



"PRONËSI ME DREJTËSI" ASSOCIATION

Defending Property, Pursuing Justice

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The Honorable Herman Van Rompuy, President
European Council
Rue de la Loi 175
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BELGIUM

October 3rd, 2010

Dear President Van Rompuy:

Thank you for your help on pushing forward that EU visa requirements for Albania be lifted. As this issue is getting finalized, we strongly urge you that you consider the problem of solving the issue of property in Albania, as laid out in the following letter, as the cornerstone of democracy, civil liberties, justice and security and hence condition Albania's EU membership and OSCE Chairmanship aspirations with the solution of such vital issue.

Various newspaper reports published recently in all Albanian newspapers wrote that the Chairman of the Albanian National Intelligence Service, Mr. Bahri Shaqiri, reported to the Parliament's National Security Committee that mafia, organized crime and foreign intelligence services sponsored last year the appointment and promotion of the Albanian politicians to government positions, that both their and local and international mafia's goal and interest are to dominate the Albanian economy to the detriment of our national interests by investing in the construction sector. The Albanian President, Mr. Bamir Topi, and Prime Minister, Mr. Sali Berisha, were informed on this report.

On behalf of the lawful owners, who were wrongfully expropriated by the former Albanian totalitarian government and who, ever since 1991, have been waiting for the government to restore them their confiscated property, we would like to congratulate the Chairman of the Albanian National Intelligence Service, Mr. Shaqiri, on his report. However, we think that his report, which content we do not know fully because it was reported behind closed-doors and neither the President nor the Prime Minister have said a word or taken any steps about it, is overdue and it would be incomplete if it does not denounce the fact that, for over 19 years, the Albanian politicians have been robbing both private and state properties by implementing the infamous, anti-national, anti-human law 7501 which, in fact, is the implementation of former Albanian communist President Ramiz Alia's platform under Katowice instructions.

Liberalization of the visa regime is great but, before doing that, we think the Albanian parliament should give priority to solving the anarchy with the property which, ever since 1991, has been ruining the Albanian economy, when there is no clear owner of a property for a serious, last long investment, and has caused an ongoing severe civil conflict. Our Albania National Association of the Expropriated "Defending Property, Pursuing Justice", Bregdeti (Riviera) Association, and numerous Albanian

academicians and intellectuals have openly criticized the Albanian politicians for embarking on the communist road by treating the property confiscated by the former Albanian totalitarian government as wealth serving the political clans interests. The Albanians are killing each other because of property disputes while the politicians are becoming richer. The chair of the National Association of Pan-national Reconciliation, Mr. Gjin Marku, has reiterated that crimes and family conflicts have been increasing mainly due to the failure by the Albanian government to restore the property to its legitimate owners. Therefore, all these are serving the anti-national interests and this blind policy has created a grave situation for the national interests.

What has worsened even more the anarchy with the property and deepen the corruption among the government officials is that the Albanian parliament has also enacted laws that legalize the illegal constructions on the lawful owners' properties. This situation brought about the recent hideous act of hitting the state police with Molotov bombs and stones by those who have occupied the owners' properties and have illegally built on their properties. We have demanded that in order for the property-related issue to be resolved once and for all, the property should be restored first to its lawful owners, while the third parties, who over these 19 years have abused our properties, may be compensated for their illegal investments, depending on the circumstances, and not the other way around!

While almost in all northern parts and 75 % of Albania the property has been restored to its lawful owners, a double standard is applied to the properties in the tourist areas and major cities. The properties in these areas have a high value and, according to Albanian National Intelligence Service report, are aimed at being misappropriated by the international mafia, have been misappropriated by both left- and right-wing politicians, who keep on waging a class war against the legitimate owners.

Also, there is a need to inquire into why the Albanian politicians as well as ambassadors and representatives of the international organizations accredited to Albania, have turned a blind eye and a deaf ear to this reality that has been ruining Albania. We cannot know for certain whether the anarchy with the property was originally influenced by foreign intelligence services or was simply corruption. The fact of the matter is that many foreigners have become owners and are buying and selling the Albanian Riviera and the precious land of the main cities, that the Albanian government is rushing to legalize the illegal constructions on private properties without completing the process of restoring the property to its lawful owners, that millions of dollars earned by the Albanian politicians are daily reported at a time when a pension increases by less than the inflation index. Again, we do not know whether the international organizations have correctly been informed on the situation and the most worrying problems in Albania, whether or not they have systematically been deceived, or whether there is intentional involvement in it. However, there are things that are in plain sight and, as an old saying goes "when you look like a duck, when you walk like a duck, when you talk like a duck, then you are a duck".

When several ambassadors of democratic countries and organizations, who are held in great esteem by all of us, address as a major concern for Albania the protests made against homosexuality by some just dozens of citizens, when they urge the Albanian government to reach a consensus with the opposition party about the ballot boxes, issues that are important in themselves for a democratic country, we believe we have a right to ask these ambassadors the following:

What should the true owners, who were wrongfully expropriated by the former Albanian totalitarian government, do so that the international organizations are not deceived but know the truth that there is no rule of law and the property rights are openly violated in Albania? What should the owners do so that the international organizations are informed about corruption that has invaded the Albanian administration, including the judicial system at all levels, which currently nurtures chaos and post-communist anarchy, prolongs the transition period and estates of the politicians? Do you think Albania can be integrated into Europe, do you think it is acceptable for a NATO member and EU member aspirant, to have the property's issue not only yet resolved since 1991 (almost half the communist regime period), but to have a situation that keeps on worsening to such high criminal and simply naturally unjust levels?

Many great philosophers assert that property rights arise from social convention. Others find origins for them in morality or natural law. John Locke, one of the philosophers who had a great influence on the democracy, in the *Second Treatise*, claims that civil society was created for the protection of property. In saying this, he relies on the etymological root of "property," Latin *proprius*, or that which is one's own, including oneself. Thus, by "property" he means "life, liberty, and estate." By saying that political society was established for the better protection of property, he claims that it serves the private (and non-political) interests of its constituent members. This means that when you deny someone his property, you deny him not only his estate but also his life and liberty. The imperative of protection of private property is succinctly given by Locke, confirmed also by Filmer and Thomas Hobbes: Each individual, at a minimum, "owns" himself; this is a corollary of each individual's being free and equal in the state of nature. To deny a person his/her property is tantamount to denying his labor that has created this property, is tantamount to denying himself, means to enslaving him.

In the Inca empire, the dead emperors, who were considered gods, still controlled property after death. Urukagina, the king of the Sumerian city-state Lagash, established the first laws that forbade compelling the sale of property.

The Ten Commandments shown in Exodus 20:2-17 and Deuteronomy 5:6-21 stated that the Israelites were not to steal. These texts, written in approximately 1300 B.C. by modern dating, or 2000 B.C. by traditional dating were a blanket early protection of private property. Torah and Qu'ran also prohibit stealing and protect private property as does the Albanian Code of Lek Dukagjini.

Aristotle, in *Politics*, advocates "private property." In one of the first known expositions of tragedy of the commons he says "that which is common to the greatest number has the least care bestowed upon it."

Hernando de Soto has argued that an important characteristic of capitalist market economy is the functioning state protection of property rights in a formal property system where ownership and transactions are clearly recorded. These property rights and the whole formal system of property make possible: Greater independence for individuals from local community arrangements to protect their assets; Clear, provable, and protectable ownership; standardization and integration of property rules and property information in the country as a whole; Increased trust arising from a greater certainty of punishment for cheating in economic transactions; More formal and complex written statements of

ownership that permit the easier assumption of shared risk and ownership in companies, and insurance against risk; Greater availability of loans for new projects, since more things could be used as collateral for the loans; Easier access to and more reliable information regarding such things as credit history and the worth of assets; Increased fungibility, standardization and transferability of statements documenting the ownership of property, which paves the way for structures such as national markets for companies and the easy transportation of property through complex networks of individuals and other entities; Greater protection of biodiversity due to minimizing of shifting agriculture practices; All of the above enhance economic growth.

The relationship between wealth and children's education, schooling, neighborhoods and social class has a direct correlation to inheritance. This has led many people who have received inheritance to a more prosperous and fulfilling educational life. Inheritance inequality has a significant effect on stratification and is an integral component of family, economic, and legal institutions, and a basic mechanism of class stratification. The degree to which economic status and inheritance is transmitted across generations determines one's life chances in society.

It has been proposed that clearly defining and assigning property rights would resolve environmental problems by internalizing externalities and relying on incentives of private owners to conserve resources for the future. Strengthening markets and creating and strengthening property rights would reduce such environmental problems and strengthen sustainable development.

Sanctity of private property is also prescribed in the United Nations' Universal Declaration of Human Rights, Article 17 ("Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property") and in the European Convention on Human Rights (ECHR), Protocol 1. (Article 1 – Protection of property: "Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law..."). This sanctity has been sanctioned, in parity with life and liberty, in the U.S. Bill of Rights, 5th Amendment of U.S. Constitution ("No person shall be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation") as well as in every other democratic country's constitution.

We are *not former* owners, we are the *real* owners. A thief who has stolen a good, though he would have economic (de facto) property right to the good, he would not be considered to have legal (de jure) property right to the good.

Corruption is a mortal threat to democracy. Corrupt practices undermine and may eventually destroy people's confidence in political institutions and state administration. When this happens there is a risk that democracy will not function, become a charade or simply disappear. This is what is happening in Albania with the property issue.

When will the governments of the democratic countries and international organizations address and resolve, as described above, such sublime and fundamental issue, at so many levels and by so many ancient and current philosophers, fathers of democracy, holy books, economists, constitutions of democratic countries, world, U.S. and European fundamental declarations, scientific studies, etc. – the issue of private property, which happened to be a problem in Albania?

In closing, we make the following appeal to the governments of the democratic countries and international organizations:

How many more human lives should perish from the criminal abuse of property, how many more decades of criminal abuse of property should pass, how much corruptly richer should the Albanian politicians and their backers be, how much poorer should the lawful owners, intellectuals and honest people become, how much longer should the chain of abusive, illegal and anti-constitutional buying and selling of properties be, how much more corrupt should the Albanian government officials, judicial system and MP-s be due to the abuse of property, how much deeper in social conflict should the Albanians be with one another because of the property's issue before you can step in and have your say in such existential question for a nation?

Looking forward to hearing from you.

Sincerely,

Rrapo Danushi, Chairman
Albania's National Association of the Expropriated Owners
"Defending Property, Pursuing Justice"