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The Patriotic Highway

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The road linking Albania and Kosovo stretches 234 kilometers, a mountainous, potholed coil connecting two of Europe's poorest countries.

The drive normally takes about seven hours, with the speedometer rarely topping 40.

“During the winter the road is a tough cookie to crack,” says Gjergj Erebara, a Tirana-based editor and political commentator. “Parts of it are often icy, which makes it pretty dangerous considering that you are taking curves 800 meters up in the mountains.”

That is all expected to be changed by the end of 2009, when a new four-lane highway from Durres on the Adriatic coast into Kosovo is slated for completion.

Albania's largest public-works project in decades, the new road is expected to strengthen already deep ties (more than 90 percent of Kosovo's population of 2 million is of Albanian descent) and ease travel for the hundreds of thousands of Kosovars who cross the border on summer holidays.

Analysts have dubbed it the “patriotic highway” owing to the widely perceived political motive for the project, pointing to the lack of a feasibility study into whether it will return the money invested. It was expected to be the crown jewel among electoral assets for Albanian Prime Minister Sali Berisha's right-wing coalition heading into next year's parliamentary balloting. Instead it has turned into the government's biggest headache.

In late November, following a 17-month investigation, Prosecutor General Ina Rama indicted Foreign Minister Lulzim Basha on charges that he abused his office in connection with the tender for the highway. Prosecutors say the deal with American-Turkish consortium Bechtel-Enka to build the most challenging portion of the road, 61 kilometers from Rreshen to Kalimash, has cost the country hundreds of millions of euros.

Albania's Supreme Court accepted the case, rejecting arguments by Basha's lawyers and the government that the prosecution is unconstitutional.



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Rama was voted in by the current parliamentary majority after her predecessor was fired for a poor showing against organized crime, but her corruption probes into senior officials have put off many of her onetime backers, including Berisha. The government has lashed back with a campaign many of its critics, including some U.S. and European Union officials, call unconstitutional.

RISING COSTS, CONSPIRACY THEORIES

Albania's Transparency International ranking as the most corrupt state in the Balkans notwithstanding, the country's highest officials have up till now remained formally unscathed. Basha is the first sitting minister to be indicted since Albania emerged from communist rule in 1991.

The charges stem from his tenure as transport minister from 2005 to 2007. Prosecutors maintain that Basha and his then-chief legal aide, Andi Toma, illegally favored Bechtel-Enka. They allege the minister allowed construction to begin before there was a finished blueprint for the work and, in breach of Albanian law and regulations for public tenders, accepted a much higher price per work unit than was charged for similar projects.

The price tag for the Bechtel-Enka work, which covers a little more than a third of the highway's full length, has leaped from 416 million euros in the initial contract to more than 1 billion euros, according to prosecution filings. Prosecution experts and the state supreme auditing office say the Transport Ministry's actions cost Albanian taxpayers 114 million euros – 232 million euros if the costs are calculated in comparison with sections of the road being built by other companies.

In 2006 and 2007 Bechtel-Enka registered a profit of more than 44 percent on the project, netting 67 million euros on work orders of 151 million euros.

Basha and Toma have denied any wrongdoing. Basha contends the charges against him were fabricated by opposition Socialist leader Edi Rama (no relation to the chief prosecutor) and opponents of the highway out to sabotage the project. In a recent press conference he accused opposition members of working on Serbia's behalf to scuttle the road link with Kosovo.

“Edi Rama and his mercenaries have sabotaged the road for eight years,” Basha said, calling the opposition leader the political heir of Koci Xoxe, a communist-era minister executed as a Serbian spy in 1949.

The Socialists dismiss Basha's charges and have called on him to resign.



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“This indicted minister is trying politicize the charges against him, doing terrible damage to Albania’s and Kosovo’s image,” Socialist parliamentarian Arta Dade said. “An indicted minister cannot represent Albanian diplomacy.”

INVESTIGATING THE INVESTIGATORS

Ina Rama was named prosecutor general in November 2007, the first woman to hold the post. The 36-year-old was previously a judge on the Appeals Court of Serious Crimes.

Her appointment came after President Bamir Topi, a former deputy in Berisha’s Democratic Party, dismissed former Chief Prosecutor Theodhori Sollaku at the urging of a parliamentary commission, which took Sollaku to task for failing to crack down on organized crime. A month before his ouster Sollaku had filed a request with parliament to lift Basha's immunity from prosecution.

A promise to rid Albania of endemic corruption was a centerpiece of ex-President Berisha's “Clean Hands” platform when he returned to power in 2005, but opponents claim the problem has only worsened – a view seemingly shared by the public. In a March 2008 survey by the Institute for Development and Research Alternatives, 92 percent of Albanians said corruption was widespread among public officials, an 8-point jump from the previous year.

The Basha prosecution is not the only case fueling such views. Former Defense Minister Fatmir Mediu is under investigation in connection with the March explosion at an army depot outside Tirana that killed 26 people, wounded more than 300, and left some 3,000 homeless. He has also been linked to a suspect arms deal with a Miami-based company to supply the Afghan military.

Another senior official, tax office chief Arben Sefgjini, is on trial for murder in connection with the torture and killing of a Macedonian businessman in 1995, when Sefgjini headed the Tirana office of Albania’s secret service.

Berisha, while voicing support for the fight against corruption, is also backing a new law to more strictly regulate the office of the prosecutor general. The measure would strip prosecutors of their protection against a police arrest without a formal indictment and limit their independence by allowing the Justice Ministry to probe their investigations.

The bill has come in for criticism from interest groups, the opposition, and the United States for limiting the prosecutor general's independence, which is guaranteed by the Albanian Constitution. Rama has found a strong ally in U.S. Ambassador John Withers, who has repeatedly condemned Berisha's moves against her office.



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“Her responsibilities are not only to investigate some of the most difficult and controversial cases that Albania has known, but in a larger and more profound sense, to make a profound contribution to the building of Albanian democracy through defending the independence of her institution and of the judiciary in general against political pressure,” Withers said in October. “When the history of Albanian democracy is written, there will be a special chapter in it for people like Ina Rama.”

Albania’s NATO ambitions have received strong backing from Washington, with President George Bush voicing his support on an historic visit in June. U.S. lobbying was critical in ensuring Albania received an invitation to NATO's April summit in Bucharest.

Withers has explicitly linked actions targeting the prosecutor to Albania's democratic credibility.

“I frankly see no legitimate reason for the government or the parliament to make these moves,” he said. “My advice, and that of my government, is to let the prosecutors do their job as the independent actors that they are.”

EU ambassadors in Tirana also condemned the government's moves, saying in a joint statement that they “are troubled by recent developments concerning the judicial system in Albania.”

Rama has assured her office she will stand firm. “We will resist with determination any kind of pressure,” she said. “Our only protection is the law.”

Besar Likmeta is an editor for the Balkan Investigative Reporting Network in Albania.