



"PRONËSI ME DREJTËSI" ASSOCIATION

Defending Property, Pursuing Justice

P.O. Box 258 • Tirana, ALBANIA

Phone: +355 33 22 48 83

E-mail: pronesi_me_drejtessi@yahoo.com

www.defendingproperty.com



"BREGDETI" (RIVIERA) ASSOCIATION

Defending Property, Pursuing Justice

P.O. Box 258 • Tirana, ALBANIA

Phone: + 355 69 34 55 112

E-mail: shoqatabregdeti@yahoo.com

The Honorable Štefan Füle
European Commissioner for Enlargement and Neighbourhood Policy
The European Commission
200, Rue de la Loi
B - 1049 Brussels, BELGIUM

March 25th, 2013

Dear Mr. Füle,

On behalf of the National Association "Defending Property, Pursuing Justice" and Riviera Association, the two main and historical associations that represent the expropriated owners in Albania, we are appealing you in the strongest terms in relation to the property rights in Albania **offering you a strategy and a final solution to the problem of property rights in Albania that we strongly believe it needs to be forced upon the Albanian government and the political class** which have shown over the last 22 years of nominal democracy that they are incapable of solving it.

Albania's state of property rights makes a fool of our idea of justice. It makes a farce of our idea of equality. It mocks our pieties. It doubts our concern. It questions our commitment. Because there is no way you can look at what is happening in Albania with property rights and, if you are honest, conclude that it would ever be allowed to happen in your own country. Being convinced, as Hayek has said, that "private property is the most important guarantee of freedom", that property rights, as Friedman has said, are "the most basic of human rights and an essential foundation for other human rights" and that, as Von Mises has said, "the program of liberalism, if condensed into a single word, would have to read: property, that is, private ownership of the means of production...All the other demands of liberalism result from this fundamental demand", **not only Albanians but all of us, your institution and a democratic, peaceful and just world cannot afford anymore not to put the solving of property rights in the front burner, the first of all the priorities!**

After EU put the solving of the property rights as one of the 12 key priorities for Albania to satisfy in order to be admitted for the EU candidacy, we expected the government to propose a draft law and strategy that will truly return the properties to their rightful owners in compliance with Article 181 of the Albanian constitution, Article 1 of Protocol 1 of European Convention on Human Rights, Article 17 of the Universal Declaration of Human Rights, and the Council of Europe's reiterated requests, specifically Document No. 11115 on Albania (Article 191) of December 20, 2006. Instead, the government has recently approved laws and a strategy that is a total regress as it deepens the problem with the properties worsening the wrong path followed since 1991. "In view of the large number of problems besetting the mechanism of compensation of the properties, which continue to persist", the Strasbourg Court considered it "imperative to apply the pilot-judgment" on July 31, 2012 against Albania. It concluded that Albania has "no effective remedy that allows for adequate and sufficient redress" of the property issues "violating Article 1 of Protocol No. 1, Article 13 & Article 6 § 1 of the Convention"! The Court said that Albania "should take general measures, as a matter of urgency and priority, in order to secure in an effective manner the right to property compensation and making use of restitution and in-kind compensation.

Because all the governments since 1991 have shown that they are incapable of solving the problem of the property, we are sending you a draft law that offers a final, fair, sustainable and almost costless solution to the issue of property. We are asking you that, if you really want to help Albania, if you really want Albania to be a true democracy, to cut corruption and fulfill all the 12 key priorities for admittance to EU candidacy, since the political class has spectacularly failed for 22 years to solve this problem, then **you should condition future cooperation such as the continuation of the policy of visa-free access to Schengen area, the candidacy to EU and other aid and cooperation with the approval of this draft law, or any similar law that will truly solve the issue of property once and for all**, the same way as the international community conditioned Macedonia in 1998 on the property issue.

We do understand Albania is sovereign but so are U.S., EU, CoE countries and all the democratic institutions that Albania already collaborates with, gets aid from, adheres or wants to adhere to, and with this comes the responsibility of the leadership of these democratic countries and institutions not to allow that, under their name and with their own money, a whole population is denied of, as Friedman put it, “the most basic of human rights and an essential foundation for other human rights”, the right to property! Moreover, sovereignty is not a right but a responsibility and, after such a colossal failure of the state to protect property rights after 22 years of nominal democracy and 46 years of communism, a total of over 68 years out of 100 years of the Albanian state, international community has a responsibility to assist Albania, a responsibility to protect the democratic way of life of its people which requires imperative actions in the face of such human rights abuses using diplomatic, economic and other peaceful means to restore justice to its victimized population.

For this, **first**, we ask your help in regards to this draft law, prepared by our specialists, by having your own specialists check it out and come up with an opinion or/and improve it as they feel fit. We are very confident that this draft law is the most cost restrictive while it respects the most basic moral and constitutional obligations, offering a sustainable solution that solves once and for all the property rights issue in Albania, this source of corruption for the political class and the judicial system in Albania. We strongly believe it offers the best solution to date on the property rights having superiority over the strategy of the Albanian government and all the current, patched, contradictory and cost prohibitive, mostly undemocratic laws in effect. **Secondly**, we ask that this or your specialists-edited version along the same backbone, becomes part of the recommendations of the U.S., EU and CoE to the Albanian government conditioning future cooperation such as the continuation of the policy of visa-free access to Schengen area, the candidacy to EU and other aid or cooperation with the approval of this or any similar draft law as this is about living up to the aspirations of humankind for the most defining, most universal and most natural, imprescriptible rights and values.

Unless this happens, Albania would be far from fulfilling the Copenhagen criteria for candidate status for EU membership, far from the standard of being a NATO member, far from being democratic, peaceful, corruption-free and respectful of human rights. The truth may not make us rich but will set us free and so we want to ask you a simple question: *How many more human lives should perish from the criminal abuse of property, how many more decades of criminal abuse of human right of property should pass, how much corruptly richer should the Albanian political class and judicial system be due to the abuse of property rights before the international community can step in for such an existential question for a nation?*

Respectfully,

Rrapo Danushi, Chairman
National Association of the Expropriated Owners
“Defending Property, Pursuing Justice”(Pronesi me Drejtësi)

Dr. Niko Nesturi, Chairman
Riviera (Bregdeti) Association