*

<sup>8</sup> Triandafyllidou, Anna, Veikou, Mariangela, 2002, The Hierarchy of Hellenization: Ethnic and National Identity Assessments in Greek Immigration Policies, Ethnicity, 2(2), pg. 18-20.

<sup>9</sup> Ibidem pg. 27.



*or they live, though they have a kind of spiritual connection with the other country, with Albania, through their sayings, contacts and journeys. Research should be undertaken to validate this, this category of dual-identity persons, and, if I am allowed to use the term with double-homeland”<sup>10</sup>.*

The borrowing of Greek cultural elements by Albanian immigrants is also due to other reasons, referring to immigrant children (second generation), or grandchildren (third generation), we notice that language learning and school life play a decisive role in the formation and lending of Greek cultural elements, and consequently in the formation of their identity. As their own experiences are emphasized, the teaching of the mother tongue (Albanian) by children has not been a priority of Albanian immigrants. Consequently, this has led to a defamiliarization process with features (mainly cultural) that, according to the main arguments, intertwine ethnic identity. The fact that they do not recognize the Albanian language brings the distance from the respective ethnic-cultural identity. This is noticeable recently, when immigrants have returned to Albania due to the economic crisis. In these cases, when children are not well acquainted with Albanian language, they have rarely faced difficulties and "crisis of their cultural identity", such a case in the peak of the crisis in Greece, when many of the Albanian immigrants had to return to their hometown and face a different socio-cultural reality<sup>11</sup>.

Other cases show that Albanian-Greek intercultural relations have been strengthened and fully embraced by the second and third generation of Albanian immigrants if we refer to another experience: *"Even when visiting grandparents, they go just two-three days a year, and when they are younger, the more they grow, the more they go away, or they do not go to the home of their ancestors because grandparents have died, and the ties to that place are few, so I believe that this generation is fully integrated in Greek society, Albania for them is just a memory."* Based on these researches from the experiences of Albanian immigrants, we understand a difference between the first and the foremost generation in terms of linking to an ethnic and cultural identity. While the first generation was the one who created the immigrant collective, the second generation, has no vital connection with the processes of building a collective identity. Even a large part of them seem to want to disconnect any connection to that society and its cultural features. Creating an Albanian association for immigration is not in the interest of young people who learn, work, or live there because they consider it a gathering movement towards an identity they have never known or would like to have forgotten. In conclusion, the older ages, which involve the minority of the Albanian population in immigration, seem to have a lower level of integration into Greek cultural elements. They came from Albania to help grow their grandchildren or for other reasons but have stronger ties to their country of origin in Albania and as a consequence the exchange and acceptance of elements of Greek culture starting with the language and the next elements is harder.

### **Gender relevance and their translation into inter-ethnic Albanian-Greek relations**

The gender factor is another element that makes a difference in the absorption and exchange of Albanian-Greek cultural relations. In the case of Albanian immigrants,

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<sup>10</sup> Portes, Alejandro, Rumbaut, Rubén G., 2001, *Heritage: The History of the Second Generation of Immigrants*, Berkeley: The University of California Press, page 52.

<sup>11</sup> INSTAT 2013).

there are differences in the participation in public actions, in everyday life, in employment circumstances, but also in the case of women and girls in Greece. As many informants say, the Albanian society still carries traits of patriarchal society (in particular, it is described by the informants themselves as "backward") compared to Greek society. These features are transmitted as individuals emigrate to other countries. This shows that cultural elements are quickly and easily absorbed by masculine gender, resulting from a number of factors (mainly employment). But it seems that the situation has changed and it turns out that over the years, gender structured identities are destabilizing as women are coming out of the family home to work outside the home. This change becomes more sensitive in Greece's time of crisis (after 2010), from an economic point of view, because women take on the role of the family pillar. As many other Albanian immigrants show, women emerged as a result of greater participation in the home economy. This results in the change of mentality that male gender is most integrated in Greek society, and consequently the intercultural elements are adapted and assimilated by female gender.

### **Experiences of Albanian immigrants in Greek Schools**

Education is one of the most important pillars of any country. Through it, the language skills of the citizens are developed, and the cultural values where the foundations of the ethnic and cultural identity of future generations are laid, are absorbed and promoted. The school is an institution through which a number of state policies are implemented. It is the fundamental mechanism of child socialization and the framework of their meeting and of their families with the wider society<sup>12</sup>.

The right to compulsory basic education, free of charge, is known to all people<sup>13</sup>. The new reality that was created in Greece after the 1990s radically transformed the school environment and changed the composition of the student population, giving it elements of a multi-cultural coexistence<sup>14</sup>. According to the Greek Immigrant Forum, there are 100,000 Albanian immigrants in Greece who have graduated from high school, 20,000 graduates, and many have empirically taught Greek or have attended training programs for its acquisition (Thakas)<sup>15</sup>.

But how did the children of Albanian immigrants adapt to Greek schools and how much did they have to adapt to and equate to Greek students?

The experiences told by Albanian-educated pupils in Greece are different. If we are referring to the first generation, they had many difficulties. Starting with classroom separation from their Greek peers at school because they did not know Greek at all. This resulted in a dual marginalization, on the one hand, and linguistic, and on the other hand, social isolation, because age change constituted an obstacle to the creation of social relations among classmates and increased their social marginalization (Gogonas and Michail 2014)<sup>16</sup>. Moreover, according to some of their experiences,

<sup>12</sup> Gogonas, Nikos, 2009, Change of language in the second generation of Albanian immigrants in Greece, *Journal of the development of multilingualism and multiculturalism*, 30(2), σ. 95-110.

<sup>13</sup> European Convention on Human Rights (ECHR), Part II, Article 43.

<sup>14</sup> Chatzidaki, Aspasia, Maligkoudi, Christina, 2012, Family language policies among Albanian immigrants in Greece, *the International Journal of bilingual education and bilingualism*, 16 pg. 67-68.

<sup>15</sup> Ibidem pg.72.

<sup>16</sup> Gogonas, Nikos, 2009, Change of language in the second generation of Albanian immigrants in Greece, *Journal of the development of multilingualism and multiculturalism*, 30, pg. 112.

the fact that they did not speak the language at all, created difficulties in writing and spelling. Many of them said that despite having graduated from high school, they still face lexical and syntactic problems. The first generation of Albanian pupils had a low average in the lessons, displayed problematic behaviors, and encountered problems with adapting to the school environment, contrary to second-generation students, who had excellent results in lessons, realized complete assimilation of the cultural, linguistic and didactic elements and full integration<sup>17</sup>.

The Experience of an Albanian Immigrant (pupils in the secondary education system in Greece):

*"...to understand the essence of what I read, I had a lot of difficulty expressing it, and sometimes I was ashamed, because I understood very well what I was reading and I had many thoughts to write, even a sentence, but I had many spelling problems. I did not know the spelling rules."*

Regarding the treatment of Albanian students by teachers, and by classmates, they told us a variety of experiences. Some were of the opinion that their teachers lacked the necessary skills and education to help them integrate and support them throughout the learning process. However, Albanian students have experienced racism, xenophobia and marginalization, mainly from classmates and friends. These cases relate to repeating a behavior based on stereotypical perception of the meaning of the word "Albanian". This further led to the use of some negative epithets, such as "foreigners" or "Albanians, in their marginalization. The cases of racist behavior by the teachers were very rare. As many of the Albanian pupils showed us, they were forced to adopt a reactionary and unpleasant behavior with regard to their participation in the Greek school and the teaching process, fed the feeling of fear and reacted to forms of socialization involving society, almost exclusively with other Albanian students, but often with classmates from other immigrant populations, as well as with repatriated Greeks. This socialization was the outcome of the need, as some said to us: *"either because I needed to feel that we had a common origin or because I had the same language to speak with."*

The positive feeling from the attitude of teachers towards Albanian students (breaks out of the revelations of former Albanian pupils in Greek schools):

*"At least the teachers accepted us, were understandable and supported us in the acquisition of the Greek language, and in general in the absorption of the elementary school."*

But not everyone has this opinion and conviction, others told about negative experiences, which are related to the pedagogical and didactic system of school teachers.

*It happened because the teachers themselves, some of them, showed disdain, but in isolated cases, as happens at each job, they were incompetent and had no knowledge, not that they were inadequate, but because they could not manage all that wave exploded after 1993, and because they were unprepared for it ...*

*So the teachers did not even speak or understand Albanian, and as a result they could not explain us. They were unprepared and the only thing they could do was leave us there at the bank to draw. The idea is that most of us were good at math because they knew the subject well, probably because the education system there is a bit more advanced, but we did not know the language."*

Other experiences and revelations go as far as to admit that the behaviors and

<sup>17</sup> Brown, Susan, K., Bean, Frank D. 2013, Assimilation models, old and new: explanation of a long-term process, <http://www.migrationpolicy.org/article/assimilation-models-old-and-new-explaining-long-term-process>, pg. 57.

statements of the teachers in Greece followed racism:

*"Generally, I have not experienced any discrimination cases, almost any time in my life, except in two or three cases ... and unfortunately were by the teacher. A nine year old school teacher once and another at gymnasium and last university, not directly for me, but I was present when a university lecturer told Greek students to study more, because Albanians came here and they are better than you, and be ashamed and other similar phrases".*

### **Intercultural School Institution and NGOs**

The idea of establishing the intercultural school institution in Greece is one of the multicultural policies that the country has implemented with the support of the EU in trying to creatively manage the coexistence of students of different cultures and backgrounds. In addition to the inherent weaknesses of the "multicultural" concept as a political project, this process was included in the context of a society that is described by key diversity and linguistic pluralism. This effort contributed considerably to embracing a new approach of teaching which left the single-cultural and one-dimensional model of education, as well as in the inclusion of cultural differences<sup>18</sup>.

In Greece, pursuant to Law no. 2413/1996 on Intercultural Education is provided the opening of the intercultural school and the possibility of teaching the additional language teaching in the mother tongue of the immigrants. However, the law is somewhat unclear with regard to the goals of these schools. Thakas mentions that while foreign students includes 10 percent of the total student population, only 0.71 percent attend the intercultural school.

The role of intercultural schools in Greece is not focused on the language and cultural differences of students, but in their incomplete knowledge in Greek language. As mentioned above, the highest percentage of immigrants residing in Greece are Albanians, and following a long-term stay in the country, they are now trying to reach the inclusion of the Albanian language as an elective subject in schools with a focus of Albanian students.

As mentioned above, the highest percentage of immigrants residing in Greece are Albanians and following a long-term stay in the country, they are now trying to reach the inclusion of the Albanian language as an elective subject in schools with a large percentage of Albanian students. It is important to note the fact that an interstate agreement was established between Greece and Albania in 1998 with the aim of promoting the teaching of two languages in both countries, the compilation of materials adapted to the linguistic needs of students and the introduction of the Greek language as a subject at the University of Tirana and Gjirokastra and of the Albanian language at the University of Athens, but neither the Greek nor the Albanian party have not discussed on the topic.

The histories of Albanian immigrants settled in Greece, regarding the importance of intercultural schools:

*"the development of Albanian language teaching as a bilingual subject as a subject to help our children to improve and strengthen their identity and preserve the best elements of the Albanian community, or rather of the Albanian nation."*

*"We will try as far as we can, we have already made some efforts, although unorganized; we have opened some schools, in fact not schools, they are practically courses of learning the*

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<sup>18</sup> Chatzidaki, Aspassia, Maligkoudi, Christina, 2012, Family language policies among Albanian immigrants in Greece, the International Journal of bilingual education and bilingualism, 16 pg. 87.

*Albanian language as a second language, over the weekend, but that's not enough. We would like a somewhat more organized activity. As Greek schools have been established in other parts of the world, where there are Greeks. Let me bring you a specific example. Albania is considered as backward, etc., but they are wrong.*

*More concretely, Albania in many respects is ahead of Greece; more than 40 Greek schools operate in Albania. I repeat, 40 Greek schools. Greek families in Albania have always had a Deputy, dozens of directors, secretaries-general, rectors, etc., at any time. But they have never said it. We do not even have one single school. Children who learn here have no where to get a certificate. The University of Athens should open a department for Albanology. It will be a recognition of our effort and will be healthy for the country as well."*

*"Nor does the Greek party like it, and when I talk to the Greek party, I'm not just talking about the government. Most likely, the Albanian community understands it, and it is shrinking, trying not to create problems itself. This is also related to how children were integrated into school, because they were adapted by placing Greek names. In many cases, neither the teachers were ready, nor were they trained for this phenomenon. "*

*"In Greece, unfortunately, we have no tradition in Albanian studies, except in recent years, and this has become orthodox, I would say, for example, if you go to the neighboring countries, in Macedonia, but also in Bulgaria, Serbia, Albania, you will find that in the Universities there are departments of Greek language studies and Greek philology and culture; and I'm asking you, here in Greece are there relevant departments in the universities? Of course, I know, there are Balkan studies departments at the University of Macedonia, but they focus on economics, language and philology, but for easier access to the labor market in the respective countries .... But they are not literary studies of language, philology and literature for the relevant countries and the relevant question is 'why?' ... While there are studies on Spanish, German, English philology,*

*"The fact that their language is not taught is an important shortcoming. In addition, another problem is that their culture is not taken into account. So, students can not bring their experience, bring their country or culture, because they are never asked, nor does the school seem to be interested in this part. "*

*All this indicates a superficial intercultural relationship that does not speak about exchanges of cultural elements of the two neighboring countries but shows a dominance of the Greek, which does not accept and does no attempt to change this historical fact now.*

## **Conclusions**

Concretely, Albanian - Greek relations are described, explained and can be best predicted as a way of imposing European integration. Relations between the two countries have been described by clashes, tensions and conflicts over these years, but also by friendly relations, marked by numerous agreements and involvement in numerous international organizations. The diversity of these relations between the two countries is described regardless of the forms of government, political regimes, and / or political forces in power. Another indicator that has influenced the formation of realistic perception between the two countries has been *historiography*. Each of the countries, in their own historiography, of the same historical events gives different interpretations and, mostly, contrasts with the interpretations of historiography of the other country. The only data that remain the same from the historiography of the two

countries are the dates of the events. That historical event that a country qualifies as liberation, another country qualifies as invasion and violation of territorial sovereignty. One element that has influenced the determination of relations between Albania and Greece is the strength. It appears in relations between the two countries as a powerful indicator in several dimensions, such as military, economic, diplomatic, etc. Greece is seen as dominant in these reports. It has in some cases been imposed on Albania through military power, reaching during a wartime period controlling a considerable part of the Albanian territory for a certain period of time. The economic power is more evident in the early 1990s, when Albania was on the verge of an economic collapse and had an urgent need for economic aid. One way as the discharge valve of social pressure for the difficult economic situation was immigration. Greece was the country in which the largest number of Albanian citizens was heading for immigration. Through their remittances, they provided a burden to the state to help economically its citizens. The largest amount of remittances from Albanian immigrants came from Greece. One way as the discharge valve of social pressure for the difficult economic situation was immigration. Greece was the country in which the largest number of Albanian citizens immigrated. Through their remittances, they provided a burden to the state to help economically its citizens. The largest amount of remittances of Albanian immigrants came from Greece.

In situations of tense relations between the two countries, Greece had a strong weapon of pressure on Albania, not only economic but mostly social and cultural pressure, mostly felt and experienced by Albanian immigrants settled in the two communes of Athens and Thessaloniki. Greek society and the Greek state politics over the years have been organized into the perception that Greece identifies itself as a homogenous nation as a community, namely as a country founded on the common cultural features represented by its members.

In this context, the findings of the research pose questions about the sphere of recognition, emphasis and presentation of cultural change and their social integration that are not identified with the "national" prevailing models but want to be part of the collective life, in such a way that their variability does not pose a threat to the host country's society. The research study shows the example of the survival and integration of Albanian immigrants in Greece, which can be considered as an opportunity to expand the Hellenization model, in order to free space for the "different" from the cultural point of view, to offer to individual and collective subjects, choices and contributing to avoid discrimination. The issue of using the immigration phenomenon for the modernization of Greek society coincides with the process of integration of refugees in the early 1990s and their creative and productive role in the development of Greek society, despite structural changes and different historical contexts. At the planning and implementation level of integration policies, the continuation and improvement of these policies, with the aim of the economic and social integration of legitimate immigrants, involve costly efforts, regarding costs, it is therefore useful for these policies to be based on a continuous dialogue between the involved parties, the responsible state structures, local authorities and the immigrants themselves.

They should have the support of a political will to continue with the comprehensive policy planning to improve the institutional framework of naturalization of immigrants and at the same time aim at making use of and promoting their

contribution in any of the country's development potentials.

- Concerning the specific steps that the Greek government would have been right to have, the right to vote, initially in the local elections, for immigrants who are permanent residents of a municipality would contribute to their further integration.
- Education and training for inter-departmental communication of employees, interacting with people from Third World countries and organization of relevant activities related to vocational training and promotion of the labor market, as well as immigrant support, will contribute significantly to the improvement of intercultural relations between the two countries.
- Immigrant education for Greek language acquisition and further organization of the continuity of training in linguistics, intercultural education, and bilingual education would enrich the teaching process in a productive manner and contribute to the identification of the elements of cultural heritage and of the historical past. Taking measures in an organized manner for learning the Albanian language would help in the same direction.
- Recognition of diplomas in the education institutions of Albania is equally important for informally working migrants in professions that coincide with their studies. Care for these issues and the legitimacy of employment will bring benefits both to immigrants and to the Greek country.
- With regard to media issues, emphasis was placed on the importance of an organized way of using information tools. Apart from the Internet and some social networks, which comprise some of the ways of informing, our informants stressed the need for radio and television broadcasts to be used in Albanian. At the same time, was also expressed the demand for organized care and cooperation with local authorities, with the purpose of organizing various activities and promoting coexistence and cultural features.

Relations between Albania and Greece have a number of problems, but hoping that they will be improved in the framework of EU law, they can also expand the co-operation imposed by the EU institutions. This is seen as a potential opportunity to dictate cooperation and partnership between the two countries. In this way, the two countries can use this theoretical approach to solve problems between them and guarantee better relations within the EU.

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# The Authority of Local Government

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## Abstract

The main argument for autonomy and decentralization of local government authority is that these two concepts provide higher economic, political and administrative efficiency. This due to the fact that local government provides the fulfillment of the population's preferences, referring to its sources. In this paper, we will discuss issues that affect the efficiency of governance (self-government) by the local government. The relationship and cooperation between the central and autonomous local government, is one of the key issues for the efficient functioning of local authorities. The local government authority has clearly marked the boundary of the right of establishment, in local issues, from the right of the central authorities for supervision. The European Charter of Autonomy is provided by the European Council, by engaging the parties to implement policies that ensure political, administrative and financial independence of local authorities. By analyzing the autonomy and decentralization of local self-government in relation to the central government, we can make a systematic series of assumptions about how these factors affect the quality of local government bodies. Under the principle of subsidiarity, "the exercise of public responsibilities should, in majority belong to the authorities close to the citizens". Republic of Albania, through the Constitution, has sanctioned the constitutional status of local self-government to ensure that the inviolable autonomy from the central government. The changes in the territorial reform have been substantial and often have changed profoundly by rebuilding a legislation, adapting as best as they could to the country's realities and similar experiences in other countries and the European Charter of Autonomy. Albanian State suffered a profound change in terms of powers of local self-government as well as in terms of administrative and legal territorial organization, referred to Law 115/2014 "On Administrative-Territorial Division of Local Government Units in the Republic of Albania". Implementation of this reform is the first mandate of its testing, and consequently Remain to still judge and analyze the effects in the sense of positivity and problems associated with this topic.

**Keywords:** authority, local government, Albania.

## 1. Theoretical issues on local government

In different systems, local government does not have the same position and importance. There are differences in the status and degree of governance of the local government units, which are also noticed in the definition of the concept of local government.

## 2. The Meaning and the definition of local self-government

The term "local self-government" is a complex issue, as by the aspect of political science and the aspect of political and constitutional practice. In social sciences, especially the juridical and political sciences, there are different opinions regarding the content of the meaning of this phenomenon. This is noted from the term which is denominated this phenomenon in different countries to the forms of different in which it is presented. To name this phenomenon in English is used the term "local self-government" (local self-government or local government), while in Russian

"samouprava" (self-government) etc. This term in English and even in Russian it has a wider meaning than just the term "local self-administration" which is used in Albanian; in Kosovo, under the influence of the Serbian language, is used the term "local samouprava". The term "self-administration" in Albanian language has begun to be used late.

The concept of "local self-government" in countries like England and particularly in America meant the sphere of community regulation, not just the administration and the exercise of local affairs. In French does not exist the adequate term for local self-government, therefore the term "local government" or "local autonomy" in Switzerland is not only incomplete, but it has to do with the phenomenon of autonomy, decentralization etc. At this point we not only have to do with the terminological aspect of the matter, but even with the interior of the issue. In the conditions of social self-government, as a general process not only of decentralization but also the constitution and exercise of power "from below" a process that has been characteristic for Kosovo since 1950, respectively 1953, but then continued to use the term "self-administration" for them marking the phenomenon of local self-government, in the western countries as a form of decentralization. In Albania the term "self-administration" has started to be used first in policy subjects and rarely in legal cases.

Local self - government is first presented in the medieval cities (municipalities) who earned the right to independent organization and work with local character from the feudal lords, through special contributions.

Then, this enriched with the "third tier" political rights (traders, artisans, etc.). Local self-government develops especially during the 19th century, in addition to strengthening the bourgeoisie in power and the development of its modern state. In this way, from the idea of opposing the strictly centralized state apparatus of feudal absolutism, local self-government becomes an integral part of a more or less decentralized state regulation.

During the history of local government development there were and there also are different types of it. Within the same country there may be different forms of concrete institutions so that it can not be said to be a special and constant form of local self-government.

Local government at the level of municipalities and districts is represented by local elected bodies, in the form of municipal councils and district councils, with executive powers such as the prefect as a representative of the central government as a controller and executive body of local authorities. Therefore, in fact, here we are not dealing with local self-government but with a form of decentralization.

Decentralization is an administrative notion, while local self-government is a political notion. Decentralization implies the transfer of executive functions from the competencies of central bodies in local or local administrative institutions and political institutions, which are elected by the population of local communities (assemblies, councils, etc.) which have only administrative rights and are if not in the hierarchical relation to the central organs but to the central authority, however, their incompetence tutor<sup>1</sup>. Decentralization means any form of anticentralization. It has elements of local self-government, but local self-government is far broader than decent decentralization.

<sup>1</sup> Djordjevic, J, Ustavno pravo, Beograd, 1989, pp 621.

Local self-government is a category of constitutional law and system political, which implies the right of people to a certain territorial community (local) to autonomously govern their community's affairs through self-elected bodies (assemblies, councils, etc.) or in the way (referendums, rallies, etc.).

Decentralization is an integral part of a state organization that is divided into high and low bodies, at central and local administration bodies, which are entrusted with various functions. The local administration enjoys independence in exercising those functions, but it is always under the greatest or lesser control of the central "sovereignty".

Local self-government is an institution through which the right of self-governing citizens is built as their political right. From a theoretical point of view, local self-government has constitutional status and its autonomy is guaranteed by the constitution.

This independence lies in:

- 1) the right of citizens through delegates or directly to form bodies representative or directly exercise the function of government;
- 2) the organizational and personal independence of local institutions;
- 3) Independent functions, defined by the constitution, in the organization of local affairs and in the conduct of works of general interest without the intervention of central government bodies,
- 4) the use of financial means and other means of the local community, as her right with which she has the right to do so;
- 5) the organization of independent administration, without the mixing of central organs<sup>2</sup>;
- 6) Existence of norms for the functioning of local self-government and constitutional protection of self-governing rights.

### **3. Promotion and development of local self-government**

Local governance first appears in the medieval cities (municipalities) which this right is "bought" by the rulers. In the period of war against the system feudal idea of local self - government is coming to be transformed. In the conditions of the organization of the state apparatus on a centralized basis between the request for local self-government, in fact the population opposed the central state apparatus of federal absolutism.

In most transition arrangements, the bodies of local self-government units, commonly dispose of some of the material assets and partly financed by the central bodies. This, as well as the right of control of local self-government bodies by central bodies and allegedly self-governing areas, makes local government more a form of decentralization of power than the form of self-exercise of power by the local population.

This is the result of the strictly centralist system and the low level of development of democracy in these countries, without which local government cannot be said in its source sense.

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<sup>2</sup> Lukic. Radormr: Teoria Drzave i prava, Beograd, 1976, pp. 298.

<sup>4</sup> European Local Governance Charter , 15.10.1985, Strasburg.

#### **4. Local government as a category of the political system**

Local self-government has certain general characteristics that are important as a political category, which implies local self-government, as a form of government, in local (territorial) communities. Citizens directly or through representative bodies and other self-elected bodies decide on interests and affairs of local importance in certain spheres of social life in the local community.

However, to be a true local government, some basic conditions must be met: firstly, there must be constitutional and legal support, that is to say, have constitutional status, thus guaranteeing the constitution and the law independence and self-government. The principle of local government involvement in the Constitution and the Constitution is foreseen with the "European Charter of Local Governance". The ratified States are obliged to have legal guarantees for local self-government and, where appropriate, constitutional support.

The constitution and the law are legal acts that foresee and guarantee the local government, thus it is proved as a constitutional and legal category, ie constitutional and legal institution.

To be the most fruitful local government, to function as well as it should be guaranteed by constitution and law. Local governance is historically presented as a core organization of power. In many countries it appears not only as a form of centralization restriction, but as independent of central government bodies.

#### **5. The right of residents to decide independently on problems of local character**

The right of local government implies the right of citizens to self-decide on local affairs<sup>3</sup>. These are some of the features that are supported by everyone and are emphasized in the "European Local Governance Charter", under which "Local Governance implies the right and the ability of local authorities to regulate and manage the work within the law and the importance of public on the basis of its own responsibility and in the interest of the local population".

The question arises of how the right of residents of the local community is realized? It is carried out through councils or assemblies consisting of members elected in the general elections by secret ballot, with equal voting rights. These councils may have executive bodies responding to them. In local communities, direct placement (in the form of gatherings or assemblies) of local residents is very appropriate. The European Local Governance Charter states that direct participation of citizens in the organization and management of public works is possible at the local level.

#### **6. The scope of local government**

One of the main issues of local governance is the scope of its governance. In the states of traditional self-government it carries out work of direct interest of residents living in the territory of the local community. Therefore, these jobs are called jobs of local importance.

While state bodies have the right and obligation to take care of the general needs in the entire territory of the state, local communities first solve the problems of everyday life, so it is logical for the local government bodies to deal with such matters.

The general rule is that some work be within the competence of local bodies and

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<sup>3</sup> European Local Governance Charter, 5.10.1985, Strasburg, Article 4.

another part to belong to the central bodies. The first workgroup is considered as decentralization, which is a source of the scope of local government bodies.

The second group of jobs can be performed by central bodies in two ways:

1. Through regional units of central organs or
2. Transferring, conducting and guiding the work of local government bodies (decentralization is in question); while when performing and not managing certain delegated jobs is called deconcentration of jobs.

So the problem of the scope of local government is not solved, but it is necessary to take into account the involvement of the local government law by using two methods:

1. Provision of opportunity and
2. The method of predicting competences, i.e local work, are all those things that by the constitution or law are not foreseen as state work.

Although the European Card on Local Government states that the fundamental rights and duties of local authorities should be foreseen by the constitution and the law, this does not mean that certain rights and obligations are not respected by central and local authorities<sup>4</sup>.

## **7. The territorial division of local government units**

The issue of territorial division of the state into local units is one of the important issues of local government. Several factors need to be considered when it comes to territorial division such as: the territory of the local community, the population, the local interest margins, the type and volume of the professions, the exercise of which is supplemented by those needs.

Consideration should be given to coverage by important institutions (hospitals, schools, universities and financial economic capacities of local government). The territorial division is done by a state act or by law, but the local population is consulted in advance. This is a method according to the European Local Governance Charter, which states that "the boundaries of local government units can not be changed without prior consultation of local communities"<sup>5</sup>.

Regarding the organization of the administration as well as the resources for local government work The European Local Governance Charter guarantees the local units the right to their bodies and the staff employed in them. The local government has the right to regulate the internal structure and to train for local needs to have effective leadership<sup>6</sup>.

The working conditions of local government employees should be such as to enable the employment of qualified professional staff.

The European Local Governance Charter on working conditions states that some rules need to be in place. In the beginning, the working conditions of municipal officials should be such as to enable the performance of functions and the respective remuneration together with the insurance. All functions that they must do it, they must be foreseen by the constitution and the law.

## **8. The report of local government and state power**

One of the issues of local government in the political system is the issue of the state's report with local self-government. The organization and personal independence of local institutions and local government generally depends on the principle that the

<sup>4</sup> European Local Governance Charter, 15. 10. 1985, Strasburg, Article 5.

<sup>5</sup> European Local Governance Charter, 05.10. 1985, Strasburg, Article 6.

<sup>6</sup> European Local Governance Charter, 15.10.1985, Strasburg, Article 19.

report of state bodies and local government is based on. Before this report is created, the definition of local government, which implies independence in the governance of local government units in relation to central government bodies.

Local government, although it represents the right of citizens to territorial governance of local communities, is also an element of state regulation, especially in the conduct of some state affairs entrusted by central government bodies. To regulate the relationship of local government to central government central bodies, there are three options:

1. Full autonomy of local government units;
2. Incomplete autonomy of local government, which is only at the local level
3. Mixed system, according to which local government units for the execution of certain works enjoy full independence, while for some they have dependence on state power (decentralized states).

All local government systems have clearly highlighted the limit of the right of establishment in performing local affairs by local government bodies and the right of central government bodies to oversee, in terms of legality

Thus, the local government bodies should independently perform the tasks that have been set by law under the supervision of central bodies.

Central bodies have mechanisms to oversee and have an impact on local government bodies such as: financial control, appointment of employees, information on work etc. When local government bodies carry out trusted work by central bodies they undergo a hierarchical control of central organs.

In the European Local Governance Chart regarding regulating oversight of local government affairs, it is said that the distinction between the internal affairs and trust system should be considered. Therefore, within the framework of local affairs, they are independent, while within the framework of state-owned works are subordinate to central organs<sup>7</sup>.

In both cases, the goal lies in ensuring the constitutionality and legality of the work of local government bodies, which means that all oversight over the work of local government bodies should be conducted in accordance with the procedures provided for in the constitution and the law. In addition, the other goal is to achieve the compliance of the work of local government bodies with the law and the principles of the constitution.

## **9. Local government budget**

If local government bodies do not have secured financial means, then local government can not be successfully implemented. In order to successfully carry out local affairs, it is necessary that not only local government but municipal bodies have independent financial means.

The totality of financial means is:

1. means that have the source from local units and
2. the financial means provided by the central government (in that case the state can not exercise control over how the funds will be spent). The rise of the highest level of state oversight affects the element of local government independence.

Therefore, the European Local Governance Chart definitely fixes the issue of financial resources, where it is emphasized that the local government, in accordance with the

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<sup>7</sup> European Local Governance Charter, 15.10.1985, Strasburg, Article 20.

country's economic policy, has the right to own certain financial resources within its own powers<sup>8</sup>. Sources of financial resources are foreseen by the Constitution and the law. Some of the funds are provided by local taxes and other forms, but to be the most flexible and flexible sources, measures of equal funding should be taken. Those measures should not restrict the powers of the local government bodies. For the funds that are dedicated to the local government bodies do not have a fixed authority that does not violate the right of local authorities to lead the policy within their powers as well as to enable capital investments.

European experiences in terms of financing of local bodies show the same solution so that:

- a. some of the funds are provided by the state budget;
- b. the other part is provided by local self-government revenues.

Participation in different states is not the same although the rule is to move towards ensuring an equal financial opportunity for local government, legally making it possible to achieve equal fulfillment of needs within the framework of local bodies. It can be provided with approved standards for certain needs.

For the formation and spending of funds, the local authorities are independent but are subject to the supervision of the central bodies where the issue of efficiency is concerned. More to increase the volume of local government work the greater the need for large expenditures, is increase dependency for subsidies and central donations.

## **10. Co-operation of local government units**

In the development of local government, it is bound to link the local government units' agreements between each other within the state or even with local international government units. It should be noted that twinning between local units in the same state and local units of different states can be done. The European Charter on Local Self-Government with regard to the unification of local units emphasizes that local authorities in exercising their functions have the right as a result of independence to cooperate with bodies of other units within the legal provision to perform some work of interest. Commonly, the local government has the right to cooperate with the local authorities of another state.

## **11. Legal protection of local government**

Finally, as an element of the definition of local government is its legal protection. The European Charter on Local Governance states that "local authorities should enjoy legal remedies for the free exercise of functions and observance of the principles provided by the constitution or the law of their state". A legal protection must provide the state, the question arises how does the state make the legal protection? It is achieved in the proceedings of regular courts, special constitutional courts or administrative courts depending on how legal protection is regulated in the respective states<sup>8</sup>.

In the theoretical world, it is estimated that there are more states in which the local government is placed in the second plan in relation to the state and state power, which takes over the regulation of some important issues for the existence of citizens. The reasons are different, but the most important ones are emphasized:

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<sup>8</sup> European Local Governance Charter, 15. 10. 1985, Strasburg, Article 11.

1. Expanding the role of the contemporary state, strengthening centralism and etatism;
2. The formation of many political parties that do not show interest in local politics;
3. Passage of many works that were previously carried out by the local government under the authority of the state power;
4. Narrowing the financial independence of local government, which depends on donations and subsidies of the state;
5. The commitment of the independence of local government from the normative aspect;
6. Reducing the scope of local government for the needs of public affairs (health, education, communication, etc.).

These are some of the states where the local government has little support but on the other hand there is also an example of countries where local government has particular importance. They refer to a genuine democratic local self-government. An important role for local self-government is the European Charter of Local Self-Government. The most important elements of the local government's status have been identified and elaborated, which contributes to the unification of the content of local governance in certain European states, does the internationalization of local government.

The European Local Governance Charter establishes a standard that can contribute to the development of local governance. It guarantees the foundations of a democratic self-government as well as human rights and freedoms in general. The number of states that have ratified it is growing . They must adhere to the main principles of this agreement.

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# Enhancing students' communication skills in EFL classroom

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## Abstract

The purpose of learning a new language to everyone is to use that specific language for different purposes, especially for communication purposes. People choose different ways of learning a language but recently in the Republic of Kosovo (Gjilan), the most common way to learn a foreign language is by attending private courses. There are others who learn a foreign language by themselves from different online platforms and others by watching films and listening to music. Nevertheless, teacher input is necessary to help language learning. This is also supported by Krashen's theory that there is no learning without input Schütz (2005, p. 2). Having so many possibilities to approach a foreign language, especially in the era of technology, it is crucial to investigate what improves learners' communication skills best. The main focus is inside the classroom, not because we ignored the other ways of acquiring English, but we were interested to know what do teachers in a private English language school do to enhance learners' communication skills. Then, if the books they use in teaching, are appropriate and encourage learners to use English language in the classroom. Finally, what is students' perspective about the effectiveness of textbooks to help them improve their communication and skills?

The study is conducted in a Private school of languages "Oxford Studio" in, Gjilan. There were 18 participants that belonged to the group we did the research with and they were using Cutting Edge pre-intermediate level of textbooks. The participants of the research were adults that covered the ages from 19 to 35, they weren't the same age and they were mixed by gender. All of them were Albanians and had different occupations. Some of them were students, some others were learning English language since they wanted to study abroad and there were a few who were working as coaches of football and karate.

The research results showed that students were very keen on learning the language and were interested in communicating in English language most of the time even though from time to time they had difficulties. The teacher used different methods to make learners put the language to use and participate in communication activities. Also, what was surprising that we figured out by observing the classes were that the videos played in the classroom, those that were related to the new vocabulary, helped learners enhance and improve their communication skill.

**Keywords:** Communication skill, teaching materials, private school, teaching methods.

## Introduction

New languages are always fun especially when learners are young. This doesn't mean that elders shouldn't learn new languages but it would be more difficult for them. Depending on the setting they learn the language, research results often change. This is considered to be the case since there are many ways of learning a second language but this mainly is related to learner's decision. School, private courses, TV shows, music, movies, other people are some of the ways that mostly help learners with the language and with the communication.

Second languages are always interesting to learn and the main reason people learn them is to use for different purposes. The main purpose is to be able to communicate

in that language. Students and teachers have different opinions about communication and they approach it differently. Each teacher has her/his own beliefs about enhancing students' communication skills. This depends on many factors and they are directly related to students' methods of learning, what type of learners are they. This means that teachers need to adapt different methods in the classroom in order to facilitate all the students. They have many possibilities nowadays, they only need to use the right materials and change them often in order to be more attractive to students.

It happens that some learners acquire the language in another setting using different approaches to practice it. They may acquire the language in an English speaking country, through TV shows, music, friends, neighbors and movies. In this case they may become very well in communication but maybe not in the other parts of the language such as; reading, writing which is another important part of English language in our case and they even may have problems with grammar. They may know phrases and other stuff but won't know why something is the way it is.

Considering all the ways mentioned above, it is obvious that if someone is willing to learn a language, there are ways. They only have to choose and know what helps them best. But in our country, Kosovo, from this year the curricula has changed and students have a better possibility of learning English language. From September, English language is taught from kindergarten. Therefore, if we have interested learners, the possibilities are opened.

The purpose of this research is to find out the specifics of the private school for languages, named Oxford Studio- Gjilan. We want to know how much communication occurs in the classroom, what teacher does to make learners communicate more, if their main language of communication is English language, etc. These are all some of the important elements in enhancing the communication in EFL classrooms.

### **Objectives of the study**

1. To identify learners' interest in communication and English language use in the classroom.
2. To analyze teacher's effort and ways of enhancing students' communication skills
3. To make recommendation for further research.

### **Literature review**

People around the world think differently about the communication, we all know it is a skill but also it is related to the other skills too. They help and are connected to one another directly and all of them have one purpose, learning English language or another one.

Communication is the central human activity. We are now witnessing the emergence of an advanced economy based on information and knowledge. Probably the most important skill for knowledge workers in the new environment is ability to communicate. This means to be able to listen and to express your ideas effectively in writing and in speech. In order to achieve desired success, professional needs to assess and respond to communication situations that occur constantly. The four main goals of communication are 1. To inform 2. To request 3. To persuade and 4. To build relationships with others. Ahmad (2016, p. 479).

People relate speaking skills directly to communication skills, this actually make sense and according to Wil (2014) "Speaking, and listening, to other people in

English helps to boost the faith you have in your own abilities and banish the doubts that are inside your head. So it's definitely a confidence booster, but there are many more ways in which speaking the language can improve your English skills, fast." English language has become an international language and it is widely taught and learned. Ahmad (2016, p. 479) states that "In every walk of life, language that we use for communication is very important. If we don't have an effective language, the works which we take up remains dull and cheerless." She even goes further than this and states that "Communication becomes effective when a communicator is effective enough to communicate competently, simply, clearly sincerely and dynamically. She further states that communication is essential for close sympathetic relationships in a society and for transformation of men, material and thoughts from one place to another. This process involves initiation reception and response that serve as feedback.

When in classroom, Sadiku (2015), states that

Teachers have a very important role in ESL classrooms. They should create ways for their learners to have the desired results. In a successful classroom all the four skills should be well combined in order to have an effective classroom. The author focuses mainly in listening and speaking and considers them well related to enhance learners' communicative competences. About reading and writing, they go together and are related to enhance better writing communicative competence. So, the author recommends to challenge learners with different material and situations to use the English language and enhance their skills.

This actually implies the effect of combining the four skills in order to have a better result in communication skills of learners. This shows us that teacher's role in the classroom is pretty crucial and important; they are the ones that lead the classroom and direct learners to the desired target. So, teachers should increase learners' interest to communicate, should make the classes attractive and increase learners' motivation. "Creating a communicative language classroom has been an obligation for most language teachers nowadays. To do so, they need to ensure that the techniques they use in the classroom promote dynamic interaction with their students and interactions among students in the target language." Sari (2017, p. 4) The author also mentions that "A gamut of research has indicated that learners' active involvement in communication and interaction in their target language is essential during the learning process as modern language pedagogy specifically aims to enable learners to naturally communicate in their target language. Thus speaking plays an increasingly important role in language learning. This is in line with as 'mute' language users regardless of extensive linguistic input they have received." So, this implies that learners should always be active in communication in the target language; they should be exposed to English talking people so they can learn even by being not being aware that they are learning or acquiring the target language. (Wil, 2014) "Speaking, and listening, to other people in English helps to boost the faith you have in your own abilities and banish the doubts that are inside your head. So it's definitely a confidence booster, but there are many more ways in which speaking the language can improve your English skills, fast." Learners shouldn't be afraid to talk, teachers should free them, and even if they make mistakes they should have the courage to put the language to use. This is one way of improving speaking and communication skills. However if in the classroom, all the students belong to the same nationality and speak the same language, it is more difficult for the teacher

to make them use the target language in different situations since they feel brevier to use their mother tongue. "When you're surrounded by people who don't speak your native language, you have no choice but to overcome your fears – your fear of making mistakes, of being shy, of sounding foolish – all things that stand in the way of your language learning.." Wil, (2014).

Generally, communication is a very important part of language learning for students and complex and hard work for teachers. They all need to have the same goal, learn the language but we all know that other languages are mainly learned for communication purposes. This seems to be the strongest point that of language learning and the point where both teachers and students should work on more. There are many ways teachers can go through in order to enhance learners' communication in EFL. They need to make classes attractive and motivate their learners talk in English all the time, teachers should insist on that and should expose them to English speaking settings. This means that many factors should be gathered and the results will be guaranteed.

### **Research questions**

The following questions to be addressed for the purpose of this study are:

1. Does teacher give enough space for learners to communicate in the classroom?
2. What helps learners enhancing most in their communication skills?
3. Do textbooks require learners to communicate during classes?

### **Participants**

The study was conducted in a private school of languages called "Oxford Studio-Gjilan". By the time we conducted our research, there was only one group using the Cutting Edge Pre-Intermediate set of textbooks. The group had 18 students who belonged to different ages but all of them were adults and they were informed that they were being observed for a scientific research. The teacher who taught the group also agreed to be observed and helped us in any way she could. We also interviewed ten teachers of that institution; the questions were all related to communication in the classroom. So, we had ten teachers that were interviewed and a group of Pre-intermediate level which had eighteen students.

### **Instruments**

With the intention of gathering more reliable information for our research, we class observation as one of our instruments. We used an observation protocol which specified the points we were interested in while observing the classroom. We also used a teacher's questionnaire; this was because we wanted to know their perspective and point of view about the role of communication in the classroom, also we wanted to know their ways of enhancing communication in their classes. We considered this important since each teacher has different approaches to teaching and to adapting the methods according to their learners' needs.

### **Study results**

#### **Teachers' questionnaire**

When conducting our research, we interviewed the English teachers of the private school we did the research on. There were ten teachers who didn't hesitate to be part of the research. They had a questionnaire given to them which had six opened

questions, all related to their classroom and their students' ability to communicate in English language. All the teachers who were part of our research worked in the same school, used the same set of textbooks; Cutting Edge, but they worked with different groups that belonged to different levels. However; they claimed that it's not a problem the fact that they don't teach a pre-intermediate level know since they were all experienced and worked with pre-intermediate level earlier and know the level of English learners are supposed to know by that time.

Questions	Strongly agree	Agree	Disagree	Strongly disagree	Total
1. Students have enough time to practice speaking skills and improve communication competence.	8 80%	2 20%	0	0	10 100%
2. Students prepare or practice communication when teacher tells them they'll have a discussion class next meeting.	0	0	3 30%	7 70%	10 100%
3. I attended seminars or workshops to learn new methods and strategies.	2 20%	8 80%	0	0	10 100%
4. I share my successful activities with my colleagues.	2 20%	8 80%	0	0	10 100%
5. I use different strategies to motivate learners to communicate more in English language in my classes.	10 100%	0	0	0	10 100%
6. Textbooks require enough communication between learners in the classroom.	5 50%	3 30%	2 20%	0	10 100%

**Table1. Percentage of teachers' questionnaire**

1. As for the first question if students have enough time to practice speaking skills and improve communication during the classes they have, the majority of them said yes but a minor part of the teacher said no since higher level needs more time to communicate. For the pre-intermediate level they agreed that students have enough time but the teacher who taught the group we did the research on didn't agree since she claimed that the group is too large. It is a big group and everyone talks but not as much as they could if there were only twelve or thirteen students.

2. About the second question; if students practice and prepare something when teachers tell them next time they would have discussion in specific topic, all the

participant teachers said no or rarely. They claimed that students are lazy to investigate on internet and find interesting things about a specific topic. They even said that they give the topic of the discussion and recommend them to read about that topic to make even the class more attractive but that's not something they usually do. There may be some exceptions with some students who from time to time read something about the topic they'll discuss.

3. The third question of the seminar was about whether teachers attended seminars or workshops in to learn about new methods and strategies to make classes more fun and attractive. They all said that the Oxford Studio from time to time organizes workshops with teachers from all the centers it has around Kosovo. Teachers present different topics in front of their colleagues in order to share experiences and help each others.

4. When in the fourth question they were asked to answer if they find an attractive activity and if they share those successful activities with their colleagues. Some of them said that they do that thing but mostly they mostly do that with the activities with groups of children. Some of them said that some activities that were successful with their groups weren't successful with the groups of other teachers. The problem was that they didn't have the same level of students in each group so they have to adapt each activity according to their abilities and their needs.

5. Knowing that teachers play a major role in leading learners to the right way of learning and enhancing communication skills, they were asked whether they use any strategies to motivate and stimulate students to communicate in English language. Teachers said that they mostly do that with children and give them candies when they are successful and at least try to communicate in English. About the groups of adults, they said that they stimulate them with pluses which will help them with the final percentage by the end of level. This is a strategy they use as an institution not only one teacher does that.

6. The last question was about textbooks they use, if they require enough communication. The teachers said that the program they use is very well structured, it presents the new vocabulary, it relates them with the grammatical parts, then present them in a reading part and finally asks them to talk about them. So this means that textbooks require communication to a certain extent but teachers may give more space to the communication if they want their students to have a better skill in speaking said some teachers. Some others said that textbooks require enough communication and there's no need for them to make extra effort and bring other topics in the classroom.

### **Observation protocol**

Observing a classroom from a nearer perspective, by being present with them while they went though the level, was considered as very important in order to analyze learners' improvement. We used a protocol that had some points where we wanted to put our attention and focus more in order to get more reliable information on what we were interested. The protocol has ten questions. We decided to observe the class that worked with Cutting Edge Pre-intermediate. The reason we choose to observe them was because we worked with them from the first level; (Starter) and we knew students' level and aims. They were all very keen on learning the language and communicating in English language was their aim. The class had eighteen students

and they were of various different ages. The textbooks were constantly used in the classroom and students were pretty content with them. They followed the exercises and cooperated with each other all the time in order to complete the tasks required of them. While observing the on-going process of English learning of that group, we could realize that they weren't very interested in doing the home work that they were given and work books were completed only if the teacher asked them to do such thing in the classroom. Whenever teacher asked learners to do home work, they found different excuses in order not to do them. Knowing that they are worth completing, we used to ask them to complete work books in the classroom. However we could realize that students were very successful in completing exercises but when required to write paragraphs and longer tasks they didn't know the rules of writing and the textbooks didn't offer such things. Despite this students were very successful in expressing their opinion, they didn't feel ashamed to say whatever they thought and sometimes they even had debates. With this we don't mean that they were perfect, they made mistakes and had obstacles but with teacher's help and explanation they kept improving themselves and their ability to communicate in English language. Even though the textbooks required them to talk in English mostly, learners often asked to have a free discussion in the classroom with different topics.

OBSERVATION PROTOCOL	
Oxford Studio - Gjilan	
Group: Cutting Edge Level: pre-intermediate Duration of classes: three times per week/100 min.	
Questions	Gathered information
Students' level is the same in my groups.	Generally it is the same level with some minor exceptions.
Learners can understand instructions given in English language.	All the learners of the group can understand the given instructions given in English.
Learners can answer and express their opinion in English language.	Yes, they can. Even sometimes with some simple expressions but they transmit the message.
Students have no difficulties with pronunciation.	They seemed not to have such problems only in cases of some difficult words.
Learners can communicate in English.	They can but not using complex words and phrases. But there were some students who had no problems at all.

Group work helps them in enhancing their communication skills.	Group work helps since the teacher encourages them all the time to use English language to communicate with each other.
Teacher communicates with her students in English language all the time.	Teacher communicates in English, tries to use the vocabulary they already know but uses new vocabulary but gradually not to make it difficult for her students.
Learners can understand a native speaker.	There were videos played in the class that were related with the lessons they did in the class. Learners were able to understand the people there. When natives playing in movies they had some difficulties to understand them.
Teacher encourages learners to use English language in the classroom.	The teacher insisted all the time for them to use English language, even when they said something in Albanian, teacher replied in English and helped them say the same thing in English.
Teacher sometimes leads discussions in the classroom that aren't required in the textbooks.	That's true. Not only had the teacher wanted this but students too. They enjoyed those discussions that were related to social life and this was something made them have fun and learn.

**Table 2. Observation protocol**

A characteristic of this group was that teacher communicated all the time in English and learners were able to understand the instructions and the majority of the things that teacher explained in English. The need to use Albanian language in the classroom was when teacher was doing grammar, learners mostly had problems understanding Albanian's grammar and teacher had to stop and explain rules and the grammar of Albanian in order to make it easier for them to understand English's grammar. While observing all these things we took notes and students new about this and new they were being observed all the time but they were used with this idea and had no problem about this. Students' level in the group was approximately the same, according to the teacher when they started the course, they wanted to start from the first level so some of them learned more and some less that was the difference they had in terms of understanding English language. They also were able to express their opinion in English with some mistakes and a simple language. They seemed not to have problems with the pronunciation of the new vocabulary; they put that vocabulary to use with. The teacher always found ways to make them use the new vocabulary in order to help them learn and use the language for communication purposes. Teacher also asked them to work in groups and they interacted pretty well in it. The teacher insisted all the time to use English while working in groups



and the teacher monitored them all the time. The textbooks that they used had some short videos with dialogues by native speakers using the new vocabulary learned in the classroom. Students were able to understand them and even make those short conversations themselves.

## **Conclusions**

English language teaching as much as difficult to be done is fun at the same time, especially when the learners are interested and make effort to help the process of learning. We generally know that teachers play a crucial role in leading students to the right destination and brighten their path to get knowledge. We wanted to know what goes on in a private school of languages, how much is the communication enhanced there. We choose to make the investigation on a group that attended school from the first level so we would know for sure that the improvement they have done was because of school. The students were very kind and interested in the classroom even though they didn't seem to do a lot of work outside the classroom. Sometimes they didn't even do the homework teacher asked them to do. Generally they were a very good group and knew the language according to their level with some exceptions. While we were observing we could realize that the teacher communicated all the time in English, the instructions were given in English; they were required to answer questions in English all the time, communicating with each other in English. We could also realize that the textbooks were pretty organized; they facilitated the class with some videos related to new vocabulary they learned in each module and then asked learners to have similar conversations with each other. The teacher was always observing and assisting them. A benefit of those videos was that learners were exposed to native accent; the new vocabulary was acquired properly by students so they were learning the language in the way. To enhance their communication skills, from time to time, teacher gave a list of topics, learners agreed one and they had to prepare for that topic and next time they had classes they discussed about that topic. The problem was that students wanted to communicate in English but they never got prepared for discussions. They never read anything about the topic teacher have them. To give them more opportunities to be exposed to English language spoken by native speakers, teacher recommended watching movies or even going to the cinema when they had time. After the movie they had a class of discussing about the movie. There was a problem that learners sometimes hesitated to express their opinion because of some specific words that they didn't know but the teacher encouraged them all the time, she helped them so they would learn new vocabulary and use it in different sentences and contexts. Through these strategies, the teacher intended to make successful learners of English language.

At the beginning of this research, we formulated some questions that were supposed to be answered by the end of the research; the first research question was about teacher giving enough space to communicate in the classroom. By the end of the research we could realize that students not even had enough space but they were encouraged by the teacher to communicate in English all the time. As for the second research question; what helps learners most in enhancing their communication skills, we could conclude that reading, expanding their vocabulary and putting it to use in order to practice using it in different context helps a lot. For the third and

the last question if textbooks require learners to communicate during classes, we mentioned above that the textbooks seemed to be very suitable. They made learners use English language constantly, facilitated learners with different attractive activity so they could talk in English.

To enhance learners' communication skills in EFL, there are many ways but the one that matters mostly is the approach teachers have. They should be creative, fun, and flexible. If the teacher uses suitable set of textbooks, takes some extra materials and bring to classes, makes different activities can easily and in a fun way enhance learners' communication. So, there are many factors that impact in enhancing learners' communication skills.

### Recommendation

This study has been conducted in a small setting. In the future researches there is plenty of work that can be done in order to get other results and even more reliable. In our case we observed only one group of learners even though the group was pretty large and had eighteen learners that usually don't happen in the school we did the research on. We strongly recommend that in future researches, a bigger number of groups may be observed or even we recommend to interview students and get their opinion about the topic. We also recommend interviewing more teachers and even would be better to interview the teachers that currently have the same level of students.

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### Appendices

#### Appendix 1

##### Teachers' interview

1. Students have enough time to practice speaking skills and improve communication competence.

**Strongly agree,**  
**strongly disagree**

**agree,**

**disagree,**

Give a short explanation of your cases.

---

2. Students prepare or practice communication when teacher tells them they'll have a discussion class next meeting.

**Strongly agree,** **agree,** **disagree,**  
**strongly disagree**

Give a short explanation of your cases.

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3. I attended seminars or workshops to learn new methods and strategies.

**Strongly agree,** **agree,** **disagree,**  
**strongly disagree**

Give a short explanation of your cases

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4. I share my successful activities with my colleagues.

**Strongly agree,** **agree,** **disagree,**  
**strongly disagree**

Give a short explanation of your cases.

---

5. I use different strategies to motivate learners to communicate more in English language in my classes.

**Strongly agree,** **agree,** **disagree,**  
**strongly disagree**

Give a short explanation of your cases.

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6. Textbooks require enough communication between learners in the classroom.

**Strongly agree,** **agree,** **disagree,**  
**strongly disagree**

Give a short explanation of your cases.

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## Appendix 2

### Observation protocol

OBSERVATION PROTOCOL
Students' Observation Protocol
Oxford Studio/1 - Gjilan
Group: Cutting Edge Level: pre-intermediate Duration of classes: three times per week/100 min.
Observation lasted during the whole level

Questions	
Students' level is the same in my groups.	
Learners can understand instructions given in English language.	
Learners can answer and express their opinion in English language.	
Students have no difficulties with pronunciation.	
Learners can communicate in English.	
Group work helps them in enhancing their communication skills.	
I communicate with my students in English language all the time.	
Learners can understand a native speaker.	
I encourage learners to use English language in the classroom.	
I sometimes lead discussions in the classroom that aren't required in the textbooks.	

# Political discourse in the electoral campaign 2013, in Albania

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## Abstract

This study analyses political discourse of two main leaders Edi Rama and Sali Berisha, during the electoral campaign 2013, in Albania. Analyses and different rapports through years upon political parties of Albania, all come to a conclusion that political parties are characterized by a pragmatist political behavior that does not reflect the left and the right ideology. This study aims to identify if the differences between the left and the right in Rama's speech (left's leader) and Berisha's (right's leader) are based upon important issues according to right/left diadem, or upon the struggle for power, through elements that are not part of the left and right values. According to this the research question is: Does the political discourse during the electoral campaign reflect the right and left ideology? Political communication of political actors through the used techniques is characterized by a positive self-presentation which serves to legitimate its own power. The opposite of legitimation, delegitimation is referred to the other party, those, which are foreign or (political) opponents through techniques that emphasize the differences between the two parties, because they are negatively posed. In order to have a complete analyze it's necessary to study the elements which are used by political leaders to legitimate themselves and to delegitimize the opponent. According to this, the second research question is: Through which elements is formed legitimation and delegitimation in the political discourse of leaders? The methodology used is content analyses, which serves as a proper methodology in social sciences to understand the content of communication.

**Keywords:** political discourse, leader, left/ right ideology, legitimation and delegitimation.

## Introduction

Political context of Albania in early 1990s changed because Albania changed from a totalitarian regime in a democratic country. The big changes in the political life were legitimated through the desire for freedom and democracy, values which were denied during the communism system for a period of 50 years. The creation of "Democratic Party" on 12<sup>th</sup> of December 1990 came as a consequence of a political student movement which very soon was the main opposition party. The permanent leader of this party from 1991 up to 2013 was its party chairman, Sali Berisha. As "Democratic Party" was the symbol of denied values during communism for a lot of albanians in relation to endearing freedom and democracy, "Party of Labor" after a half century as a consequence of political changes in 1991 changed its name into "Socialist Party". "Socialist Party" lost the elections in 1992 in relation to "Democratic Party" and was in opposition until the elections of 1997, when it assured the victory of those elections and the successive elections by governing the country until the elections of 2005. The leader of the party Fatos Nano resigned when his party lost the elections against "Democratic Party". Nano was substituted by Edi Rama who could not win the elections in his first opposition as the chairman of the party in 2009 which was accompanied with requests for his resignation. The elections of 2013 were important for both parties because "Democratic Party" wanted the third government

mandate, whereas “Socialist Party” wanted the first government mandate after two consecutive losses, a mandate which would legitimate Rama as the chairman and leader of the party. In such a political context, this work takes values which is based on political discourse of two leaders, representative of the right and left during the elections of 2013.

## **Methodology**

The used methodology consists in analyzing the content which serves as methodology by referring to the main question: Who says what, whom, why, with which purpose and effect? Analyze of the content can be studied through qualitative and quantitative analyzes, but in this study is used the qualitative analyze because it allows more interpretation of the text than quantitative analyze. Bryman declares that qualitative analyze of the content is “the most widespread approach to analyze documents in a qualitative way” (2004:392). Content analyses which are used to understand the communication content can be studied better through three approaches: conventional, directed and summary approaches. Therefore, in this study are used:

- Conventional approach to create the categories of issues that are directly related to the text in relation to the right and left dichotomy.

- Directed approach because the analyze is created in relation to theoretical model of the right and left ideology

- Summary approach is referred to key words and data categories.

The sources of the study are the speeches of leaders Rama for the left and Berisha for the right, randomly selected during the elections of 2013. The selection of the speeches of the leaders of two main parties is made according to the importance that they have in relation to other political actors. Albanian political parties present some characteristics and one of them is the approaching of the party with the leadership. Political parties in Albania are often identified through political leaders as much that the naming party of Berisha for the right and party of Rama for the left do not cause any surprise or objection.

### **Left/right ideology**

The differences between the left and the right date back to French Revolution where the left, different from the right who wanted to preserve the existing system, were for a change. The right and the left differ in relation to the values they are created as if for the left values consist on social equality, in the intervention of the state in the free market, for the right the values consist on social justice and free market. If the left is classified as more opened for changes the right is more traditional and conservative. Political changes that happened in ex-communist countries raised some new questions in relation to the left/right dichotomy, because different scholars thought that was nonsense to talk about left or right, by referring to ideology its main element after the defeats that communism had. One of the authors that apposed this attitude was the italian researcher Norberto Bobbio who highlights that “the statement of ideology crisis is more than ideological. The right and the left do not have to do only with ideology. Those two terms refer to contrary programs, that have to do with problems whose solution normally belongs to political actions so they show not only contrary ideas but also contrary interests and assessments for the direction that

should be given to the society" (Bobbio, 1996:9).

By staying in the same line with the researcher Bobbio not only in theoretical level but also in practical level, as the study of political parties referred to behavior and political decisions in relation to political programs cannot be created without referring to ideologies, we can proceed further in the treatment of some values such as equality or tradition. "... The different attitude that people, as human beings in front of the freedom ideality, which despite those of freedom and peace is one of the last intentions that these people have, and for which they are ready to fight for" (Bobbio, 1996:68). Despite difficulties to accept as absolute ideology of the left, referring to the historical tradition we can state that equality is one of the main values where the left ideology was formed differently from the right ideology for which people are more unequal rather than equal. If equality is qualified as a value of the left, the tradition according to Confrancescos (Bobbio, 1996:52) can be categorized as one of the values of the right ideology. The tradition according to the author can be studied through six variables such as: Tradition as archetype, tradition as the ideal definition of an axial period or crucial in the history of humanity, tradition as a historical memory, the tradition as loyal to the nation, the tradition of having the same fortune and the tradition as historical consciousness. These are some of the values on which is formed the ideology of the left in relation to the right ideology.

### **Political parties in Albania and its ideology**

In relation to the ideology of the right and left political parties, have often made compromises which reflected a crossing of the ideological axes, by aiming the victory of the government mandate or its continuity despite of the program distinction. If we refer to a quick observation of the historical context over the political behavior of the main parties, we can state that: neither "Democratic Party" has acted as political force of the right by being based on the values of the right and nor "Socialist Party" has acted as a political force based on the values of the left. Such an ideological surmounting is evident in both parties through political and decisions taken during their governmental mandates or while they were in opposition. "Formally the parties were divided in the left, right and center because their programs distinctions were minimal... Politics were presented and the conflicts they had among them were not related to crucial issues, but with differences, often artificial and personal conflicts for dominance" (Pëllumbi, 2006:71). The context in which "Democratic Party" was formed, which governed until 1997, was characterized more as a union of different forces against communism than on the model of the right ideology. In 1997 the "Socialist Party" aimed to stabilize the economy according to the advices and directives of internationals (after the economic collapse of Albania) more than being adopted with the left ideology, of the reforms it took. Political behavior and the programs that the left and the right offered in Albania did not change with other mandates, because the advices and the directives of internationals were legitimated by the political parties as crucial values on which were based the political programs of the right and the left. According to the researcher Artan Fuga "in the programs of democratic and socialist party stand out an ideological incoherence from one issue to another issue, and at the same time a domination of the technic and pragmatism thought" (2003).

If in the theoretical aspect through studies over political parties in Albania, we agree

on a deviance in relation to the right and left ideology, for this work is important the study of political discourse of the leaders during their electoral campaign, through the data that come from the analyze in relation to the right and left ideology.

### **Strategies and functions**

The possibility of selection in relation to labeling and group categorization from which political actors identify themselves and the political opponent, comes as a result of referring strategies, to fulfill different social and political purposes. To clearly understand the referring strategies the study of Van Dijk helps us for whom the ideology serves as a base to select the strategies. Van Dijk (1998) classifies the ideology as a base of social representation (the members of a group) and as a scheme for the representation of two social groups, whose division results in its classification that is part of the group and those outside the group. The selection of referring strategies is built based on two groups "we/they" and the first group would be characterized with positive characteristics through an obvious strategy and "they" who are outside of our group are characterized with negative characteristics. According to Chilton (2004:45) strategic functions in political discourse can be characterized through legitimation and delegitimation functions: the political discourse through techniques that are focused on the wishes and needs of voters, on the united ideology between political actor and voters, on the role of the leader and positive self-presentation serves to legitimation the power of political actors. The contrary of legitimation, illegitimate refers to the other part, those who are strangers or political opponent through techniques that highlight the differences between two groups because they are presented negatively.

### **The left political discourse**

The speech of Rama in the parliamentary group meeting, "Zëri i Popullit", 1.05.2013, pg, 3-4.

In this political discourse of the leader of the left is obvious that the left and the right are not presented as two alternatives in relation to the right and left ideology but as two opposing alternatives. The offered alternatives according to PS program will be essential for the country, whereas the alternatives of opposition are classified as destroying alternatives.

"If there will be real employment or further increasing number of unemployment, the destruction of business or reconstruction of it and the economy, taxes that suffocate the poor, farmers and middle class or honest taxation, that who wins less should pay less... Public services according to necessities, abandoned village in the limits of surviving or reborn of the village, continuing increase of the crime or a government that guarantees security for the person and property; an Albania isolated from the democratic world, that is a discomfort for each citizen, or an European Albania that makes proud every Albanian"

In this speech of Rama the legitimation is built through the image of the party and the image of the candidates for deputy by being categorized as the best and responsible group in relation to electorate because "we are here to serve this country"

Whereas the illegitimate is built through the negative image of the opponent party and its leader, through categories that are accompanied with attributes as below:

"The primitive and bloodthirsty opponent... The party of the opponent in a clan...



Democratic Party, is in these conditions, in a family and clan party... The clients of the family of Berisha... Cannot do more than bring Albanians into a continually destruction"

The right alternative is not presented as a different alternative from what proposes the left but as an alternative of the bad and destruction.

**The speech of Rama in Shkodër, "Zëri i Popullit", 11.05.2013, pg.3.**

In the political discourse of Rama is evident that the left/right dichotomy is not built through values that characterize the right and the left but through the obstructive role of the leader of the right, Berisha. In relation to values such as freedom, he is categorized as "the biggest opponent of freedom". If for the left the values consist on the intervention of the government in the freedom of the market, for the right the values consist on the freedom of the market, but in the political discourse of the left the ideological distinguishes are substituted with attacks towards the political opponent, Sali Berisha.

"Without removing Sali from the work will not have vacancies... Without removing Sali from work will not have work for thousands and thousands talented Albanians that aim to be rich through the freedom of the competition but in the middle of the road they find obstacles of the clients of the government (there)"

If the strategy of legitimation for itself is built through the image of the party that will reborn Albania, the opponent through strategy of illegitimate is negatively represented because according to Rama "Democratic Party" has lost its identity and responsible for this is its leader Berisha who is classified as the last communist that holds Albania to ransom.

Tradition as a value that characterize the right more than the left, is a component that is used from the leader of the left in the function of fulfilling the determined objectives, through the anti-communism historical context of the city of Shkodër. Legitimation and illegitimation strategies conclude in a positive representation of himself categorized as "a nephew of this city" whereas for the opponent a negative categorization "as communist". According to Chilton (2004:45) strategically functions in political discourse can be categorized through "coercive functions" through effects that the discourse have on others, which is obvious in the above political discourse, because Rama wants to have an impact in the citizens of Shkodër through the used categorizations.

The speech of Rama in Kavaja, "Zëri i Popullit", 20.6.2013, pg 3.

"The Secretary of the Party of Labour, Sali Berisha is united with Kastriot Islami, whereas I am united with your son, one of the members of the movement of the December, Parid Cara. So the things are finding their way, those of the past are together. We of the future are together".

If the right in Albania in early 1990 was created as an anti-communism movement, the left was created as a transformation of the "Party of Labor". The right continually refers to categorization of communist-anticommunist, by using as a legitimation strategy for itself and illegitimation for the left. In this speech of Rama, the political discourse is built through the illegitimation of Berisha as "Secretary of the Party of Labor" which has a negative connotation in relation to Albanian historical and political context. Illegitimation is enforced by the candidate for deputy of "Democratic Party" Kastriot Islami who after a career in politics on the left side passed on the right

side. Islami, like Berisha, is categorized through a negative connotation lexicology, differently from the representation of the left. Rama from a well-studied rhetorical is directed to the electorate by making evident the difference between the group of Berisha that represents the past and his team that represents the future.

### **The right political discourse**

The speech of Sali Berisha in Shkodër, "55", 28.5.2013, pg.3

In the political discourse of the right leader held in Shkodër, Berisha lists the achievements of the right government and wants that the permanent victory in this city, since the first pluralism election, should be deepen even more by adding another winning mandate for the right in comparison to the previous elections. His request is enforced by presenting two alternatives, the right is legitimate through the achievements of the government according to the infrastructure, building of schools, investments etc. whereas the other alternative is illegitimate:

"The other camp is travelling through the street of Albania in its purple bunker, its purple bus. Mr. Rama, here from Shkodra deserves the answer of each Albanian. Comparing Sami Frashëri, Pashko Vasa, Filip Shiroka, Naim Frashërin with the band of the new block men in the purple bus you have insulted every Albanian, their fathers and granddads and the great punishment waits you on 23<sup>rd</sup> June, Mr. Rama you do not feel good when I mention the crimes of your ancestors, but how can I explain, tell people, when you declare that NATO is night, are you mentally sick or the son of your father?"

Illegitimation is formed through the image of the candidate of "Socialist Party" through their negative categorization by comparing them as "the band of new block men" in relation to distinguished albanian people that belong to the period of Renaissance. In the political discourse of the right leader the used lexical against Rama aims to affect the electorate because it is accompanied with a negative connotation because the key words in representing of the left as "bunker, block men" etc. belongs to communist ideology by referring to biological and ideological heritage for the left and its leader.

### **The speech of Sali Berisha in Pogradec, "55", 3.6.2013 pg. 2**

The political discourse of Berisha in the speech held in Pogradec is built through legitimization strategies for itself and illegitimation for the political opponent. Legitimation is built through the achievements of the government which are accompanied with the electoral promises for the next mandate. If for the right employment is one of the most important things of the electoral platform, the left platform is made of three important columns:

"In the first column is the insult of citizen. In one place he calls them ignorant, in another he calls pupils sheep, in another place calls the police cattle, in the other calls citizens slaves. The second column of his program was made clear these days. What is he declaring these days? He is declaring that he will decrease the tax of 95% of albanians and will take to the 5 % of albanians. The friend of the purple bus learns that it is the A of each free economy, of doctrines of free market. The economy of a free country does not increase for up down. The economy of a country is increased by the middle class and not from that 5 % that you hate. The third column of his program are insults and fictions towards Sali Berisha." Illegitimation of the leader of the left by aiming the effecting of public opinion refers to the behavior of Rama

in relation to the insults he addresses to the citizens and insults towards Berisha. The most important element in this discourse is the division of the right from the left in relation to tax division, because if the right is for the flat tax the left is for the proportional tax, so the division in relation to the tax is one of the most important and the one, in conformity with the left and right ideology.

### **The speech of Sali Berisha in Laç, "55", 11.6.2013, pg.2**

"Meanwhile the negative speech in the form of critics for achievements and the work of the government and the opposition are necessary in a free and democratic society, it is a problem when it is not constructive, but personal, aggressive and emotional. This study shows that 45% of the speeches of each of these political actors during the studied period belong to this second category: They are direct insults and not indirect, personal, accusations without bases and comparison or association of the opponent with political features of the past or political figures with a bad image" ([www.academia.edu/2411311/raportiof political discourse in Albania](http://www.academia.edu/2411311/raportiof_political_discourse_in_Albania)).

If the discourse of two political leaders, Berisha and Rama in the elections of 2009 represented these characteristics, the problem is still in the elections of 2013, because the negative, personal, aggressive and emotional speech continues to be present in the political discourse of the right and left leaders.

The political discourse of Sali Berisha in Laç refers to this problem which is represented through the assaults and anti-assaults between leaders:

"For three weeks he deals with my nieces and nephews and Sali Berisha their granddad. Every year is given by God, but the blessed one are those years when someone lives as a granddad. This is obvious to anyone despite him who had the year of youth without being young and the years of manliness. He declares that Sali Berisha is tired. My entire life I have worked not less than 16 hours a day, but from all tiredness that of the last years, give the biggest satisfaction, because now I work for albanians"

This problem is bigger because instead of being offered a comparative discourse in a valuable level through political parties is produced a discourse that is not stopped through replicas and counter replicas which are direct or indirect, personal, character, accusation without a base, insults or associations of the political opponent with political figures of communism.

### **Conclusions**

In the political discourse of the leaders of the left and right there are not essential differences in relation to the values of the left/right diadem of the political vision for the state or for the relation between people and government. The political fight is presented as a battle between leaders and not between programs and ideology of the right/left. One of the elements that are an exception is the taxation. The absence of differences, makes that political parties develop strategies to be identified as a different alternative, so the right proclaims the left of today and the communists of the past whereas the left systematically attacks the leader of the right so much that its political discourse can be defined as "anti-Berisha".

The legitimation in the political discourse of the leader of the left is made of these components such as: the image of the party, the image of the candidates for deputy

through which is built the image of the leader. The image of the party is focused on the change that reflects this political party, and also on the highlight of political program which is made based on the problems and worries of citizens, identified by meeting them. The image of the candidates is built through a presentation as the best team that the left has ever had. Through the image of his team Rama creates his image as the leader of this party which is presented as a party with inner democracy as a consequence of political behavior of Rama.

Illegitimation for the political opponent is created through the image of "Democratic Party" and its leader. By assaulting the party in power for its weaknesses during the governance, Rama highlights that this party has lost its identity and the main cause is its leader Berisha who is ruining the country.

Legitimation in the political discourse of the right leader is created through these components, such as: the image of government and the party, the image of candidates for deputy and the image of the leader. The image of the party is created through achievements that this party made during governing and historical context by continually saying that "Democratic Party" is the party that declined the dictatorial system. Whereas the image of candidates is created through positive attributes for candidates for deputy by being presented as the best group, a strategy that is equal to "Socialist Party". The image of the leader is created through positive image of the government and candidates by taking positive attributes as the leader of change. Illegitimate for the political opponent is formed through the negative image of "Socialist Party" and its leader.

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## Features of french borrowings in the Albanian lexicon (letters A and B)

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### Abstract

Just like other languages, Albanian has also borrowed words from the languages of the peoples it has encountered throughout its history. As a result of the continued contact with varied populations, the Albanian language has encountered foreign words from varied sources, such as: Greek, Slavic, Turkic, Latin and Romance (Italian, French), as well as English.

The objective of this study is: research of French loanwords in the Albanian language, focusing on words with letters A and B. The earliest loanwords from the French language date back to the late nineteenth century and early twentieth century and can be traced until today showing that French influence in the Albanian language is very real. There are many cultural and intellectual connections between France and Albania for a long time making the linguistic impact more than obvious. There are words that are used in administration, justice, in the academic setting, in the social and political settings, the technical setting, in medicine, in the arts, in fashion, in sports etc. Some examples of French borrowings in the Albanian lexicon are: abazhur, adaptoj, adresë, afishe, aksident, aksion, aliazh, alo, ambalazh, ambasadë, amper, anekdotë, angazhoj, ankand, anketë, ansambël, artizan, asamble, atashoj, autodidakt, azhur, azhurnoj, baladë, balancë, barrikadë, basen, beshamel, beton, bezhë, bizhuteri, bluzë, bordero, broshurë, boulevard, buqetë, burokrat, bursë, butik etc. After the complete exhaustive selection of the French proper borrowings, presented in The etymological dictionary of the Albanian language [Kolec Topalli, Fjalor etimologjik i gjuhës shqipe, Tiranë, 2017], the main purpose of this work is the classification of these words according to two criteria: the source (1 - Direct French loanwords where the source language is the lending language; 2 - Direct French loanwords where the source language is not also the lending language) and the structure (1 - Lexical loanwords; 2 - Constructive loanwords).

**Keywords:** French borrowing, Lexicon, Albania.

### Introduction

Throughout the long path of Albanian history, the Albanian language has exchanged (given and taken) words with the languages of the peoples it's encountered throughout history thereby enriching itself with suitable words and expressions. As a result of the continued linguistic contact with other peoples throughout the centuries, the Albanian language has come face to face with foreign words from varied sources, such as: Latin, Greek, Slavic, Turkish, romance (Italian, French) and English. These have come from: - contact with languages of the peoples that came to Albania as conquerors, - contact with geographic neighbors, - contact with languages of the peoples with which Albanians have had economic, political, social and cultural relationships. The linguistic impacts, particularly lexical ones, have certainly not had the same weight in a specific period, one language was in a dominant position and from that, a large number of words were borrowed, later the influence of that language weakened leaving the dominating position to another language.

This article will focus on French loanwords, this stratum which has had no small

impact on the Albanian language.

Cultural and intellectual relationships between France and Albania have existed for a long time making the French linguistic impact an evident one in the Albanian language.

According to linguist J. Thomaj, "the earliest loanwords from French to Albanian date primarily to the end of the 19th century, and early 20th Century"<sup>1</sup>. In this period, particularly after the Declaration of Independence (in 1912), in accordance with the new social, economic, political and cultural conditions, the Albanian language was subjected to many developments and shifts, particularly in its lexicon. In varied linguistic fields, as well as from varied social ranks, a multitude of new denominations were introduced, many of which used loanwords. Lexicologist Thomaj points out "in the 1920s, words from Neolatin languages (from Italian and French) made their way into the Albanian language primarily in terminology."<sup>2</sup> Administrative law is a notable field which has a very strong French character because "the creation of the Albanian State in the 1920s was based mainly on the French judiciary."<sup>3</sup> Below are some Albanian terms in administrative law stemming from Latin and romance languages, such as: *akuzë* (it., from lat.), *apel* (fr., it., from lat.) etc., or some others which demonstrate that this type of terminology has spread in particular because of French, such as: *anketë* (fr.) etc. At this time (the first half of the 20th century), we see impactful influences from French in the field of education as well. The existence of the French High School in Korça, which was considered to be one of the most important institutions in the country at the time is noteworthy. Years later, during the communist regime, France was the only western country with which Albania maintained a diplomatic and cultural relationship. As a result, this relationship certainly left its marks in the Albanian language. This arrangement continued until 1990. After the '90s, as a result of the big sociopolitical changes as well as new developments in the economy, the democratization of life and the opening of the country in relationship to the rest of the world, the Albanian lexicon witnessed a fast internal shift on several levels, including loanwords, and as a result, in French loanwords.

The introduction of many other French words in the Albanian lexicon during this period - where the French influence is very real - is considered justified in all the instances in which the Albanian word or expression pertaining to a new notion, concept or meaning is missing, whereas when the Albanian word for the same concept exists, the acceptance of the use of a loanword can be deemed unnecessary. Here are some such examples where the French word can be completely replaced with an Albanian word without the need to make the French word part of the Albanian dictionary: *adaptoj* (with *përshtas*), *aksion* (with *veprim*), *azhurnoj* (with *përditësoj*), *balancë* (with *peshore*), *bohëm* (with *endacak*), *buqetë* (with *tufë lulesh*) etc.

French loanwords in the Albanian language, just like other loanwords have impacted all linguistic planes: phonetics, lexicon, morphology and syntax.

The focus of this paper is primarily the lexicon. French influence has penetrated so much on the lexical level and is used so frequently that quite often, it's become difficult to learn which word is an Albanian word and which is foreign (French). This is quite evident in the lexicon of loanwords selected to study in this work. In order to complete this research, *Fjalori etimologjik i gjuhës shqipe* (Tiranë, 2017) of the

<sup>1</sup> Jani Thomaj, "Leksikologjia e gjuhës shqipe", Tiranë, 2006, p. 258.

<sup>2</sup> Jani Thomaj, "Leksikologjia e gjuhës shqipe", Tiranë, 2006, p. 250.

<sup>3</sup> Bade Bajrami, Prurjet frënge në terminologjinë administrativo-juridike shqipe, "Seminari ndërkombëtar për gjuhën, letërsinë dhe kulturën shqiptare", Prishtinë, 2010, p. 307.

academician Koleç Topalli is being used as a reference. Our attention will be focused only on the first two letters (A and B), so that the presentation of the loanwords becomes exhaustive, referring to the above mentioned criteria:

French borrowings adapted to the Albanian language:	French words (borrowed in Albanian) in the original form:
Abazhur em. (m)	Abat-jour n. (m)
Abordazh em. (m)	Abordage n. (m)
Adaptoj f. (adaptim)	Adapter v.
Adresë em. (f) (adreso, adresim)	Adresse n. (f)
Afishë em. (f) (afisho, afishim)	Affiche n. (f)
Aforfe ndf.	A forfait n. (adv.)
Agreement em. (m)	Agrément n. (m)
Aksident em. (m) (aksidento, aksidentim, aksidental, aksidentalisht)	Accident n. (m)
Aksion em. (m) (aksionist, aksionar, aksioner)	Action n. (f)
Albatros em. (m)	Albatros n. (m)
Aliazh em. (m)	Alliage n. (m)
Alo pasth.	Allô interj.
Ambalazh em. (m) (ambalazho, ambalazhim, ambalazhues)	Emballage n. (m)
Ambasadë em. (f) (ambasador)	Ambassade n. (f)
Amidon em. (m)	Amidon n. (m)
Amper em. (m)	Ampère n. (m)
AND em. (f)	AND em. (f)
Anekdotë em. (f) (anekdotik)	Anecdote n. (f)

Angazhoj f. (angazhim, i paangazhuar)	Engager f.
Ankand em. (m)	Enchère n. (f)
Anketë em. (f) (anketoj, anketim, anketues)	Enquête n. (f)
Ansambël em. (m)	Ensemble n. (m)
Antrakt em. (m)	Entracte n. (m)
Artizan em. (m) (artizanal, artizanat)	Artisan n. (m)
Asamble em. (f) (asamblist)	Assemblée n. (f)
Atashoj f. (atashe)	attacher f.
Atelie em. (f)	Atelier n. (m)
Autodidakt em. (m)	Autodidacte n., adj.
Azhur em. (m)	Ajour n. (m)
Azhurnoj f. (azhurnim)	Ajourner f.
Bagazh	Bagage n. (m)
Baladë em. (f)	Ballade n. (f)
Balancë em. (f) (balancoj, zhbalancoj, balancim, zhbalancim)	Balance n. (f)
Barazh em. (m)	Barrage n. (m)
Barrikadë em. (f)	Barricade n. (f)
Basen em. (m)	Basin n. (m)
Beshamel em. (m)	Béchamel n. (m)
Beton em. (m) (betonoj, betonim, betonues, i be- tontë; betonarme, betonierë)	Béton n. (m)



Bezhë mb.	Beige adj.
Biberon em. (m)	Biberon n. (m)
Bide em. (f)	Bidet n. (m)
Bilë em. (f) (bilardo)	Bille n. (f)
Bizhuteri em. (f)	Bijouterie n. (f)
Bizon em. (m)	Bison n. (m)
Blindë em. (f) (blindo, blindim, blindazh)	Blinde n. (m)
Bluzë em. (f)	Blouse n. (f)
Bohem em. (m)	Bohème n. (m)
Boksit em. (m)	Bauxite n. (f)
Bonbone em. (f) (bonboneri, bonbonierë)	Bonbon n. (m)
Bordero em. (f)	Bordereau n. (m)
Broshurë em. (f)	Brochure n. (f)
Bufe em. (f) (bufetier)	Buffet n. (m)
Bulevard em. (m)	Boulevard n. (m)
Buqetë em. (f)	Bouquet n. (m)
Burokrat em. (m) (burokratik, burokraci, borokra- tizëm, burokratizoj)	Bureaucrate n. (m)
Bursë em. (f) (bursist)	Bourse n. (f)
Butik em. (m)	Boutique n. (f)
Byro em. (f)	Bureau n. (m)

The selected lexicon for this subject contains loanwords, which Albanian has borrowed in a direct way from French. The cases of French loanwords brought to Albanian in a transversal way, from other languages, have not been included in this work, such as: *buxhet* (loanword from the engl. *budget*, with a source from *fr. bougette*) etc. Likewise, the cases which are defined as Latin-romance loanwords or romance

loanwords (French included), are not part of this study, such as: *abdikoj, absolut, absorboj, abstenoj, acetik, acid, aderoj, administroj, admiroj, adoptoj, afekt, aglomerat, aksesor, abonoj, abuzoj, adekuat, akreditoj, akustik, alkool, binom, biografi* etc.

French words generally belong to the professional and terminological lexicon and a fair amount of them have an international character. These are words which are used in administration, law, education, in social and political life, in technical fields, in medicine, the arts, fashion, sports etc.

In order to point out some characteristics of French loanwords in the Albanian language, they are being categorized by referring to two criteria: the source and the structure.

After a mindful research and observation of this lexicon in *Fjalor etimologjik i gjuhës shqipe* (2017), one can identify two groups of words as far as the source of these words:

- 1 - Direct French loanwords where the source language is the lending language;
- 2 - Direct French loanwords where the source language is not also the lending language; in this case French is the (intermediary) loaning language.

Among direct loanwords where the source language is the loaning language the following are notable: *abazhur, adresë, afishe, agreement, aliazh, ambalazh, angazhoj, anketë, antrakt, artisan, atelie, azhur, azhurnoj, baladë, barazh, barrikadë, beshamel, bezhë, bide, bilë, bizon, bizhuteri, bluzë, bohem, bonbone, bordero, broshurë, bufe, buqetë, burokrat, butik, byro* etc.

As for loanwords where the lending language is not the source language of the word, the following are listed: *albatros* (fr. sourced from Portuguese), *alo* (fr. sourced from English), *amidon* (fr. sourced from Greek), *anekdotë* (fr. sourced from Greek), *autodidakt* (fr. sourced from Greek), *blindë* (fr. sourced from German), *boulevard* (fr. sourced from Dutch) etc. In these cases, French serves as an intermediary meaning that Albanian has borrowed these words from French, but French itself has borrowed these words from other languages, such as: Portuguese, Greek, English, German, Dutch, Spanish etc. These are indirect loanwords which have entered the Albanian language through French.

Language, as a living organism, is in uninterrupted evolution. From the point of view of structure, the French loanwords, which have become part of the Albanian lexicon have had their own development. These words have been subjected to the Albanian phonetic and grammatical system, meaning they are written and pronounced according to the phonetic value of the Albanian language and inflect according to the grammatical classes and applicable regulations.

The Albanian language has borrowed and molded French loanwords as its own. Thus, they continue to develop in the territory of the Albanian language by becoming manufacturing terms as well, such as: from *adaptoj* (f.) - *adaptim*, from *ambasadë* (em.) - *ambasador*, from *anekdotë* (em.) - *anekdotik*, from *asamble* (em.) - *asamblist*, from *atashoj* (f.) - *atashe*, from *azhurnoj* (f.) - *azhurnim*, from *bilë* (em.) - *bilardo*, from *bufe* (em.) - *bufetier*, from *bursë* (em.) - *bursist*. Words of this type of descent can no longer be called loanwords because they are Albanian mutations. These constructions with affixes (primarily suffixes), have not been marked as distinctive parts in the dictionary, but they are adjacent to the French base-word from which they were created. According to the evolution, they have undergone in the Albanian language, some of them have created nests of words with various Albanian suffixes, such as: *-o, -im, -ist* etc.; also, there are cases where the nests of French loanwords in the etymological dictionary are made of not only the construction with Albanian prefixes, but also

by French words, as a derivation of the French source wordsuch. These derivatives are presented in the table above in brackets, such as: from *adresë em. (f)* - (adreso, adresim), from *afishe em. (f)*- (afisho, afishim), from *aksident em. (m)* - (aksidento, aksidentim, aksidental, aksidentalisht), from *aksion em. (m)* - (aksionist, aksionar, aksioner), from *ambalazh em. (m)* - (ambalazho, ambalazhim, ambalazhues), from *angazhoj f. - (angazhim, i paangazhuar)*, from *anketë em. (f)* - (anketo, anketim, anketues), from *artizan em. (m)* - (artisanal, artizanat), from *balancë em. (f)* - (balanco, zhbalanco, balancim, zhbalancim), from *beton em. (m)* - (betono, betonim, betonues, i betontë, betonarme, betonierë), from *blindë em. (m)* - (blindo, blindim, blindazh), from *bonbone em. (f)* - (bonboneri, bonbonierë), from *burokrat em. (m)* - (burokratik, burokraci, borokratizëm, burokratizo).

French words which have not changed over time have been categorized separately as they do not have room to expand due to semantic limitations; or in some cases, they have been borrowed along with the traits of their use, such as: *abazhur, azhur, atelie, abordazh, aforfe, agrement, albatros, byro, alo, boulevard, bezhë, basen, biberon, bizhuteri, bluzë, bordero, buqetë, bursë, butik* etc., as well as these suffixed constructions: *bagazh, aliazh* etc., with the suffix *-azh* (fr. *-age*), which is very characteristic of the French language. These lexical loanwords, in the cases where the whole word is borrowed and is used in the same context and meaning as the loaning language, make up the majority of French loanwords in Albanian. There are also words derived from proper nouns, such as: *amper* (from the name of the physicist and mathematician André-Marie Ampère), *beshamel* (from the name Louis de Béchamel), *boksit* (from the place Le Baux where the mineral was discovered) etc.

As with every other language, it is difficult to accurately evaluate how many words the Albanian language has borrowed from French, but referring to the *Fjalor etimologjik i gjuhës shqipe* (Tiranë, 2017), from academic Kolec Topalli, this can be determined more precisely. Thus, after a calculation, it is estimated that about 3 % of the Albanian language (referred to the first two letters) contains French loanwords in its lexicon (without taking into account: the borrowings that are included in the Albanian as well as from the French and other (neolatin) languages, as well as the derivatives from the French words in the Albanian language.)

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# Teaching English copular structures to Albanian young learners

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## Abstract

Grammar enables students to form linguistic structures. The study of grammar involves the structure of the linguistic forms, sentence elements, their meanings and uses.

The aim of this study is to pose ways and techniques of presenting copular sentences in English second language acquisition through deductive and inductive approach. The objective of our study is to highlight how students acquire the linguistic rules of copular clauses through these approaches.

In order that students acquire their knowledge through explicit approach; the teacher has to use the deductive method of teaching language grammar structures. On the other hand, the students whose language knowledge is acquired through implicit approach; their teacher use inductive method.

The deductive method is derived from deductive reasoning where the concept of learning goes from the general concept to the particular one. So initially, grammatical rules are presented and later linguistic rules are illustrated through examples. Deductive approach favors Grammar translation method. In this method, the teacher implements comparison of second language grammatical concepts to those of the mother tongue.

Learning grammar through inductive method begins with an example and then the grammatical rules are extracted through the example given. The task of teachers is to present as many examples, then to generalize grammatical rules of the language through examples given. This method relates to the direct method and natural method. In the direct method, language rules derive from the experience of understanding and repeating the examples. Examples are selected according to the degree of difficulty and the context of the purpose of learning.

**Keywords:** grammar, copular clauses, second language acquisition, deductive method, inductive method

## Introduction

The study of grammar is very important, especially in the foreign language acquisition. This is one of the main reasons that teachers pay a special attention in acquiring it. Some teachers are inclined to teach grammar through deductive method. Teaching grammar through deductive methods assumes that a teacher knows very well not only the mechanism of the foreign language but the mechanism of his/her mother tongue as well.

Some activities in the class of auditors, where learning a foreign language through the deductive method, are:

- Explanation of the rules;
- Translation;
- Exercises;
- The study of grammar rules.

The researchers propose that the deductive method of teaching has its advantages and its disadvantages (Widodo 2006: 129). Some advantages of deductive method

are as follow:

- Grammar is explained explicitly.
- Grammar rules are easier for students as a result of their explanation in detail.
- Examples are applied immediately after the explanation of the rules.
- Expectations of students are higher.

Some disadvantages of the deductive methods are:

- Starting the lesson immediately with grammatical notions can be tedious for students.
- Explanation of grammar rules explicitly cannot stay for long is students' memory
- Students can understand that learning a foreign language means just learning grammar concepts.

On the other hand some teachers who teach English as a second language are inclined to teach grammar to students through deductive method. Learning grammar through inductive method begins with an example and then the grammatical rules are extracted through the example given. The task of teachers is to present as many examples, then to generalize grammatical rules of the language through examples given. However, just like the deductive method, researchers claim that inductive method has its advantages and disadvantages as well. Some advantages of inductive method are as follow:

- The students familiarize more easily with grammar rules.
- Students are more active during the process of learning a foreign language.
- Working in groups enables students to communicate in the target language.

Some disadvantages of inductive method are:

- Students can misuse the grammar rules;
- Students are required more effort to acquire grammatical rules.
- Teachers need more preparatory work to prepare their teaching plan.

Since the acquisition of grammar is somewhat difficult, Students are often dissatisfied with it. Methodists propose that the process of learning the language and its grammatical structures should be much more interesting for students. Their researches support the arguments that it is important to find appropriate methods for teaching grammar. Methodists believe that the best way of teaching students, especially children, is games (Hassaji 2000: 141-250). Many researchers, as Gaudat (1999: 283-291), Rinvolvecri and Davis (1995: 217) argue that the teaching of grammar through various activities develops motivation and participation of students during the lesson.

## **2. Research methodology**

### *2.1 Objectives*

In our research study we conducted two studies. The aim of these studies is to analyze how the method of teaching influences on the students language acquisition.

Linguistic structures investigated were related to the acquisition of grammatical forms of copular clauses.

The first study was conducted with beginner level students of the second grade. During the lesson, the teacher intended to teach students copular clauses formed by the verb 'to and some transformational rules operating on interrogative and negative copular clauses. The teacher used the deductive method.

The second study was conducted with advance level students. Through inductive method the teacher intended to teach students the use of predicative in the copular clause.

## 2.2 Participants

Participants in the first study were twenty – eight (28) students at a beginner level and their teacher. Participants in the second study were thirty (30) students at an advanced level and their teacher. The students' mother tongue was Albanian language.

## 2.3 Instruments

Instruments used in both studies, which helped in the collection of data were: observation of the lesson hours and grammar exercises which consisted of predication, specification and identificational clause<sup>1</sup>.

## 2.3 Data analysis

*Study 1:* In the first study, the teacher firstly explains to students the use of copula 'be' in English beginners. Just like in Albanian language, there is an agreement of copula 'be' to the subject in number, in English.

I am	We are
<i>Unë jam</i>	<i>Ne jemi</i>
You are	You are
<i>Ti je</i>	<i>Ju jeni</i>
He / She/ It is	They are
<i>Ai / Ajo është</i>	<i>Ata janë</i>

The teacher continues to explain that besides the declarative sentences, copular clauses can be turned into interrogative and negative ones, but when turning declarative clauses into interrogative, there are some transformational rules that students have to follow. She underlines that just like in Albanian language, to turn a declarative copular sentence into interrogative, it is necessary to put 'be' in the front position of the copular clause. The teacher continues to write a sentence on the board.

My name is John. (Declarative)

*Emri im është Xhoni.*

Is my name John? (Interrogative)

*Është emri im Xhoni?*

In order to turn a declarative copular clause into an interrogative one, it is necessary the use of not.

She is my sister.

<sup>1</sup> Copular clauses are classified into predication, specification and identificational clauses.

*Ajo është motra ime.*

She is not my sister.

*Ajo nuk është motra ime.*

She isn't my sister.

*Ajo s'është motra ime.*

It is necessary that the Albanian beginner students know that the negative "not" in English, can be contacted with the verb "be", but an exception of this rule is first person, singular number. From our experience in teaching, we notice that the Albanian students make mistakes in such constructions, because in our native language, 'not' is used before the verb, whereas in English it is used after the verb 'be'.

After explaining the grammatical rules concerning copular clauses formed by the copula 'be', the teacher hands to students some grammar exercises.

The teacher goes on explaining copular clauses formed by another copula, other than be. In order to turn copular clauses into interrogative and negative, it is necessary the use of the operator 'do / does in English, whereas in Albanian, no operator is needed, but the verb is used in front position, like the verb 'be'.

You seem tired.

(Declarative)

*Ti dukesh i lodhur.*

Do you seem tired?

(Interrogative)

*A dukesh ti i lodhur?*

You don't seem tired.

(Negative)

*Ti nuk dukesh i lodhur.*

Through the example and exercises given to students, once the teacher makes the difference between declarative copular clauses, interrogative and negative ones.

The whole process of the lesson hour ends with exercises to enforce the grammar rules explained in class.

*Study 2:* In the second study, during the lesson hour, the teacher introduced the topic and asked that one of the students mentioned the main parts of the sentence. The student mentioned: subject, predicate, object, complement, and adjunct. The student added that the subject and predicate are two main elements in the sentence, while object and complement are secondary elements. Adjunct is not necessary in the sentence. It can be removed without destroying the meaning and linguistic structure of the sentence. The teacher used the inductive method in the class. Initially, students were assigned to solve the given exercise and later were explained linguistic problems related to the exercise.

Upon completion of the exercise, it was observed that a large number of students erred in selecting the words in brackets. The teacher, after finding errors in each sentence of the exercise, continued to explain and argue for correct answers.

*"Sad" versus "Sadly"*

In sentence [1] both alternatives in brackets are correct.

*He looked sad.*

*He looked sadly.*

The adjective "sad / sad" has the function of the predicative in the sentence. It enters into relationships with their subjects and describes its quality. 'Sadly / sadly' is not predicative, but adverb. The adverb enters into relationship with the verb and modifies it.

*"Bad" versus "Badly"*

The teacher continues to explain the second sentence of the exercise. She

determines what part of speech is the word "bad" and "badly". The first is the adjective and the second is the adverb, emphasizes the teacher. The adverb is easily distinguished by suffix "ly"; characteristic for the formation of adverbs in English. The teacher explained to students that the correct form of the sentence is:

*I feel bad.*

The verb "feel" is a copular verb, so it cannot be followed by an adverb. The teacher points out that this rule excludes special contexts as the following example:

*I feel badly today.*

#### *"Due to" versus "Because of"*

In sentence [3], the words "due to" and "because of" are synonymous with each other by the meaning, but they cannot replace each other in syntactic structures. In this sentence, it is necessary that a preposition be used. Consequently, the expression "due to", which is always used as a predicative, cannot fill in the blank in the sentence. The correct answer is:

*We were late because of the blowout.*

#### *"Prior to" versus "Before"*

The teacher points out to students that the sentence "Our Meeting scheduled Was Prior to May 15" is wrong. Incorrect use of "Prior to" versus "Before" indicates an uncertainty from the students. The teacher continues to explain that "Prior to" always used as predicative. In sentence [4] a preposition is necessary so the correct option is:

*Our meeting was scheduled before May 15*

### **Conclusions and suggestion**

Occasionally, teachers face with difficult situations to find appropriate approaches that serve to explain the linguistic rules of grammar. The conducted studies help us to find appropriate pedagogical tools. Learning grammar rules through communication and entertainment activities enables the promotion and motivation of students in the inclusion of this process. We think that this approach results in an effective method for teaching copular clauses.

Sometimes, games make learning the copular clauses more interesting and easier. For this reason we suggest some activities during the class.

1. In order to help students acquire copular clauses, use a game which develops students' imagination. The teacher selects an object, like a painting. Students should describe the painting using as many copular clauses as they can. The best description wins the game.
2. The same game can be used even by dividing the students into pairs. One of students selects a picture from a book illustrated with pictures. Another student describes the painting within a limit of time. If the student does not describe the painting within the specified time, then this couple does not get the point. This game provides active participation and students' entertainment.
3. Another game that helps students distinguish copular clauses is the preparation of several sheets of paper in which you write paragraphs taken from various sources of fictions. Students who find more copular clauses collect a certain number of points. Students who fail to find correct copular clauses miss out the points.



Games are useful in learning the rules of the foreign language grammar. Practicing during the lesson hour makes possible the inclusion of students in the teaching process. Moreover, the games are important because they foster motivation and interaction of students in the learning process. Researchers believe that games are a reflection of the individual's behavior and assist in self awareness of the students. Self awareness grows, as the students during the game have to make decisions, to collaborate in groups and resolve different problems.

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### *Appendix A (Study 1):*

#### *Exercise*

*Turn the sentences into negative forms.*

1. *Angelina Joli is American.*
2. *My friend and I are high school students*
3. *The tea is delicious.*
4. *Nedia and Leila are friends.*
5. *I am happy.*

#### *Exercise*

*Turn the sentences into interrogative forms.*

1. *The proposal sounds interesting.*
2. *Mary seems sad.*
3. *The stew smells good.*
4. *They look happy.*

### *Appendix B (Study 2)*

#### *Exercise*

*Choose the correct alternative from the words in bracket to fill in the gaps in the clauses.*

*Sometimes both of the alternatives are possible.*

1. He looked \_\_\_\_\_ (sad / sadly)
2. I feel \_\_\_\_\_ (bad / badly)
3. We were late \_\_\_\_\_ the blowout (due to / because of)
4. Our meeting was scheduled \_\_\_\_\_ May 15. (prior to / before)
5. The arrival of the letter was \_\_\_\_\_ that of the package. (prior to / before)

# ECJ Decision C-375/09 Prezes Urzędu Ochrony Konkurencji i Konsumentów A critical Analysis

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## Abstract

Competition law mainly addresses monopoly cases. A monopoly exists when a specific enterprise dominates the market or when all competitors enter a cartel (collusion) by fixing prices, in such a way that they act as a monopoly, or when enterprises merge by creating a new firm that owns the power of a monopoly. The EU Commission has been the main implementing body of competition rules under Article 103 TFEU (ex Article 83), through the General Directorate for Competition. The competencies of the Commission were regulated by Regulation 17/62 / EEC, which had been in force since 1962-2004 and extended by Regulation 1/2003 / EC, which entered into force on 1 May 2004.<sup>1</sup> The main purpose of this article is the analysis and the consequences that ECJ Decision C-375/09 Prezes Urzędu Ochrony Konkurencji i Konsumentów has brought.

**Keywords:** ECJ Decision, Competition Law, EU.

## Introduction

Issues reviewed by the Commission, in the frame of competition include two initiatives. First, the Commission may initiate an investigation on its own initiative pursuant to Article 17 of Regulation 1/2003 / EC. Second, some issues may arise from complaints made by the parties or statements made by enterprises which have violated the rules.

However, the Commission should not come up with a decision on any complaint it receives. It can give priority to the issue based on whether there is a Union interest.<sup>2</sup> The administrative procedure of the enforcement is divided into two steps. First, the Commission collects evidence to determine whether there has been a violation. Second, it makes his remarks presented to the parties being investigated and after a hearing of the parties comes with a decision.<sup>3</sup>

The consequences of violating competition are divided into two categories. First, the Commission has the power to end the violation and to regulate the anti-competitive effects of anti-competitive practice. In cartel cases, the Commission requires the infringing enterprises to terminate the agreement in such a way that competition no longer exists. It may order parties to change their behavior towards competitors or sanction dominant enterprises to force them to supply their competitors.<sup>4</sup> However,

<sup>1</sup> Regulation 1/2003 defines the main rules for the implementation of Articles 101 and 102 TFEU.

<sup>2</sup> Union interests consist of situations and issues that have a high impact within the framework of the EU internal market protection.

<sup>3</sup> The same practice is followed in Albania by the Competition Authority.

<sup>4</sup> For more see the Decision T-201/04 R Microsoft v Commission [2007] ECR II-3601.

the Commission can not impose obligations which are not necessary to end the violation (cartel). In a case, the ECJ ruled that price fixing by cartel members was lawful but urged them to inform clients who could renegotiate contracts that had been signed when the cartel entered into force because the contracts in question had a one-year term and because if the customer has a loss, this is an issue to be addressed to the National Court.<sup>5</sup>

Other sanctions of the Commission consist on penalizing the enterprise for violating the competition law. This includes a fine of 1% of the turnover of the enterprise, which is imposed in cases of procedural violations (e.g., provision of false or inaccurate information).<sup>6</sup> In the case of fines of 10% of the turnover of the enterprise, they are imposed for deliberately or negligent violation of Articles 101 and 102 of the TFEU. However, the fines imposed by the Commission should be read in accordance with the "Leniency" policy.<sup>7</sup> Only in this way can be established a clear idea of the Commission's implementation strategy.

Initially the fines set by the Commission were very low, but over time and in order to create a common EU economic market, they increased. From January 2004 to January 2009, the Commission imposed fines under Article 101 TFEU, amounting to 8.5 billion euros. The highest fine ever placed under the cartel is that of 2008 on the car glass market, amounting to 1,383,896,000 Euros.<sup>8</sup> However, the Commission has often been criticized for the imposition of arbitrary fines. Within the imposition of fines, the Commission has issued general rules that reflect the method of calculating fines. These rules stipulate that the Commission will initially determine an "initial amount" for the fine, which is calculated by considering the mitigating and aggravating circumstances.

The principal amount is set, by reference, to the selling value of the goods to which the offense relates, taking into account the extent of the offense. For very serious violations (e.g. pricing and market segregation), the initial amount reaches approximately 30% of the sales value. According to the 2006 rules, this number is multiplied by the number of years under which the enterprise violated the competition law and so is reached the fine value.

The "leniency" policy is related to the denunciation of the cartel by an enterprise informing the Commission of the existence of anti-competitive practice in which it is a member and whose information allows the Commission to inspect or find a violation under Article 101 TFEU and from which to gain immunity from fines.

However, if an enterprise cooperates with the Commission during the investigation, by providing important evidence that strengthens the Commission's issue, this may result in a fine between 20-50%, making this reduction more significant for those enterprises cooperating from the beginning. The purpose of this policy is to give cartel members an incentive to draw the attention of the cartel existence to the Commission.

In order to ensure successful operation of national implementation, a European

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<sup>5</sup> For more see the Decision T-395/94 *Atlantic Container Line v Commission* [2002] ECR II-875, paragraph. 410–16.

<sup>6</sup> For more see Article 23, point 1 of the Regulation 1/2003/EC.

<sup>7</sup> Leniency policy consists on facilitating and avoiding the imposition of sanctions against companies denouncing the cartel.

<sup>8</sup> 'Commission fines car glass producers over €1.3 billion for market sharing cartel', Press Release IP 08/1685, e 12/11/2008.

competition network has been established, according to which each Member State should design the competition authority responsible for the implementation of TFEU Articles 101 and 102 in cooperation with the EU Commission. The national competition authorities have the following competencies:

1. Request for a violation not to be repeated;
2. Order prohibitive measures;
3. Accept the obligations;
4. The imposition of fines, periodic payment of fines or any fine resulting from their national law.

By completing all these points, harmonization of the sanctions of all national competition authorities of the Member States is carried out in order to guarantee the effective application of the EU competition law. However, in order to reinforce any national competition authority, successful implementation requires considerable coordination between the 28 national competition authorities and the Commission.

### **ECJ Decision C-375/09 Prezes Urzędu Ochrony Konkurencji i Konsumentów**

The Tele2 Polska issue deals with the limits of the procedural autonomy of member states, in the context of the system for strengthening the EU competition law, under Regulation 1/2003 on the implementation of Articles 81 and 82 of the TBE (now Article 101 and 102 TFEU). This issue mainly relates to how a National Competition Authority may close an administrative procedure when, by applying the EU competition law in parallel to national law, notices that the practice of a particular enterprise does not affect the prohibition of abuse of dominant position under Article 102 TFEU. This issue is a typical example of the ECJ's aim to interfere with the procedural autonomy of Member States where national authorities and national courts apply Articles 101 and 102 TFEU.

The facts of the case relate to a procedure initiated by the Polish Competition and Consumer Protection Authority against Telekomunikacja Polska SA, on suspicion that the latter had abused its dominant position. At the end of the procedure, the Polish Competition Authority found that there was no violation of the competition law, both national and EU. Consequently, the Polish Competition Authority made a decision based on national law according to which the enterprise in question had not implemented a restrictive practice while, regarding the violation of Article 102 TFEU, it closed the procedure on the grounds of lack of competence. In this context, Tele2 Polska objected the decision, requesting the judgment of the case within the framework of Article 102 of TFEU. Both the Polish Court of First Instance and the Appeals Chamber objected to the annulment of the decision on lack of competence by the Polish Competition Authority, stating that the authority should come up with a decision within the framework of Article 102 of TFEU, providing that it had no violation within the framework of this article, since it had taken this decision within the national law.

The case went to the Polish High Court. The Polish Competition Authority determined in the appeal that Article 5 of Regulation 1/2003 did not allow it to take a negative decision within the merits of creating compliance of entrepreneurial practices with Article 102 TFEU. Further, Article 10 of Regulation 1/2003, which recognizes the Commission's right to enforce a decision, provided that Article 102 TFEU is not

applicable to the conduct of a particular undertaking within the public interest of the Community and does not confer this right to the National Competition Authority. In other words, this regulation limits the powers of the National Competition Authorities by establishing that there has been no violation of Article 101 or 102 TFEU based on the principle "ne bis in idem". The Polish Supreme Court was of the opinion that, however, Article 5 of Regulation 1/2003 allows the National Authorities to take a decision, stating that this practice does not restrict competition under the relevant Articles of the TFEU. At the same time, it stopped the process and submitted to the ECJ two questions:

- Firstly, if Article 5 of Regulation 1/2003 allows a National Competition Authority to enforce a decision by stipulating that such a practice, which is analyzed by that institution, does not constitute a violation of Article 102 TFEU;
- Secondly, the Polish High Court asks whether the second paragraph of Article 5 of Regulation 1/2003 may serve as a direct legal basis for a National Competition Authority to decide whether there is no reason to take a decision;

The case prosecutor's justification in the context of the first question argues that a National Competition Authority is not competent to enforce decisions in cases where the violation relates to Article 102 TFEU. If the Union legislation implied that the National Competition Authority was able to take negative decisions, it would have clearly stated in Article 5 or in another part of Regulation 1/2003. In addition, EU legislation also defined the exclusive competence of the Commission to enforce a negative decision of Article 10 of Regulation 1/2003. In its opinion, the other possible interpretation of Article 5 of Regulation 1/2003 would jeopardize the objective of uniform application of Union law based on the principle of "ne bis in idem".

regarding the second question, the prosecutor includes the principles of full effectiveness and the duty of national courts to avoid national rules that contravene Union law in order to confirm that Article 5 of Regulation 1/2003 is directly applicable in the legal order of the member states. The Polish National Competition Authority has the right to close the process with a decision that it has no reason to act on its part.

The ECJ fully accepted the arguments of the prosecutor of the case and as to the first question under Article 5 it defined the competences of the Competition Authority of the Member States to apply Articles 101 and 102 TFEU in individual cases. The second paragraph clearly states that in such a situation the power of the National Competition Authority is limited to the enforcement of a decision which provides that there are no grounds for lawsuits

## **Conclusions**

This paper indicated that granting the authority of a National Competition Authority to enforce negative decisions would call into question the co-operation system established by Regulation 1/2003 and reduce the powers of the Commission. It would jeopardize the uniform application of Articles 101 and 102 TFEU, which is one of the objectives of Regulation 1/2003, since the adoption of a negative decision could restrict the Commission from determining that the practice in question leads to a violation of these rules. Consequently, the answer to the first question is that Article 5 of Regulation 1/2003 must be interpreted as not allowing a National Competition

Authority to take a decision determining that there is no violation of this section. Regarding the second question, the court merely follows the arguments of the first question and under Article 288 TFEU; Article 5 of the Regulation is directly applicable in all Member States. For this reason, the answer to the second question is that the second paragraph of Article 5 of the Regulation is directly applicable and does not include the application of rules of national law which may require a procedure relating to the application of Article 102 TFEU with a decision which provides that there is no violation of that article. Eventually, the ECJ decision stipulates that given the full objective and uniform and coherent application of EU competition rules, the powers of the national competition authority is limited and subject to European Commission rules.

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# **The parameter of judgement in the incidental constitutional Control. Comparative overview**

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## **Abstract**

The parameter of judgement is the term of comparison that is used to judge the legitimacy of legislative acts. Law and normative acts that have the power of law are judged on the basis of the constitution and therefore the parametric judgment ends with being an element of identifying the issue of constitutional legitimacy. Thus, the parameter of judgment is nothing but the comparison term used to judge the constitutionality of legal acts. The law is judged based on the constitution and that is why the parameter ends up being an element of identifying the issue of constitutional legitimacy. In this conference I will briefly address the benchmark of incidental constitutional control under the legislation of the Republic of Italy and the Republic of Albania by highlighting differences and analogies. For the preparation of this evaluation I have also consulted on the practice of the constitutional courts of the respective countries.

**Key words:** Constitutional Control, parameter of judgement, Constitutional Court, Constitution.

## **Introduction**

The adjudication parameter in the incidental constitutional control of the Italian legal system is provided for in the first paragraph of Article 23, l.87 / 1953, according to which *the referring judicial authorities should indicate the constitutional provisions and the constitutional laws allegedly violated* whereas in the Albanian legal system is foreseen by the Constitution and by law no. 8577 of 10.2.2000 *On the organization and functioning of the Constitutional Court* in the second paragraph of Article 68 which provides that: *in its decision, the court or judge must determine the provisions of the law they deem to be incompatible with the concrete norms or other principles of the Constitution that have not been respected or violated by the law and the reasons for its abrogation*. In these cases we are talking about a cross-cutting parameter, which means those norms that do not have a constitutional rank, but the violation of which by the laws gives rise to an indirect violation of the constitutional norms that will be discussed in detail below.

### **1. Parameter of judgment in incidental constitutional control in the Republic of Italy.**

#### **1.1 Constitutional Norms**

The issue of constitutionality should foresee a direct or indirect violation of a constitutional order by a legal provision. Therefore, it is clear to understand that the constitutional norms represent the first parameter of the constitutionality of the laws. These may be specific constitutional provisions, anche in combinato disposto

or norms that may be inferred from the general constitutional principles. However, it is essential to evoke specifically the parameter that is supposed to be violated because it is not enough for a general reference to constitutional norms<sup>1</sup>.

## 1.2 Interrelated norms

Violation of the constitutional parameter may happen except in a straightforward manner by a legislative norm and by the violation of the *interrelated norms*. These norms do not pertain to constitutional status, in the freedoms of the right sources, but their violation of laws results in an indirect violation of constitutional norms. The legislative decree, which violates, for example, the guiding principles and criteria set by the delegation law is an indirect violation of Article 76 of the Constitution. So the judge can denounce before the Constitutional Court that the Government has exceeded the limits set by the Parliament by the law of delegation<sup>2</sup>.

The international norms of international law recognized internationally (which are part of the Italian legal system according to the decisions of the Constitutional Court Nos. 278/1192 and 131/2001), where the Italian legal order is obliged they are adapted to Article 10 of the Constitution<sup>3</sup> and the Laws implementing the Lateran Laws<sup>4</sup> mentioned in Article 7 of the Constitution<sup>5</sup>.

## 1.3 The norms of the European Convention of the Human Rights.

The Constitutional Court has exceeded the first orientation under which the provisions of the European Convention on Human Rights could serve as an aid to interpreting constitutional provisions (which are merely the legality criterion)<sup>6</sup> and have re-established the problem of relations between national legislation and international obligations in light of the changes made in the first paragraph of Article 117 of the Constitution<sup>7</sup> by the constitutional law No.3 / 2001, arguing that the new constitutional principle allows to set the ECHR norms (as interpreted by the Strasbourg Court) *as the interrelated norms*<sup>8</sup> which on the one hand are capable of constituting the constitutionality of the constitutionality and, on the other hand,

<sup>1</sup> Ubaldo Bellini, Rilevanza e non manifesta infondatezza della questione di legittimità costituzionale; tecnica di redazione dell'ordinanza di rimessione, in the link [www.giustizia-tributaria.it/...e...di.../2251\\_5cc1e83a0ee0627fbc188](http://www.giustizia-tributaria.it/...e...di.../2251_5cc1e83a0ee0627fbc188). pg 16

<sup>2</sup> In this case the judge should evoke other than the norms of the Constitution and the provisions of the delegation law that it considers that they have been violated by the legislative decree, otherwise the Referral is inadmissible by the Court. Order nr. 295/2010, Constitutional Court of the Republic of Italy.

<sup>3</sup> The first paragraph of Article 10 of the Constitution provides: The Italian juridical order conforms to generally accepted norms of international law.

<sup>4</sup> The Lateran Pact is the name established for reciprocal recognition agreements between the Kingdom of Italy and the Holy See, signed on February 11, 1929, thanks to which for the first time from the Unification of Italy settled regular bilateral relations between Italy and the Holy See. They received the name of Palazzo di San Giovanni in Laterano where the signing of the agreements was negotiated between the Secretary of State Cardinal Pietro Gasparri on behalf of the Holy See and the Prime Minister of Italy Prime Minister State Secretary and Duce of Italy Benito Mussolini on behalf of of the Kingdom of Italy.

<sup>5</sup> Article 7 of the Constitution stipulates that: The State and the Catholic Church are, each in its own field, independent and sovereign. Their relations are governed by the Lateran Pact. Modifications of the Covenants, accepted by both parties, do not require the constitutional revision procedure.

<sup>6</sup> Decision no. 388/1999, the Constitutional Court of the Republic of Italy.

<sup>7</sup> According to which: The legislative power is exercised by the State and by the Regions respecting the Constitution and, in addition to other obligations deriving from the Community legal system and international obligations.

<sup>8</sup> The interrelated norm in this case implies the intermediate parameter.



the constitutionality of the Constitutionality of the Court<sup>9</sup> (decisions no. 348 and 349/2007, Constitutional Court of the Republic of Italy)<sup>10</sup>. As a consequence, the judge cannot refrain from applying national norms but should raise the issue of constitutionality by not limiting only to the recourse to the first paragraph of Article 117 of the Constitution but to indicate which ECHR norm has been violated<sup>11</sup>.

#### 1.4 The European Union norms.

Interim parameters cannot be used as judgments of the constitutionality of the provisions of the Community<sup>12</sup> and the decisions of the Court of Justice of Luxembourg<sup>13</sup>. Due to the adherence to the Community legal system and consequently to the restriction of sovereignty under Article 11 of the Italian Constitution<sup>14</sup> in the case of antinomies with these norms, it is directly derived from the non-enforceability by the national court of the domestic norm based on the primacy principle<sup>15</sup> of the Community law<sup>16</sup> with the exception of the fundamental principles of the constitutional legal system and the unalienable rights of the individual I have dealt with above. Where, in the event of a doubt as to the compatibility of national law with Community law, national courts have the right to make a pre-litigation request to the Court of Justice for the purpose of interpreting or assessing the validity of Community law<sup>17</sup>.

### 2. The parameter of judgment in the incidental constitutional control in Albania.

The parameter of judgment, as we have said above, is nothing but the comparison term used to judge the constitutionality of legal acts. The law is judged based on the

<sup>9</sup> Ubaldo Bellini, Rilevanza e non manifesta infondatezza della questione di legittimità costituzionale; tecnica di redazione dell'ordinanza di rimessione, ne [www.giustizia-tributaria.it/...e...di.../2251\\_5cc1e83a0ee0627fbc188](http://www.giustizia-tributaria.it/...e...di.../2251_5cc1e83a0ee0627fbc188). f. 17-18

<sup>10</sup> In these decisions, the Constitutional Court has stated that the parameter set out in the first paragraph of Article 117 of the constitution becomes specifically active only if it is determined what are the international obligations that oblige the legislative power of the State and the Regions and the verification of constitutional compatibility due to the norm derived from interpretation rather than provision itself. By decisions no. 348 and 349 of 2007, the Constitutional Court addresses an issue that in recent years has interested many lawyers, the value of the ECHR in the system of resources of law.

<sup>11</sup> Decisions no. 311/2009; 93/2010; 96/2015; Ordinances n.31 and 180/2011, Constitutional Court of the Republic of Italy.

<sup>12</sup> These are the principles of the treaty, directives, regulations and self-executing acts.

<sup>13</sup> The European Court of Justice (ECJ) was established in 1952 to ensure that member states and EU institutions act in accordance with EU law. In practice, the CJEU interprets EU law by ensuring that it applies equally to all EU member states. The ICTY also solves legal disputes between national governments and EU institutions and can also be used by "organizations, companies or individuals to take action against EU institutions in any case when they think their rights have been violated". Headquartered in Luxembourg, the CJEU is composed of three main bodies, the Court of Justice, the General Court and the Civil Service Tribunal. The institution serves the key role in ensuring that member states act in accordance with EU agreements.

<sup>14</sup> Foresees: Italy denies war as an instrument of violation of the freedom of other people and as a means of resolving international disputes, accepts, on equal terms with other States, those restrictions of sovereignty that are necessary for an order in order to provide peace and justice among nations; it encourages and favors international organizations that seek to achieve this goal.

<sup>15</sup> Decisions n. 170/1984, 284/2007, 125/2009, 227 and 288/2010 sanction the restriction of sovereignty in favor of the European Union.

<sup>16</sup> Ubaldo Bellini, Rilevanza e non manifesta infondatezza della questione di legittimità costituzionale; tecnica di redazione dell'ordinanza di rimessione, ne [www.giustizia-tributaria.it/...e...di.../2251\\_5cc1e83a0ee0627fbc188](http://www.giustizia-tributaria.it/...e...di.../2251_5cc1e83a0ee0627fbc188). pg 18.

<sup>17</sup> Cerri, A., Corso di giustizia costituzionale plurale, Giuffrè, Milano, 2017, pg. 116-121.

constitution and that is why the parameter ends up being an element of identifying the issue of constitutional legitimacy. The parameter of judgment in the incidental constitutional control in our legal system is provided by the Constitution<sup>18</sup> and by law no. 8577, date 10.2.2000<sup>19</sup> *On the organization and functioning of the Constitutional Court in the second paragraph of Article 68, which provides that: in its decision the court or judge shall determine the provisions of the law they deem are incompatible with the concrete norms or other principles of the Constitution, which law has not respected or violated, as well as the causes for which its abrogation is required.*

Based on this legal provision, the parameter of judgment of incidental constitutional control consists of concrete norms and general constitutional principles. When judges or courts refer to the issue of constitutionality of the law, they must determine the violation of the constitutional parameter by the legal provision that is necessary to resolve the concrete case in the trial before them. It is very simple to understand that the Constitution represents the first pact of the constitutionality of laws. Violation of the constitutional parameter can happen except in the legal norms and violation of the interrelated norms as the ECHR may have for my opinion. The question is whether the names of the European Convention on Human Rights can serve as a constitutional parameter in referring the case to a court or a quo? To reach a positive response, we must look at the country of international affairs, and in particular the ECHR, in the justice system of justice in Albania.

In the constitution of the Republic of Albania, international law derived from international agreements occupies a very important place. Pursuant to articles 116 and 131, letter a of the Constitution, international agreements in the system of normative sources are listed after the constitution and before the laws. Provisions No.116 should be read in conjunction with Article 122, point 1 and 2 of the Constitution, which provides that: *Any ratified international agreement constitutes part of the domestic legal system as it is published in the Official Journal of the Republic of Albania. It applies directly, unless it is self-enforceable and its implementation requires the issuance of a law ... An international agreement ratified by law has precedence over the laws of the country that disagree with it ...* "Our constitution has clearly defined the supremacy of the international agreements ratified by the Parliament on domestic laws.

In this way, the Constitution maintains an open position of the international law on domestic laws and automatically resolves the clashes between them in favor of the international norm<sup>20</sup>. The question that may be asked is what the judge or the court should do when considering the case before them if the law to be enforced to resolve this issue is in conflict with the international agreement ratified by the parliament? Do you therefore have to apply national law or the second paragraph of Article 122 of the Constitution? Can the court suspend the case and address the Constitutional Court to review the compliance of the law with the international agreement? Ordinary courts are obliged to enforce the international agreement for three reasons: first, after they are ratified by the Parliament, they are directly enforceable by ordinary courts, secondly, they have supremacy over all the laws that disagree with them, have power and ultimately the question of compliance with the law with these agreements cannot be subject to trial by the Constitutional Court. As

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<sup>18</sup> The first part of the second paragraph of Article 145 of the Constitution of the Republic of Albania provides that: When judges find that the laws come in violation of the Constitution, they do not apply them. This part is emphasized by the author.

<sup>19</sup> Amended by law no.99 / 2016.

<sup>20</sup> Anastasi A, Omari L, E drejta kushtetues , ABC, Tirane, 2010, fq.59.

far as the European Convention on Human Rights<sup>21</sup> is concerned, it must be said that it enjoys a privileged status in our constitutional order against all other agreements.

Article 17/2 of the Constitution, with respect to the restriction of human rights and fundamental freedoms in our legal system, provides that: "... *these limitations cannot affect the essence of human rights and freedoms and in no case may exceed the restrictions provided for in the European Convention on Human Rights.*" Based on this constitutional provision, the European Convention of Human Rights has constitutional status only with regard to the limitation of the protection of human rights. In this conclusion Albanian constitutionalists have arrived. So it is not about the superiority of the Convention on national laws, but goes further. Here it appears that the Constitution of the Republic of Albania is paired with the European Convention, with this international human rights act, which has constitutional power in the Republic of Albania only with respect to the issue of limiting fundamental rights and freedoms<sup>22</sup>.

The other part of the constitutional doctrine speaks of a quasi-constitutional position of the ECHR in our domestic legal system, consequently each may appeal to the Constitutional Court or to ordinary judges for violations of individual rights, referring directly to the provisions of the ECHR<sup>23</sup>. Regarding the status of the ECHR, the jurisprudence of the Constitutional Court has been expressed for the first time by the 2006 decision no.6, where, unlike the aforementioned constitutional doctrine, it refers to Article 116 to determine its place in the order legal domestic<sup>24</sup>. In this decision, she said that in the hierarchy of legal norms, the ECHR ranks after the Constitution, like all other agreements ratified by the Republic of Albania by law, not separating it from other agreements, but makes a treatment equal to other agreements. Thus, this view is in contradiction with the position of constitutionalists who know the constitutional position of the Convention, starting from the second paragraph of Article 17 of the Constitution. Well, it should be noted that this attitude lasted for a while.

The Constitutional Court changed its position when considering the compatibility of the 2008 law "On the purity of the figure of high officials of the public administration and the elected members." The court declared it as unconstitutional since it violated the principles of the rule of law, the principle of separation and balancing the powers, the right to work, etc. Among other things, the Court declared this unconstitutional law because it violates the principles and level of protection of human rights under the Convention. Thus, the Court also referred to the standards of the ECHR: *The Constitution, through referral to the ECHR, has given this document the value of the*

<sup>21</sup> The Convention was drafted within the framework of the Council of Europe, which was sub-judged in Rome on 4 November 1950 and entered into force on 3 September 1953. Albania was officially admitted to the Council of Europe on 13 July 1996, also signed the European Convention on Human Rights. The ratification of this Convention by the Assembly of the Republic of Albania was done on 31 July 1996. See JC. Zaganjori, A. Hajdari, On Judgments at the European Court of Human Rights, published in 'Legal Studies' n. 1/2002, p. 120-121.

<sup>22</sup> Anastasi A, Omari L, E drejta kushtetues , ABC, Tirane, 2010, fq. 114-115.

<sup>23</sup> Sadushi S, Drejtësia kushtetuese në zhvillim, Toena, Tiranë 2012, fq. 448

<sup>24</sup> Decision No.6 / 2006 states that: Since the legal basis upon which such a request is raised relates directly to the concept of the European Convention on Human Rights, it is necessary to clarify its position in Albanian domestic law . According to Article 116 of the Constitution, the Convention as an international agreement ratified by law in the hierarchy of legal norms ranks immediately after the Constitution. Consequently, it occupies an important place in domestic law and becomes enforceable for each state, for all state bodies including here and the courts of each level as well as the bodies that enforce their decisions. The guarantees of the Convention affect the interpretation and protection of the individual's fundamental rights and freedoms expressed by the Constitution of the Republic of Albania.

constitutional standard with regard to limiting human rights. The lawmaker can not impose limits beyond those provided by the ECHR, but it is not impeded, through legislation, to expand the scope of rights and freedoms and to give a greater dimension to the realization of the individual's protection<sup>25</sup>. What will happen if the judge or the court, when considering the case, finds that the law exceeds the human rights restrictions provided for in the European Convention? In this case, the court should quash the case and ask the Constitutional Court to declare the unconstitutional law because it contradicts the second paragraph of Article 17 of the Constitution. In this case we are dealing with an interrelated constitutional parameter.

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<sup>25</sup> Decision No. 9/2010, Constitutional Court of the Republic of Albania.