



“BREGDETI ASSOCIATION” THE COAST

Defending Property, Pursuing Justice

P.O. Box 258 • Tirana, ALBANIA

E-mail: shoqatabregdeti@yahoo.com Phone: 0355 693455112

Dr. Jim Yong Kim, President
Copy to: Ms. Jane Armitage
The World Bank
Country Director
1818 H Street, NW
Washington, DC 20433
U.S.A.

October 24, 2012

Your Excellency Dr. Jim Yong Kim, President of the Word Bank,

We acknowledge receipt of the reply to our letter of September 28, signed by Ms. Jane Armitage, Country Director and Regional Coordinator for Southeast Europe on your behalf.

The reply is unsatisfying and superficial. We regret and consider it a missed opportunity to reflect on the errors and wrong orientations contained in the **Issue Brief “Governance in the Protection of Immovable Property Rights in Albania: A Continuing Challenge”**, second edition, April 2012, which is **in conflict with the Albanian Constitution, articles 41 and 181, and fundamental rights, namely the property rights.**

None of the five substantial issues we raise in our letter has been addressed in the reply, namely: physical restitution has priority over other compensations; restitution has priority over legalizations; financial compensation to be made at market value; adequate institutional capacities indispensable to resolve the restitution issue and the alignment of the Issue Brief’s recommendations and strategy with the jurisprudence of the European Court of Human Rights.

The reply is particularly autistic to our claims that the Issue Brief recommendations should take into account the **proved correlation between wrongdoings in property restitution on one side and serious social pleas¹ on the other**: some 6’000 killed people so far because of conflicts related to land restitution; high-level corruption among politicians, judiciary and administration based on abuse of property rights of rightful owners.

The reply totally ignores our claim that the Issue Brief recommendations should be reviewed in the light of the **European Court of Human Rights jurisprudence** and European integration objectives.

We strongly disagree with Ms. Armitage’s decision not to revisit the paper and not to make the necessary changes to the recommendations on property governance contained in the Issue Brief,

¹ See with this respect the Albanian “People’s Advocate” Report 2011, pages 88-90 (Albanian), link

edition April 2012. In addition to being in conflict with the Albanian Constitution and fundamental rights, the Issue Brief also contains major internal logical contradictions between, on one side, the irrefutable observations that illegal and unauthorized practices with handling of property rights have caused social problems and are a severe impediment to investments and, on the other side, the content and prioritization of proposed solutions. We consider it long overdue to establish justice for the rightful owners. We insist that property rights should be respected and that the same standards for return of confiscated properties by the communist regime should apply all over the country – this is and needs to be considered as an obligation of the Albanian State.

We refute the assertion that our views have been taken into account: **none of our arguments** made after and in relation to the first edition **have been accepted and reflected in the second edition** of the Issue Brief. Our letter of September 28 refers indeed to the April 2012 edition of the Issue Brief. We inform you that this was also the main subject of the discussion we had with a World Bank Team on October 4 in Tirana.

The assertion that “the World Bank is no longer engaged in any dialogue or advice to the government of Albania on the restitution and compensation issue” is disturbing. **The Issue Brief’s errors and contradictions are being exploited by the Albanian Government** to justify and “legalize” the corrupted practices of its representatives (politicians, judicial, administration) to the expenses of that part of the Albanian population who trusts the Constitution and the solution of problems based on law! The solutions proposed by the Government **in its Crosscutting strategy reform in the field of property rights 2012-2020²** on this issue disturbingly resemble to the errors and contradictions we identified in the Issue Brief. Furthermore it is well-known that World Bank’s analytical work, namely the Issue Brief, underpins World Bank financing. **The fact that the World Bank is not currently involved in projects on restitution and compensation does not release it of putting right the Issue Brief with an eye to future projects.**

We firmly believe that any economic advice or project of any International Organization should first and foremost be in line with the Constitution and Fundamental Rights of the Country they are meant to help. Our association will endeavor to secure that the fundamental right of property as enshrined in the Albanian Constitution, articles 41 and 181, is respected by the Albanian Government as well as by International Organizations operating in Albania. As it stays today, the Issue Brief is unacceptable under this point of view. We’ll make sure that the public and other stakeholders, in Albania, in the USA and in other donor Countries, are informed of this problem.

We remain committed to a just solution and ready to engage in a true discussion.

Yours faithfully,
Chairman
Dr. Niko Nesturi

² <http://www.justice.gov.al/index.php?fq=brenda&gj=gj2&kid=276>